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Feketi Huahulu
1326 Ke'eauumoku St., #106
Honolulu, HI 96814
Wednesday, June 10, 2020

In the Matter of TEVITA AHOMANA, by and
through his Mother, FEKETI HUAHULU,

Petitioners,

vs.

DEPARTMENT OF EDUCATION, STATE OF
HAWAII, and CHRISTINA KISHIMOTO,
Superintendent of the Hawai'i Public Schools,

Respondents.

DOE-SY1920-043

PETITIONERS' EVIDENCE & WITNESS LIST

Witnesses

- (1) Vanessa Ott Witness has an intimate knowledge of all incidents and facts concerning this case.

Evidence

SUMMARY

Pages 1-3 of this document contain a short summary and annotated Table of Contents with clickable page numbers linked to sections containing full documentation located on pages 4-18.

Link to Section in this Document	Summary of Detailed Evidence in Section
School-Wide Assessment Reports	Describes school-wide diagnostic assessments used by Robert Louis Stevenson Middle School in SY 2019-2020. Diagnostic reports are computer tabulated and available as soon as student completes an assessment using computer software.
Q1 Requests for Diagnostic Results & Growth Reports	Several requests for diagnostic reports were made. Ms. Huahulu and Ms. Ott received Diagnostic Results reports, but never received the Diagnostic Growth reports from Quarter 1.
Q2 Requests for Diagnostic Results & Growth Reports	Ms. Ott requested the Diagnostic Reports for Quarter 2 on 12/8, 12/10, and 12/12. On 12/12/19, Principal Balatico sent an 850+ word email to Ms. Huahulu in English(!) purposely excluding Ms. Ott. Principal complained that Ms. Ott sends too many emails, so staff is instructed to ignore any emails from Ms. Ott going forward. All emails must go to Principal. Ms. Huahulu requested the diagnostic reports on 12/13/19. 1/13/20 Ms. Ott requests records again citing legal statutes requiring their delivery. After no response, Ms. Ott complained to Complex Area Superintendent on 1/22/20. Within about a week, the reports were <i>finally</i> delivered.

Link to Section in this Document	Summary of Detailed Evidence in Section
Q3 Requests for Diagnostic Results & Growth Reports	Ms. Huahulu files request for due process hearing on 3/24/20 in which requested resolution (V.) stated, "Ms. Ott and I will receive via email full diagnostic reports of assessments within 2 working days of assessment completion. In the past it has difficult and time-consuming to acquire Tevita's full diagnostic reports. Implementing this regular procedure and documenting it in Tevita's IEP will eliminate the need for repeated requests in the future." Hearing request is amended in May to address only this issue.. Resolution session is scheduled for 4/8/20. Ms. Huahulu requests March diagnostic reports on 4/6/20. Reports are delivered on 4/7/20.
UNIQUE NEEDS (§300.1)	One of Tevita's unique needs is that because his mother does not speak English very well, her formal education in Tonga ceased when she was 16 years old, and she does not have much experience with online communication techniques such as email forwarding, Tevita needs for the DOE to include Vanessa Ott in all communications with his mother. Regarding the issue of delivering one of the most important IEP Team documents (a student's periodic detailed diagnostic reports) to the entire team: the owner of the document should email the results to all IEP members in a timely manner. The DOE is the owner of the document. Relying on Ms. Huahulu to be capable of distributing the document to other IEP Team members is an expectation that exceeds her capabilities, and should not be her responsibility. Denying distribution of diagnostic reports to all IEP members does not help Tevita overcome this unique need he has, and is counterproductive to ensuring he has a fair opportunity for a FAPE.
FEDERAL CODE OF REGULATIONS	Applicable statutes from the Federal Code of Regulations.
Hawai'i Administrative Rules	Although HAR §8-5-8 specifically does not apply to requests for education records, it is included here to show expectations for professional response times for routine inquiries: • <u>1 day response</u>: General questions. • <u>3 day response maximum</u>: Requests for information requiring coordination with other schools or public libraries, districts, or agencies. Therefore, a standing request for complete, computer-generated diagnostic reports delivered to all IEP Team members with 2 working days of assessment completion is reasonable.

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NOTE: THIS DOCUMENT DOES NOT INCLUDE THE EVIDENCE (LISTED IN THE TABLE OF CONTENTS ABOVE) THAT WAS SUBMITTED WITH PETITIONER'S ORIGINAL EXHIBIT LIST ON PAGES 4-18 OF DOCUMENT SUBMITTED TO HEARING OFFICER.