

CANDACE L. LEONG
DBA HONOLULU REPORTING SERVICES
1000 BISHOP STREET, SUITE 401
HONOLULU, HAWAII 96813
PH: (808) 524-6288
FEDERAL I.D. NUMBER: 82-3584207

DATE: JUNE 22, 2020

TO: FEKETI HUAHULU
1326 KE'EAUMOKU STREET, #106
HONOLULU, HAWAII 96814

RE: DOE-SY1920-043
In the Matter of TEVITA AHOMANA, by and through his Mother FEKETI
HUAHULU vs. DEPARTMENT OF EDUCATION, STATE OF HAWAII; et al.

sbl; 13pM

Transcript of Proceedings: Motion
Held On: Thursday, June 18, 2020
Honolulu District Representative: Stuart Kim
At the Office of Dispute Resolution, 707 Richards Street, Suite 520, Honolulu, Hawaii
Before Hearings Officer: Chastity T. Imamura

ADMINISTRATIVE HEARING

In the Matter of TEVITA AHOMANA,)
by and through his Mother, FEKETI) DOE-SY1920-043
HUAHULU,)

Petitioners,)

vs.)

DEPARTMENT OF EDUCATION, STATE)
OF HAWAII, and CHRISTINA)
KISHIMOTO, Superintendent of the)
Hawaii Public Schools,)

Respondents.)

TRANSCRIPT OF PROCEEDINGS

Taken via Zoom video conference platform. Commencing at
9:20 a.m. on June 18, 2020, before Chastity T. Imamura,
Hearings Officer.

Reported by: SHEILA BRITT LIPTON, CSR NO. 257
Notary Public, State of Hawaii

H O N O L U L U R E P O R T I N G S E R V I C E S

1000 Bishop Street, Suite 401
Honolulu, Hawaii 96813
(808) 524-6288

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

Petitioner: FEKETI HUAHULU
1326 Keeaumoku Street, #106
Honolulu, Hawaii 96814

Honolulu District Representative: STUART KIM
Department of Education
Special Education
3440 Leahi Avenue, Building F
Honolulu, Hawaii 96816

Interpreter: Sofolonia Kaulukukui

Also Present: Vanessa Ott
Stephanie Kozuma
Marie Inouye

1 (Whereupon the disclosure was presented to counsel.)

2
3 THE HEARINGS OFFICER: I'll call the case for the
4 record. This is in the matter of Tevita Ahomana versus
5 Department of Education. The case number is DOE-SY
6 1920-043. And we are on the Respondents' motion to
7 dismiss. And I'll note that we're conducting this hearing
8 on a Zoom video conference platform. We do also have a
9 court reporter who will be transcribing the entire hearing
10 for the record.

11 For the record, Ms. Feketi Huahulu is present
12 with Ms. Vanessa Ott for Petitioners. And Mr. Stuart Kim,
13 Marie Inouye and Stephanie Kozuma are here for the
14 Department of Education.

15 And I'm sorry. I forgot to swear in the
16 interpreter.

17 (Whereupon Sofolonia Kaulukukui was sworn to
18 translate English into Tongan and Tongan
19 into English by the Court Reporter.)

20
21 FEKETI HUAHULU,
22 having first been duly sworn through the
23 interpreter, was examined and testified
24 as follows:
25

1 THE HEARINGS OFFICER: So because this is the
2 Respondents' motion -- I did receive both the Respondents'
3 motion and the Petitioners' opposition. And because it's
4 your motion, Mr. Kim, do you have anything to add to your
5 motion?

6 MR. KIM: I don't have anything more to add.

7 THE HEARINGS OFFICER: Now, Ms. Huahulu, do you
8 have any response to the motion that you'd like to make
9 for the record?

10 (Ms. Huahulu through the interpreter.) Yes.

11 THE HEARINGS OFFICER: Go ahead.

12 If you can hold on so she can interpret and then
13 we can continue on.

14 (Ms. Huahulu through the interpreter.) Yes. I
15 just want to follow the law. What I wanted to add is that
16 what I had requested was my son's report of his
17 assessments. Oftentimes these requests were denied.

18 This lady that is helping me often time a lot of
19 her time is to help me with these requests and she doesn't
20 have enough time to help teach my son. That's one of the
21 reasons -- And that's one of the reasons why I don't want
22 to dismiss this case because my son will continue his
23 schooling, his education.

24 And I believe that it's my right as a parent that
25 when I do request these reports I should be able -- It is

1 by law and my right to be able to be given these reports
2 that I request as a parent. I believe this will help me
3 put my time and efforts towards my son's schooling because
4 these past couple of ten months has -- my time and effort
5 has been wasted on this issue instead of focusing on my
6 son's education.

7 THE HEARINGS OFFICER: Did you have anything else
8 to add, Ms. Huahulu?

9 (Ms. Huahulu through the interpreter.) No, thank
10 you.

11 THE HEARINGS OFFICER: Mr. Kim, do you have any
12 response?

13 MR. KIM: I think for this case the DOE has been
14 working with Ms. Huahulu and Ms. Ott on providing the
15 reports that they've given. I think there's
16 misunderstanding on Ms. Ott's part as to what the I-Ready
17 system can generate. And as far as the remedy that was
18 proposed by the Petitioners, the school has met that.

19 THE HEARINGS OFFICER: Oh, wait. Hold on.

20 MR. KIM: And in our most recent resolution
21 session I think negotiation broke down over some language
22 that was about the release. But I think the main offer
23 that the school made to Ms. Huahulu was that they were
24 going to guarantee these reports be printed all the way
25 through eighth grade when he terminates with Stevenson

1 Middle School.

2 So at this time the entire reports for the school
3 year 2019-2020 have been provided to Ms. Huahulu and Ms.
4 Ott.

5 THE HEARINGS OFFICER: Okay. Anything else, Mr.
6 Kim?

7 MR. KIM: No.

8 THE HEARINGS OFFICER: Ms. Huahulu, I guess I did
9 want to confirm that you got the reports from this past
10 school year, 2019-2020?

11 (Ms. Huahulu through the interpreter.) Yes, I
12 did receive it, but I received it late. Can I explain?

13 THE HEARINGS OFFICER: You can explain.

14 (Ms. Huahulu through the interpreter.) My
15 question is why was my request not addressed when I first
16 requested it? Instead we waited many months. That we
17 wasted many meetings, many e-mails back and forth to
18 finally get this resolved.

19 THE HEARINGS OFFICER: Do you have anything else
20 you wanted to add, Ms. Huahulu?

21 (Ms. Huahulu through the interpreter.) Yes. If
22 you have any other questions to the person that's helping
23 me.

24 THE HEARINGS OFFICER: I'm sorry. Can you repeat
25 that?

1 (Ms. Huahulu through the interpreter.) Yes. If
2 they have any questions to the person who is helping me.

3 THE HEARINGS OFFICER: Are you -- Are you asking
4 if I have questions for Ms. Ott?

5 (Ms. Huahulu through the interpreter.) I'm
6 sorry. I want to ask a question to the person who is
7 helping me.

8 THE HEARINGS OFFICER: Okay. Yes. I can't mute
9 you because you're on my phone. But you can go ahead and
10 talk to her if you need to.

11 (Ms. Huahulu through the interpreter.) That's
12 okay. I don't want it to be muted. I just want to ask a
13 question to her, but it's fine if you all hear it.

14 THE HEARINGS OFFICER: Go ahead. You can ask the
15 question.

16 (Ms. Huahulu through the interpreter.) I just
17 wanted to request if there's a possibility this year you
18 will be given a chance to tell -- explain what has
19 happened in this process and what we went through from the
20 beginning to now.

21 MS. OTT: May I speak?

22 THE HEARINGS OFFICER: Yes.

23 MS. OTT: I think we're off topic. Because we
24 want to just resolve whether we're going to have the
25 hearing or not. And it seems a lot of these issues are

1 actually hearing issues.

2 So I think what I would recommend at this point
3 is ask Ms. Imamura to make a decision on whether we're
4 going to have a hearing or not so that we can discuss
5 these issues.

6 THE HEARINGS OFFICER: Okay. And I will get to
7 the issue of the motion to dismiss, but I just wanted to
8 make sure that everybody had a chance to say whatever they
9 needed to say for the purposes of the motion before I make
10 a decision. So anything else, Ms. Huahulu?

11 (Ms. Huahulu through the interpreter.) No, I
12 don't have anything else. I thank you for your time. And
13 I will just await for your decision.

14 THE HEARINGS OFFICER: Mr. Kim, anything else?

15 MR. KIM: I have nothing else.

16 THE HEARINGS OFFICER: Okay. So I did research
17 on this issue whether or not I can proceed on anything
18 that's outside of the complaint.

19 I understand that your concern and what your goal
20 is is to try and resolve this so it doesn't happen in the
21 future. Unfortunately, in the complaint itself all it
22 says is that you didn't get the reports and you want the
23 reports.

24 So part of the IDEA allows for the resolution
25 session because they want the Department of Education to

1 try and fix whatever was complained about in the
2 complaint. And that's why everything that you want
3 resolved needs to be said in the complaint.

4 And unfortunately the hearings officer, myself,
5 doesn't have any ability to determine anything that's not
6 in the complaint. And in this case because the amended
7 complaint is the only one that we're dealing with now and
8 it only has the one issue I'm unable to proceed on
9 anything else that you're concerned about as far as
10 future -- the possibility of this happening in the future.

11 So at this point I'm not able to proceed on any
12 of the other issues or any -- Sorry. I'm not able to
13 proceed on anything because the one issue that you have in
14 your amended complaint has been resolved. So at this time
15 I have to dismiss the amended complaint because the issue
16 has been resolved and there's nothing further for me to
17 determine at a due process hearing.

18 Any questions, Mr. Kim?

19 MR. KIM: No question.

20 THE HEARINGS OFFICER: Ms. Huahulu?

21 (Ms. Huahulu through the interpreter.) Can I
22 file another complaint?

23 THE HEARINGS OFFICER: As long as it's not on the
24 same issue then there's nothing stopping you from doing
25 that.

1 And ordinarily I would be allowed to let you
2 amend the complaint to fix whatever the issues are or add
3 anything at that point, but there is a timeline. If it's
4 less than five days before the hearing I cannot. I don't
5 even have the ability to let you do that.

6 But if you file a new complaint then everything
7 starts all over again just like how it was. You file a
8 complaint, a resolution session, and then we come again to
9 determine hearing dates.

10 Any other questions?

11 (Ms. Huahulu through the interpreter.) Yes.
12 Thank you for the explanation about the filing of the
13 complaint. I do understand that.

14 As far as today's dismissal saying that we all
15 agree on this issue, I'm not too happy about that because
16 of all the time that I wasted requesting for the report,
17 my son's assessments, writing letters, meeting and so
18 forth. And not wasting all that time and not focusing on
19 my son's education should be the most important thing that
20 I should spend my time on.

21 THE HEARINGS OFFICER: Okay. So -- You had some
22 more? Go ahead.

23 MS. OTT: I think you should -- She will probably
24 be re-submitting a new complaint. Do we send it to the
25 AG's office or do we go through the office of compliance

1 or do we send it to the superintendent?

2 THE HEARINGS OFFICER: I know that the complaint
3 needs to be sent to the Department of Education. I
4 believe it's to the superintendent. I'm not sure. You
5 could send it to us naming the superintendent on the form
6 that you have and we will distribute it accordingly. When
7 I said superintendent I mean complex area superintendent,
8 not the superintendent.

9 So I will issue a written order granting the
10 Respondents' motion to dismiss that has the case research
11 that I found that has the law about what I kind of talked
12 about. It will be in there. And I'll file that shortly
13 after we finish this hearing. And then we will not be
14 proceeding on the rest of the hearing.

15 And if you send in a new complaint then we'll
16 distribute it and everything will start all over again.

17 MS. OTT: Is there going to be a transcript of
18 this?

19 THE HEARINGS OFFICER: Yes, there will be.

20 MS. OTT: How do we acquire that?

21 THE HEARINGS OFFICER: Off the record.

22 (Discussion held off the record.)

23 THE HEARINGS OFFICER: Back on the record.

24 So my understanding is in speaking with the court
25 reporter is that the transcript will be prepared. She's

1 not yet sure how the Petitioners will get a copy of it,
2 but she will let me know and I'll let the Petitioners know
3 how they can get a copy.

4 Anything else, Ms. Huahulu?

5 (Ms. Huahulu through the interpreter.) No. But
6 thank you very much

7 THE HEARINGS OFFICER: Anything else, Mr. Kim?

8 MR. KIM: No.

9 THE HEARINGS OFFICER: Okay. So that concludes
10 this proceeding. And we will see what happens in the
11 future if another complaint is filed. Tomorrow's hearing
12 is off as well.

13 All right. Thank you very much everyone. If the
14 interpreter can stay on and then everybody else can go.
15 Thank you.

16 (The proceedings were adjourned at 9:52 a.m.)
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, SHEILA BRITT LIPTON, CSR NO. 257, do hereby
certify:

That I was acting as shorthand reporter in the
foregoing matter on the 18th day of June, 2020;

That the proceedings were taken down in machine
shorthand by me and were thereafter reduced to typewriting
by me; that the foregoing represents, to the best of my
ability, a correct transcript of the proceedings had in
the foregoing matter;

I further certify that I am not counsel for any
of the parties hereto, nor in any way interested in the
outcome of the cause named in the caption.

Date: 6-18-20

Sheila Britt Lipton

SHEILA BRITT LIPTON, CSR NO. 257
STATE OF HAWAII

HONOLULU REPORTING SERVICES REPORTER'S DISCLOSURE

Pursuant to Rule 14 of the Rules Governing Court Reporting in Hawaii, I hereby make the following disclosure:

1. I or my agency was hired for this deposition by: Department of Education

2. The complete financial agreement between myself (or my agency) and the person or organization named in Paragraph 1 are:

ORAL DEPOSITIONS

Appearance Fee per half day	\$ 70.00
Appearance Fee No Show	\$ 75.00
Reporter Fee No Transcript	1/2 Estimated Pages + Appearance
Original & One Copy of Transcript	\$ 3.85 per page
One Copy of Transcript	\$ 3.20 per page
Copy of Standard Exhibits	\$.55/\$.50 per page
Hearing/Arbitration	\$ 10.00 per page
Medical/Interpreted/Technical Transcripts	\$ 5.40/\$ 4.20 per page
Same Day Transcript Charge	100% per page
Expedited Charge: (weekend not counted)	2 days - 75%, 3 days - 50%, 4 days - 40%, 5 days - 30% per page
Signature Fee	\$ 25.00 per depo
Condensed Transcript/WordIndex	\$ 15.00 each
Condensed Transcript/WordIndex (100+ pages)	\$ 5.00/50 pages

WRITTEN INTERROGATORY DEPOSITIONS

Appearance Fee Oahu/Outer Island	\$ 55.00/\$ 60.00
Pickup Fee: Honolulu/Other	\$ 25.00/\$ 30.00
Original & One Copy of Transcript	\$ 3.85 per page
One Copy of Transcript	\$ 3.20 per page
Copy of Standard Exhibits	\$.55/\$.50 per page
Signature Fee	\$ 20.00 per depo

OTHER

Notice Prep	\$ 25.00 per Notice
Scanned Exhibits/Transcripts	\$.10 per page
Records CD/Images CD	\$ 25.00 per CD
Color Copy(s)	\$ 2.00 per page
Storage Fee for Original	\$ 10.00 per volume
Binding Fee	\$ 1.50 per volume
Late Copy Order Surcharge	\$.30 per page
Video-Taped Depositions/Hearings	25% additional

Above rates are based on all counsel purchasing their own copy and not sharing or duplicating. We reserve the right to charge for any additional copy or copies should this occur.

3. The fees and charges specified in Paragraph 2 are the usual and customary charges made by the agency for like services to other persons.
4. If a financial or services discount for this or any future deposition will or might in any way be given to the person named in Paragraph 1, after this deposition is completed, state what that discount will or may be (if none, so state.)
None.

I certify, until further notice, the foregoing to be complete, true and correct disclosure to the best of my knowledge and information.

DATED: 6-18-20 SIGNED: Sheila Britt Lipton CSR NO: 257