

Feketi Huahulu
1326 Ke'eaumoku St., #106
Honolulu, HI 96814
Thursday, June 11, 2020

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

Petitioners,

vs.

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

Respondents.

DOE-SY1920-043

MOTION TO EXCLUDE RESPONDENTS
EXHIBITS PER HRS CHAPTER 626 RULE
402 AND RULE 408.

I move that the following pages of Respondents' exhibits, as referenced in "2020-06-10 DOE's Exhibit List.pdf," in addition to the recording of the June 5, 2020 resolution session be excluded per HRS CHAPTER 626 HAWAII RULES OF EVIDENCE Rule 402 and Rule 408.

Rule 402 – Evidence which is not relevant is not admissible.

Relevant evidence applies to the subject of the hearing which is:

Whether or not the parent received complete diagnostic reports for school-wide assessments upon request in the past, and ensuring that the IEP Team receives these reports in the future in a timely manner.

The following exhibits are not relevant and should be excluded per Rule 402.

DOE Exhibit Page Numbers	Description of Irrelevance
95-120	Diagnostic Reports from School Year 2018-2019 (Grade 5; Queen Kaahumanu Elementary School). Not relevant to hearing about delays receiving Grade 6 reports from Robert Louis Stevenson Middle School or receiving reports in a timely manner in the future.
137-151	Email to Complex Area Superintendent is about family engagement; Principal Balatico's refusal to allow Tevita's personal tutor access to teacher tools to help teach him the school-selected curriculum; and an article Ms. Ott wrote about Tevita's Math success in Grade 5. No mention of diagnostic reports.

DOE Exhibit Page Numbers	Description of Irrelevance
175	Email from Math teacher about classwork and Math curriculum is not relevant to hearing. Note that “Ready curriculum” and online “access to iReady” refer to two “Instructional” products available from Curriculum Associates, LLC. (<i>Ready Classroom Mathematics</i> and <i>i-Ready Learning</i>, respectively.) Curriculum Associates also sells a software-based “Assessment” product, <i>i-Ready Assessment</i>. This is the product used for school-wide diagnostic testing at many DOE schools, including Robert Louis Stevenson Middle School. There are even schools that don’t use the Ready curriculum, but do use the Assessment software. Although published by the same company, Instructional products (and issues) are separate from the issue of receiving diagnostic results.
177	Email from Language Arts teacher about scheduling a meeting to discuss the results of Tevita’s diagnostic tests is irrelevant to the issue of the IEP Team receiving the diagnostic reports in a timely manner.
179-180	Email from Ms. Ott to Math teacher about classwork and Math curriculum is not relevant to hearing.
192-193	Email from Ms. Ott and Ms. Huahulu to Math teacher about classwork and Math curriculum is not relevant to hearing.
196-197	Email from Ms. Ott and Ms. Huahulu to Math teacher about classwork and Math curriculum is not relevant to hearing.

Rule 408 Compromise, offers to compromise, and mediation proceedings.

Evidence of statements made in compromise negotiations promising to accept an offer is not admissible to prove liability for accepting the offer. Unless evidence discovered during the resolution session is offered for another purpose relevant to the subject of this hearing, it is not admissible.

The following pages as well as the exhibit of the resolution session on June 5, 2020 [2:30 – 3:47] should be excluded per Rule 408.

DOE Exhibit Page Numbers	Not Admissible Statements re: Compromise Negotiations
303	Settlement agreement dated May 26, 2020 proposed by DOE, but not agreed to or signed by parent.
353-354	Emails sending proposed settlements from Petitioners and Respondents.

DOE Exhibit Page Numbers	Not Admissible Statements re: Compromise Negotiations
355	Settlement agreement proposed by Parent on June 2, 2020, but not agreed to or signed by DOE.
357-358	Settlement agreement dated June 3, 2020 proposed by DOE, but not agreed to or signed by parent.
360	Link to recording of resolution session June 5, 2020 Recording of June 5, 2020 resolution session [2:30 – 3:47] https://drive.google.com/file/d/1jd1nZotiuk8H3aX_rhjl0WhQgTLkdNn/view

If, for some reason, the Hearing Officer admits exhibits concerning statements made during the resolution session about offers made by either party, Petitioner requests the addition of this section of the June 6, 2020 recording to Petitioners' exhibits.

Link to recording of resolution session June 5, 2020 Recording of June 5, 2020 resolution session [33:07 – 37:46] https://drive.google.com/file/d/1jd1nZotiuk8H3aX_rhjl0WhQgTLkdNn/view

Thank you,



Feketi Huahulu