

**TITLE: HTSB Official Public Testimony Policy: Procedural Requirements for In-Person and Online Participation**

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The Hawai'i Teacher Standards Board (HTSB) officially adopts the following procedures for public oral testimony at Board Meetings:

| <b>HTSB Testimony Requirements: Online and In-Person Verification</b> |                                                                                                                                                                                                                                                                                          |                                                                                                        |
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| <b>Feature</b>                                                        | <b>Online Testimony</b>                                                                                                                                                                                                                                                                  | <b>In-Person Testimony</b>                                                                             |
| <b>Platform</b>                                                       | Must log in to the Meeting Virtual Platform (using the provided link/credentials).                                                                                                                                                                                                       | Physically present at the public meeting location.                                                     |
| <b>Verification/Login</b>                                             | Must log in to the Meeting Virtual Platform using the exact name or unique identifier used to sign up for testimony.                                                                                                                                                                     | Must answer when the name or unique identifier is called by the Chairperson/staff.                     |
| <b>Check-In/Queueing</b>                                              | Must use the Meeting Virtual Platform chat feature to provide their name/identifier and list the agenda item(s).                                                                                                                                                                         | Sign-in is required at the in-person meeting location; verification is done verbally when called upon. |
| <b>Muting/Unmuting</b>                                                | The testifier is unmuted by the meeting moderator/staff at the appropriate time on the agenda. Failure to log in with the correct identifier means the person will not be unmuted.                                                                                                       | The testifier speaks into a microphone or is recognized verbally when called.                          |
| <b>Anonymity</b>                                                      | Allowed, but requires consistent use of the unique identifier for both sign-up and login to the Meeting Virtual Platform.                                                                                                                                                                | Allowed, but requires answering when the unique identifier is called aloud.                            |
| <b>Time Limit</b>                                                     | Online and in-person oral testimony shall be limited to five minutes on a specific agenda item. The Chairperson can limit the oral testimony to less than five minutes, if necessary. Testifiers will be informed by the Chairperson of the time allotted for presenting oral testimony. |                                                                                                        |
| <b>Content</b>                                                        | Online and in-person testimony must be related to an item on the agenda.                                                                                                                                                                                                                 |                                                                                                        |

**Rationale/Background:**

The goal of the New Business Item (NBI) is to formally document the HTSB's policy on time limits for oral testimony, thereby satisfying the procedural guidelines set forth by the State of Hawai'i Office of Information Practices (OIP).

The NBI serves as the necessary "written rule or a documented decision" required by the OIP to legally enforce the previously established five-minute time limit on oral public testimony.

#### **NEWS FROM OIP: TIME LIMITS ON TESTIMONY**

*The Office of Information Practices (OIP) would like to remind boards about the Sunshine Law's requirements for setting time limits on oral testimony. Boards may set reasonable time limits on oral testimony under section 92-3, Hawaii Revised Statutes (HRS), which states that "boards may provide for reasonable administration of oral testimony by rule." HRS § 92-3; OIP Op. Ltr. No. 02-02 at 11 (concluding that a board could adopt a rule placing restrictions on the length of oral testimony by members of the public so long as those restrictions were "reasonable"). Although the Sunshine Law uses the phrase "by rule," OIP does not interpret this to require administrative rulemaking under chapter 91, HRS, for setting testimony time limits. However, OIP generally interprets "by rule" to mean that if a board wishes to impose time limits on oral testimony, then the board should adopt such a rule as a policy reflected in writing. To enforce a time limit on oral testimony, the board must have a written rule or a documented decision adopting the rule such as meeting minutes. If a board does not have a rule regarding testimony time limits, then the board may still request that testifiers keep testimony within a specified length of time, but cannot enforce such a time limit.*

#### **Cost:**

All costs are included in the current staff job duties/responsibilities.

**Submitted by:** Kristi Miyamae

**Referred to:** Committee of the Whole