

Hawai'i Department of Education's Conflict Management Skills Are Nonexistent

This is one more example of how the Hawai'i DOE is inept at resolving conflict. The reason? They do not train their employees about professional conflict management methods much less that set expectations that they utilize them. IMHO the DOE is a fascist organization and the taxpayers are its slaves. Let's change the status quo.

Table of Contents

7/28/22 – Ott to Roddy: Apology for disturbance. Offer to pay for windows in Room 11 to provide sound isolation.....	2
7/29/22 – Roddy to All Na‘alehu Teachers: Visitors allowed only for educational purposes and must be approved by Administration ahead of time.....	3
7/29/22 – Roddy to Staff: Working Before & After School Hours	3
7/29/22 – Ott calls Civil Rights Compliance Bureau: Principal is Violating the ADA.....	4
8/1/22 Ott to CRCB: Reasonable Disability Request	5
7/29/22 – Roddy to All Na‘alehu Teachers	9
7/28/22 Ott to Roddy: I apologize for the disturbance. I offer to pay to fix the windows in classroom 11. ..	11
8/2/22 – Ott to Bello: Please resolve issues at Na‘alehu Elementary School.....	13
ATTACHMENT A – Background Information	17
Enclosure: RDA to CRCB on 8/1/22 ATTACHMENT B.....	18
8/2/22 – Bello to Ott: I will not discuss the requested accommodation. The principal has the authority to make decisions that ensure the safety and smooth operations of her campus.....	18
8/2/22 – Ott to Bello: I will take up the matter with Superintendent.....	19
8/2/22 – Ott to Hayashi & Armstrong.....	19
8/3/22 – Deputy Superintendent Heidi Armstrong: Roddy to Ott: Letter of notification banning Ms. Ott from Na‘alehu Campus for a year.	21
8/5/22 – Roddy to Ott: Letter of notification banning Ms. Ott from Na‘alehu Campus for a year.	22
Wasted Taxpayer Money - \$8 postage.....	23
8/26/22 – The Hawai'i Department of Education Does Not Teach Its Employees How to Manage Conflict	24
8/28/22 – Ott to HI DOE Superintendent and Deputy Superintendent: Offering Opportunity to Resolve Conflict Professionally.....	25
8/29/22 – Armstrong to Ott: If you write a letter, you can come on DOE facilities.	26
8/29/22 – Ott to Armstrong: I'm not going to write a letter to admit to something I didn't do. DOE is not employing profession conflict resolution methods.	27

7/28/22 – Ott to Roddy: Apology for disturbance. Offer to pay for windows in Room 11 to provide sound isolation.

From: **Vanessa Ott** <msvott@gmail.com>

Date: Thu, Jul 28, 2022 at 1:42 PM

Subject: I apologize for disturbing your staff. Solution: Sound isolation for Room 11.

To: <wilma.roddey@k12.hi.us>

Cc: Suzanne Aina <suzanne.aina@k12.hi.us>

Aloha Ms. Roddy,

I apologize for disturbing whomever complained about my yelling. However, I'm not apologizing for yelling at Sue, because she made me angry. That's what happens with sisters. Sometimes they get angry and yell. Sue and I are very much like sisters.

Now, I want to register a complaint. Earlier in the day, before you came in, there were people speaking outside of Sue's classroom. The door was closed, but their voices were very loud because: (1) sound travels upward; and (2) the mauka side of Sue's classroom has an opening all across the top of Room 11 covered by a screen, and there is no way to close that opening to provide sound isolation. They stood there talking for a long time, I think Lillette was issuing instructions to someone, and it was very disturbing. Sue says that's always a problem, i.e., the noises in the hall disrupting and distracting her students.

Therefore, I am proposing a solution to the problem (i.e., classroom 11 needs better sound isolation). I offer to pay DAGS to fix that problem so that Room 11 will have sound isolation, and privacy when Sue needs it, as long as she decides to continue to work after her lawsuit is over in August.

Is this acceptable to you?

Mahalo,

Vanessa Ott

808 - 854 -1018

MsVOtt@gmail.com

FreeSpeech4us.com

7/29/22 – Roddy to All Na‘alehu Teachers: Visitors allowed only for educational purposes and must be approved by Administration ahead of time.

On Fri, Jul 29, 2022 at 9:29 AM Wilma Roddy <wilma.rodny@k12.hi.us> wrote:

Hi Everyone,

Wanted to make sure we are all aware of the Visitor on Campus Policy.

Teacher work days- 07/28 and 097/29/2022 I did approve having people help you in your classrooms. They should have signed in at the office as a visitor.

Please note that after today 07/29/2022:

Visitors will be allowed only for educational purposes (ie guest speakers, related services providers) and must be approved by Administration ahead of time.

Thank you,

Wilma Roddy
Naalehu Elementary School, Principal
Phone: 808-313-4000



7/29/22 – Roddy to Staff: Working Before & After School Hours

From: **Wilma Roddy** <wilma.rodny@k12.hi.us>

Date: Fri, Jul 29, 2022 at 3:21 PM

Subject: Working Before & After School Hours

To: G-380-bu5 <g-380-bu5@k12.hi.us>, Charity Ebenezer <20257639@k12.hi.us>, Melissa Skadan <melissa.skadan@k12.hi.us>

Cc: Rowena Del Rosario <Rowena.Del_Rosario@k12.hi.us>, Christina Juan <Christina.Juan@k12.hi.us>, Lilette Wheatman <Lilette.Wheatman@k12.hi.us>

Hi Teachers,

Many have been asking about coming to campus on the weekend. Sometimes Administration can come in and open up, like Lilette & Tina this Sunday, July 31st, 2022. Other times, we're not able to.

Please note that the contract states: Teachers should take appropriate steps to insure their personal safety when working before and after school hours.

So, in order to reduce risk and liability to the Department of Education, Administration and to yourselves here are some expectations:

1. Have a safety plan and share it with me. For example, make sure your phone is charged, who will you contact if you need help, etc.
2. Non-DOE employees shall not be on campus to reduce risk and liability.
3. Make sure you lock your doors when you leave and the gate if you have access to it.

I may be adding to this...

Please let me know if you have any questions.

Thank you,

Wilma Roddy
Naalehu Elementary School, Principal
Phone: 808-313-4000



7/29/22 – Ott calls Civil Rights Compliance Bureau: Principal is Violating the ADA

At 4:21 Ms. Ott calls the Civil Rights Compliance Bureau to report that Principal Roddy violated the ADA by demanding that Ms. Ott leave the campus because she asked of Principal Roddy was aware of the ADA guaranteed disability accommodation granted to Teacher Aina to work on the weekends.

DEPARTMENT OF EDUCATION REASONABLE ACCOMMODATION
REQUEST & APPROVAL FORM

Date of Request: August 1, 2022

School/Complex/Office: Na‘alehu Elementary School/KKP Complex

Requestor's Name: Vanessa Ott, friend of Suzanne M. Aina

Suzanne M. Aina is an: Applicant Employee

Position Title and Level: Certified Teacher

Worksite Address: 95-5547 Mamalahoa Hwy, Naalehu, HI (mailing: P.O. Box 170, Na‘alehu, HI 96772)

Requestor's Home Address: Vanessa Ott, 2825 S. King St., #2901, Honolulu, HI 96826

Requestor's Work Phone: (808)313-4024 Home Phone: (808) 929-7372; cell: (808) 557-7439


APPLICATION

1) The following reasonable accommodation(s) are being requested:

See Attachment

2) It is necessary for me to have the reasonable accommodation(s) for the following reason(s): (Please include information on the nature of your disability in order to assist the Civil Rights Compliance Office in making a determination)

See Attachment: It is urgent the Ms. Aina be granted this RDA immediately.


Requestor's Signature

August 1, 2022
Date

DETERMINATION
(For Civil Rights Compliance Office Use ONLY)

Individual has a disability that substantially limits a major life activity.

Individual does NOT have a disability that limits a major life activity.

The request for reasonable accommodation is:

Approved by Civil Rights Compliance Office. Type of reasonable accommodation agreed upon:

Disapproved by Civil Rights Compliance Office. Reason(s) reasonable accommodation was denied:

Civil Rights Compliance Office Director

Date

ATTACHMENT

1) REASONABLE DISABILITY REQUEST (RDA)

Suzanne Aina Requests the RDA that Her Friends be Permitted to Assist Her With Physical Tasks in Her Classroom Before 7:15 AM and After 3:00 PM on School Days; On Weekends; and All During Fall, Winter, Spring, and Summer Breaks.

MS. AINA is a RECOGNIZED INDIVIDUAL WITH a DISABILITY WHO is PROTECTED by ADA LAWS REGARDING WORKPLACE DISABILITY ACCOMMODATIONS

Ms. Aina is a full-time classroom teacher at Na‘alehu Elementary School. She has submitted form RA-3 more than once over the years, and is formally identified by the Department of Education as being an individual with a mobility disability.

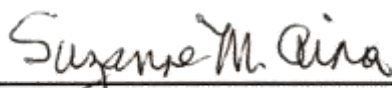
Because of her physical limitations, it takes Ms. Aina much longer to do physical tasks than it does her able-bodied peers. In fact, that is why I am filing this RDA on her behalf. She is completely exhausted trying to get her classroom cleaned and set up, and does not have the time and energy to deal with requesting this RDA by herself. Nonetheless, Ms. Aina has told me that she does want this accommodation.

It is urgent the Ms. Aina be granted this RDA immediately because students start school today, and Ms. Aina still has a lot of work to do in her classroom. This is not work that can be done at home on a computer. Also, as CRCB Director Beth Schimmelfennig is well aware, Ms. Aina will be engaged in a trial in First Circuit Court in Honolulu in the matter of ADA discrimination beginning August 8, 2022, and the trial is expected to last at least a week, perhaps two. Therefore, Ms. Aina needs to have everything prepared in her classroom (both physical and digital preparations) by Friday, August 5, 2022 end of school day so that she can fly to Honolulu, and spend 2 days recovering from the deleterious effects of travel (which includes a 90-minute drive just to get to an airport from Na‘alehu).

CONFIDENTIALITY WAIVER

I hereby give any and all DOE employees the right to discuss my disability; my workplace disability accommodation requests from the past, the present and future; and any topic related

to my disability with my friend, Vanessa Ott.



Suzanne M. Aina

August 1, 2022

Date

2) The Reason Sue Aina Needs this RDA

The reason for this request related to her disability is described above and also in her RDA for a gate key so that she may park on the campus in order to work after hours and on weekends.

The bureaucratic reasons for this request for a RDA are:

- Although the former Principal, Darlene Javar, and DOE Civil Right Compliance Branch (CRCB) Director Beth Schimmelfennig, have claimed that Ms. Aina was granted the gate key accommodation, the CRCB has never given Ms. Aina written verification that any of her 5 prior RDAs were granted, including the gate key RDA, except for the RDA to have her classroom cleaned during Summer Break only.
- Apparently, the CRCB did not inform the new Na‘alehu School Principal, Wilma Roddy, of any of the gate key accommodation being granted because:
 - On Friday, 29 July 2022, Ms. Roddy informed Ms. Aina at approximately 1:45pm that she was not permitted to come onto the campus to work the next day Saturday, 30 July.
 - Extremely distraught and panicked, Ms. Aina sent me an email at 2:32pm, and then called me at 3:13 when I didn't respond to the email. She had to have the room prepared for a Parent Meet & Greet and event at 4:00PM on Friday. So I got in my car and drove back to the school to help.
 - I arrived at the school a little after 3:30pm and went to the office to sign in. I couldn't see anyone in the office through the wide window, so I rang the bell. No one responded. I paused and rang the bell, again. Ms. Roddy came of her office just someone from the office staff poked their head out.
 - I asked Ms. Roddy if she was aware that Sue had been granted an accommodation to work on the weekends, but Ms. Roddy said she couldn't discuss that with me.
 - Then, she immediately ordered me to leave the campus.
 - So, I took out my phone to record what she was saying. I asked something along the lines of, "Are you really ordering me off the campus because I asked about Sue's accommodations?"
 - Then, Ms. Roddy told me to stop recording and threatened to call the police. I said I wanted her to do that so there would be a record of what was happening.

- I went to Ms. Aina's classroom to sort colored pencils. The school security guard came to the room and asked me to leave. I said no because I was trying to help Ms. Aina. However, it was getting close to the 4:00pm event, so I left a few minutes later.
- The police arrived later much later, I'm told. I assume the Principal never notified the police that they didn't have come because I was already gone. What a waste of taxpayer money, I say. Calling the police to remove someone from a school campus because they inquired whether the Principal was aware of Ms. Aina's reasonable disability accommodations is outrageous.
- At 4:21pm I called the CRCB and asked them to take care of this problem.
- Sometime not long after that, Ms. Aina informs me that Ms. Roddy told her that she could come to work in her classroom on Saturday, but *only* if she submitted a Safety Plan.
- As has well been established throughout the last 10 years, Ms. Aina often has to work longer hours, and no other teacher was planning to work on Saturday.
- If the Gate Key accommodation was never really granted, then Ms. Schimmelfennig and former Principal Darlene Javar lied about that during their recent sworn court depositions, and Ms. Roddy's actions are less culpable. On the other hand, if Ms. Aina was indeed granted this RDA, then Ms. Roddy has committed illegal discrimination by refusing to abide by the RDA. Whether it is discrimination because of Ms. Roddy's actions or discrimination because Ms. Aina's gate key accommodation so that she could work after hours and on weekends was never granted, *the DOE is still committing acts of illegal discrimination against Ms. Aina.*

It's my opinion that this "Safety" baloney is, and always has been, a pretext for purposeful and malicious discrimination against handicapped employees at Na'alehu School. Safety on campus during daylight hours was never an issue until I requested the same RDA, a key to the gate so I could work after hours and on weekends, in 2009. That is when this pretext started, and the Administration has been using it ever since to deny RDAs to NES handicapped employees. If you don't believe me, I probably have all the documentation packed up in a box somewhere.

There is absolutely nothing unsafe about teachers working at rural Na'alehu Elementary School during daylight hours. To try and assert anything to the contrary either comes from extreme ignorance and stupidity or the more likely truth, it's a pretext for malicious discrimination against handicapped teachers.

Don't take my word for it. It's easy to find out the truth for yourself, *IF* you're interested in the truth, that is. Conduct an impartial, anonymous poll of all the teachers at NES, or ask the school APC to do this with one question:

On a scale from 0-5, how safe do you feel working on campus during daylight hours if you are there by yourself where:

- 0 = "I am never on the campus when other employees are not present,"
- 1 = "very UNSafe, and
- 5 = "very safe"?

While I was helping Ms. Aina in her classroom on Friday morning, Ms. Roddy sent the following email to all the teachers:

7/29/22 – Roddy to All Na'alehu Teachers

On Fri, Jul 29, 2022 at 9:29 AM Wilma Roddy <wilma.rodny@k12.hi.us> wrote:

Hi Everyone,

Wanted to make sure we are all aware of the Visitor on Campus Policy.

Teacher work days- 07/28 and 097/29/2022 I did approve having people help you in your classrooms. They should have signed in at the office as a visitor.

Please note that after today 07/29/2022:

Visitors will be allowed only for educational purposes (ie guest speakers, related services providers) and must be approved by Administration ahead of time.

Thank you,

Wilma Roddy
Naalehu Elementary School, Principal
Phone: 808-313-4000



Since Ms. Aina was probably the only teacher who planned to, and needed to work on Saturday, 30 July 2022, I think this directive is aimed directly at me to keep me off the campus, and to intimidate me and Ms. Aina because I questioned Ms. Roddy about her knowledge of Ms. Aina's RDAs.

In case Ms. Roddy wants to give you any bunk alleging that I didn't follow school procedure and check in at the school office first would be a lie. On Wednesday, 27 July 2022, I went to the school around 11:45 because Sue had borrowed something from me that I needed to retrieve. Note that this was during the first week of school for teachers, and no students were present. I first went to the office and asked when the teachers were going to have lunch. Rowena (the school SASA) didn't know. She said she would try to find out but, but being considerate of everyone's time I said I would come back. A walked over to the parking area and noticed that the faculty meeting was breaking up, and box lunches were being delivered. I slipped into the room and asked Ms. Aina if she had what I needed and she told me where to find it in her car. While I was doing this, Vice Principal Christina Juan approached me and started to tell me that I needed to sign in at the office. I told her that I had been to the office, but not officially signed in, and asked if she really wanted me to walk all the way back there to sign in when I could just get what I needed and be on my way.

Seeing that I had a cane, Ms. Juan had the good sense and decency to say that wasn't necessary.

And in case Ms. Roddy attempts to insinuate or makes a direct allegation that she thinks I'm a threat to anyone because Ms. Aina and I had an argument that others unfortunately overheard, that would be another pretext, and utter nonsense.

Whatever missteps Ms. Roddy may have taken outside the realm of ADA rights and simply violations of BOE policy concerning openness, transparency, and community engagement, I will take up with her Supervisor, the Complex Area Superintendent. However, I want you to be aware of the complete truth of what actually transpired so that any excuses she gives for these actions can be investigated with the CRCB knowing what is the truth and what is a pretext being used to discriminate against Ms. Aina. This is the email I sent to Ms. Roddy on Thursday, 28 July 2022:

7/28/22 Ott to Roddy: I apologize for the disturbance. I offer to pay to fix the windows in classroom 11.

----- Forwarded message -----

From: **Vanessa Ott** <msvott@gmail.com>

Date: Thu, Jul 28, 2022 at 1:42 PM

Subject: I apologize for disturbing your staff. Solution: Sound isolation for Room 11.

To: <wilma.rodgy@k12.hi.us>

Cc: Suzanne Aina <suzanne.aina@k12.hi.us>

Aloha Ms. Roddy,

I apologize for disturbing whomever complained about my yelling. However, I'm not apologizing for yelling at Sue, because she made me angry. That's what happens with sisters. Sometimes they get angry and yell. Sue and I are very much like sisters.

Now, I want to register a complaint. Earlier in the day, before you came in, there were people speaking outside of Sue's classroom. The door was closed, but their voices were very loud because: (1) sound travels upward; and (2) the mauka side of Sue's classroom has an opening all across the top of Room 11 covered by a screen, and there is no way to close that opening to provide sound isolation. They stood there talking for a long time, I think Lillette was issuing instructions to someone, and it was very disturbing. Sue says that's always a problem, i.e., the noises in the hall disrupting and distracting her students.

Therefore, I am proposing a solution to the problem (i.e., classroom 11 needs better sound isolation). I offer to pay DAGS to fix that problem so that Room 11 will have sound isolation, and privacy when Sue needs it, as long as she decides to continue to work after her lawsuit is over in August.

Is this acceptable to you?

Mahalo,
Vanessa Ott
808 - 854 -1018
MsVOtt@gmail.com
FreeSpeech4us.com

I also suspect that I was overheard telling some of my old acquaintances, who saw me and gave me warm greetings, about Sue's trial start date of August 8th, and how excited I was that Sue might finally achieve justice. However, there is nothing illegal, immoral, or unethical about telling anyone about the existence of the lawsuit, when it starts, and our hopes for a positive outcome for Ms. Aina. This is what's called exercising my 1st Amendment Constitutional rights, and an ADA protected activity to garner support from Ms. Aina's colleagues in her civil rights struggle, be it only prayers and well wishes.

Whatever the motivation for Ms. Roddy's prohibition, Ms. Aina needs this RDA granted without further delay. I am the best person to help Ms. Aina because I'm fast, efficient and a former

teacher. So, I do not need instructions on how to help Ms. Aina, only her directions where she wants all of her books and materials to be located. Plus, I specifically scheduled a trip to Na‘alehu for 2-½ to help her get her classroom ready before we both travel to Honolulu on August 5th for the trial.

Therefore, Ms. Aina and I ask that:

- Without further delay, the CRCB grant this accommodation so that Ms. Aina’s friends be permitted to assist her with physical tasks in her classroom before 7:15 am and after 3:00 pm on school days; on weekends; and all during Fall, Winter, Spring, and Summer Breaks.
- The CRCB will inform Ms. Roddy that a RDA cannot be denied or rescinded without proof of undue hardship.
- The CRCB will not hand over, to the already-hostile school Principal, the sole responsibility for whatever negotiations may be necessary between employer and employee to ensure compliance with federal ADA statutes with regard to this RDA.
- The CRCB will fulfill its government agency responsibility for advising Ms. Roddy how to abide by ADA statutes, specifically:

A modification or adjustment is "reasonable" if it "seems reasonable on its face, i.e., ordinarily or in the run of cases;"¹ this means it is "reasonable" if it appears to be "feasible" or "plausible."² An accommodation also must be effective in meeting the needs of the individual.³ In the context of job performance, this means that a reasonable accommodation enables the individual to perform the essential functions of the position.

- The CRCB give Sue approval of this accommodation in writing without any further delay.
- None of Ms. Aina’s helpers will be banned from the campus for any reason other than a violation of existing campus rules that are applicable to all six types of school community members as described in statutes regarding School Community Councils.

Thank you,


Vanessa Ott

¹ 8. US Airways, Inc. v. Barnett, 535 U.S., 122 S. Ct. 1516, 1523 (2002).

² Id.

³ See US Airways, Inc. v. Barnett, 535 U.S., 122 S. Ct. 1516, 1522 (2002). The Court explained that "in ordinary English the word 'reasonable' does not mean 'effective.' It is the word 'accommodation,' not the word 'reasonable,' that conveys the need for effectiveness." Id.

8/2/22 – Ott to Bello: Please resolve issues at Na‘alehu Elementary School

----- Forwarded message -----

From: **Vanessa Ott** <mstvott@gmail.com>

Date: Tue, Aug 2, 2022 at 10:41 AM

Subject: Requesting Emergency Assistance from Complex Area Superintendent Bello

To: <stacey.bello@k12.hi.us>

Cc: Sue Aina <sueaina100@gmail.com>, <wilma.rodgy@k12.hi.us>

Aloha Ms. Bello,

Please see my attached letter which addresses a few issues at Naalehu Elementary School. This is the most important and urgent issue at this time:

I request that:

1. I shall be permitted to assist handicapped teacher, Sue Aina, continue to refine her classroom setup before 7:00 AM and after 3:00 PM on school days, and on weekends **starting immediately**.

The urgency for request #1 is because I flew in from Honolulu specifically to help Ms. Aina prepare her classroom. Ms. Roddy wouldn't let me or any of Ms. Aina's other friends help her this weekend.

If you're not sure how to handle this, I suggest you consult with former Complex Area Superintendent, Chad Farias, who has prior knowledge of some of the issues involved, and handled issues like this in the past successfully.

Mahalo,

Vanessa Ott

808 - 854 -1018

MsVOtt@gmail.com

FreeSpeech4us.com



"The moral test of government is how that government treats those who are in the down of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped."

— Hubert Humphrey, November 1, 1977

August 2, 2022

Stacey Bello, Complex Area Superintendent
Stacey.Bello@k12.hi.us

re: **Na‘alehu Principal Wilma Roddy’s Lack of Concern for Safety and Public Engagement**

Aloha Ms. Bello,

I am writing to inform you of concerns I have about Wilma Roddy’s recent actions which I think are indicative of a lack of concern for the safety of her handicapped staff member, teacher Sue Aina, and a lack of support for all of Na‘alehu Elementary School teachers. I’m also concerned about Ms. Roddy’s disrespectful behavior towards me, a member of the public, trying very hard to help a handicapped teacher set up her classroom, but instead being *banned* because I asked Ms. Roddy if she was aware that Ms. Aina had been granted the ADA accommodation of being allowed to work on campus after hours and on weekends.

Not only do Ms. Roddy’s actions on Friday, July 29, 2022 constitute illegal discrimination in violation of federal ADA statutes, they are contrary to several BOE policies.⁴ Her new rule for the school is harmful to Na‘alehu Elementary School teachers and community relationships. A principal’s job is to support teachers and build community relationships, correct? This directive does the opposite:

On Fri, Jul 29, 2022 at 9:29 AM Wilma Roddy <wilma.rodgy@k12.hi.us> wrote:

Hi Everyone,

Wanted to make sure we are all aware of the Visitor on Campus Policy.

Teacher work days- 07/28 and 097/29/2022 I did approve having people help you in your classrooms. They should have signed in at the office as a visitor.

Please note that after today 07/29/2022:

Visitors will be allowed only for educational purposes (ie guest speakers, related services providers) and must be approved by Administration ahead of time.

Thank you,

Wilma Roddy
Naalehu Elementary School, Principal
Phone: 808-313-4000



⁴ Board of Education Policies: [E-304](#), [304-1](#), [E-200](#), [E-201](#), [201-1](#)

Details of events leading up to Ms. Roddy’s directive follow these four reasonable requests that I ask you to work out with Ms. Roddy ASAP.

I request that:

1. I shall be permitted to assist handicapped teacher, Sue Aina, continue to refine her classroom setup before 7:00 AM and after 3:00 PM on school days, and on weekends **starting immediately**.
2. All teachers shall be permitted to work in their classrooms on the weekends without having to get prior permission or be chaperoned.
3. Community members shall be permitted on campus for any activity that benefits the school and all six stakeholders groups (Admin, Certified, and Classified employees; and Students, Parents, and Community Members).
4. All teachers shall be permitted to invite anyone whom they trust, such as friends and family, to help them in their classrooms on the weekends without having to get prior permission.

The urgency for request #1 is because I flew in from Honolulu specifically to help Ms. Aina prepare her classroom. Ms. Roddy wouldn’t let me or any of Ms. Aina’s other friends help her this weekend. What would the title of a story about this be? This seems appropriate:

DOE Refuses to Let Community Members Help Handicapped Teacher

Before working for the Hawai’i DOE, I never had an employer that tried so hard to keep its salaried employees out of the office so they couldn’t get work done. That’s really kind of stupid with regard to productivity and cost savings. Do other DOE schools forbid its teachers to work on the weekends – especially the one right before the first day of school? If so, I’m willing to bet they are very few in number. Do other DOE schools infantilize their teachers by forbidding them to bring a friend or family member to help them get more work done?

What’s going on at Na’alehu School so that it has such a long history of such silly restrictions? It’s because they have used “safety concerns” as a PRETEXT for illegal discrimination against handicapped employees ever since 2009 when I asked for a reasonable disability accommodation of a key to the parking gate so that I could work in my classroom after hours and on weekends. Prior to that request, there were no restrictions about teachers working after hours and on weekends, but Teddy Burgess (then the Principal) and Karen Pare (then the Vice Principal), had to invent a pretext for denying my ADA RDA request in order to harass me. They saw me as a troublemaker because I kept asking for RDAs and fighting for my civil rights when denied. IMHO, DOE admins become vicious and vindictive when challenged. It seems to be ingrained in the culture.

Anyone with a modicum of intelligence knows that it takes someone with a mobility handicap longer to perform physical tasks than it does an able-bodied person. Anyone who lives and works in Na’alehu knows that this is one of the safest places in the nation where stranger assaults are concerned (most crimes being related to domestic violence, drug addiction, and burglaries when no one is around). Na’alehu teachers are safe from stranger assaults. The same cannot be said of being teacher being safe from bullying by its own administration.



Sue Aina 2019

Unfortunately, if you repeat a lie often enough, people will believe it, and you will even come to believe it yourself. This is what has happened at Na‘alehu Elementary School. They have dug their heels in for so many years bleating this “safety” and “liability” baloney in an attempt to discriminate against handicapped teachers that they actually think it’s true. It never has been true; it always has been a pretext for discrimination. They use this over and over to discriminate against Ms. Aina, and have no qualms about hurting other teachers in the process by making ridiculous prohibitions about coming on campus after hours and engaging the community.

I feel pretty certain that by the end of the month, Judge McWhinnie will rule in Ms. Aina’s favor and issue several injunctions to correct all the illegal violations of the ADA that have gone on for well over a decade not just at NES, but at the Civil Rights Compliance Branch (CRCB) of the DOE. At this juncture, you have an opportunity to be a character in this story who, like Chad Farias before you, did the right thing, and righted some wrongs.

As a 3rd-Party legally entitled to request an ADA workplace accommodation for an employee, I submitted this RDA to the CRCB yesterday:

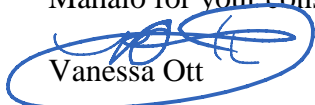
Suzanne Aina Requests the RDA that Her Friends be Permitted to Assist Her With Physical Tasks in Her Classroom Before 7:15 AM and After 3:00 PM on School Days; On Weekends; and All During Fall, Winter, Spring, and Summer Breaks. (See ATTACHMENT B.)

Both you and Ms. Roddy are legally entitled to grant this reasonable accommodation TODAY without CRCB intervention, if you so choose, and amicably resolve this right now. Don’t take my word for it if you don’t want to, and I advise you don’t take the CRCB’s word for it at this time considering they are obfuscating the truth, the reason being to “win” this lawsuit, I think. You can just go read more about ADA workplace accommodations for handicapped employees in the resources (3 EEOC publications online) that I identify in ATTACHMENT A.

I would prefer to have a productive, professional relationship with Ms. Roddy. If she wants the same thing, then all she has to do is treat me respectfully, and in a professional manner. She doesn’t have to like me. That’s not part of her job description. But her first contact with me, approaching me in such a hostile manner about a private matter between me and Ms. Aina, was not handled professionally from the outset. She was rude, so I was not gushing with friendliness in return. This incident is explained in the attachments. What’s not included are these facts: Sue and I had an argument about how to arrange her desks to accommodate her wheelchair. There’s no way to close the windows in Sue’s classroom and other people over heard it. Later, much later, Ms. Roddy came to the door with an entourage of onlookers and reprimanded me like I was a child, giving me stink-eye the whole time.

I would rather not to have had the argument with Sue; she later admitted my arrangement was much better (I have excellent visual/spatial reasoning and organizational skills). I would have preferred that her classroom had windows that would close so we could have had some privacy when speaking to each other. I would have preferred that I had not raised my voice. I would have preferred that she felt the need to address her concerns hours after the incident was over, Ms. Roddy would have politely ask to speak to me and Sue about this in the privacy of her office.

Mahalo for your consideration,


Vanessa Ott

ATTACHMENT A – Background Information

BACKGROUND

For well over a decade, the Principals at Na‘alehu Elementary School have been violating the Americans with Disabilities Act by discriminating against handicapped teachers, and then retaliating against them when they pursue their civil rights. I was the first NES teacher this happened to, and I quit working for the DOE due to all the retaliation. This is constructive discharge, and when it's due to an employee's disability and pursuit of ADA rights, it is illegal discrimination. Retaliation is like the hate crime of civil torts.

After I quit in 2012, I helped Sue Aina, another NES teacher, file her first request for a Reasonable Disability Accommodation (RDA). The retaliation that ensued from Principal Darlene Javar was unbelievable. In 2015, Ms. Aina engaged the services of an attorney who filed a discrimination lawsuit that November. In 2016, CAS Chad Farias stepped in, and the retaliation subsided substantially, for a while, but never stopped, and apparently, given Ms. Roddy's recent actions, is still ongoing. The trial will commence on August 8, 2022.

After the trial is over, I intend to publish all of the facts of the case and what lead up to it (my story included), on my website and maybe a book, too. I never imagined that the last phase of my life (I'm 63) would be advocating for the ADA rights of all Hawai'i State employees, but it's an outrageous story from beginning to --- whatever the end will be. It's still being written, and now you and Ms. Roddy have become part of that narrative.

THE CRCB IS NOT EDUCATING PRINCIPALS ABOUT LEGAL REQUIREMENT OF THE ADA

After the trial, I expect the truth to be revealed. The DOE Civil Rights Compliance Branch is doing a horrible job of education managers about the legal requirements of providing workplace accommodations for disabled employees, *and* it does NOTHING about illegal ADA retaliation even in the face of overwhelming evidence.

But, *you* and your subordinates don't have to be ignorant of the facts simply because the CRCB is not properly educating DOE employees about federal legal responsibilities. All anybody has to do, Principals and CASs included, is to educate themselves about workplace disability accommodations by reading these three EEOC publications which are very factual and not misleading at all:

Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA

www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada

EEOC Enforcement Guidance on Retaliation and Related Issues

www.eeoc.gov/laws/guidance/enforcement-guidance-retaliation-and-related-issues

Prohibited Employment Policies/Practices

www.eeoc.gov/prohibited-employment-policiespractices

If the CRCB *and* the DOE at all levels would do a competent job of protecting the civil rights of its handicapped employees, a law suit and trial would not have been necessary, and I might still be a DOE teacher.

Enclosure: [RDA to CRCB on 8/1/22 ATTACHMENT B](#)

8/2/22 – Bello to Ott: I will not discuss the requested accommodation. The principal has the authority to make decisions that ensure the safety and smooth operations of her campus.

From: **Stacey Bello** <stacey.bello@k12.hi.us>
Date: Tue, Aug 2, 2022 at 4:42 PM
Subject: Re: Requesting Emergency Assistance from Complex Area Superintendent Bello
To: Vanessa Ott <msovott@gmail.com>
Cc: Sue Aina <sueaina100@gmail.com>, Wilma Roddy <wilma.rodny@k12.hi.us>

Good afternoon, Ms. Ott.

Thank you for your email.

Unfortunately, I am unable to discuss any potential or current employee matters with anyone, other than the employee, as all employee matters are confidential.

Second, the Department of Education has a clear procedure in place for employees to request reasonable accommodations under the Americans with Disabilities Act based on needs that they may have. All employees must follow the process that is in place.

And lastly, please keep in mind that a school principal oversees his or her campus. If there was an incident on campus that he or she felt was a disruption on campus, the principal has the authority to enforce multiple options to ensure the safety and smooth operations of his or her campus.

Again, thank you for your email.

I will follow up with Na'alehu Elementary School.

*"May I live this day compassionate of heart, clear in word, gracious in awareness,
courageous in thought, generous in love."*

~ John O'Donohue

Stacey Bello
Interim Complex Area Superintendent

Ka'ū-Kea'au-Pāhoa Complex Area
16-588 Kea'au-Pāhoa Road
Kea'au, HI 96749
(808) 982-4719

8/2/22 – Ott to Bello: I will take up the matter with Superintendent

From: **Vanessa Ott** <msvott@gmail.com>
Date: Tue, Aug 2, 2022 at 5:38 PM
Subject: Re: Requesting Emergency Assistance from Complex Area Superintendent Bello
To: Stacey Bello <stacey.bello@k12.hi.us>
Cc: Sue Aina <sueaina100@gmail.com>, <wilma.rodgy@k12.hi.us>

First, I didn't ask you to discuss anything with me. I asked you to resolve a complaint to help a handicapped teacher and make sure Board Policies are followed.

Second, Ms. Aina has been granted an RDA to work on the weekends, and Ms. Roddy violated that agreement.

Third, Ms. Roddy did not ban me for having an argument. She banned me because I asked about Ms. Aina's accommodations. That's a violation of federal law.

This matter is unresolved because you refuse to discuss it with me, so per BOE Policy 304-5, I will take it up with the Office of the Superintendent.

Mahalo,
Vanessa Ott
808 - 854 -1018
MsVOtt@gmail.com
FreeSpeech4us.com

8/2/22 – Ott to Hayashi & Armstrong

 **Vanessa Ott**

2825 S. King St., #2901, Honolulu, HI 96826
FreeSpeech4us.com

(808) 854-1018
MsVOtt@gmail.com

August 2, 2022

Keith Hayashi, State of Hawai'i Department of Education Superintendent
Keith.Hayashi@k12.hi.us

Heidi Armstrong, State of Hawai'i Department of Education Deputy Superintendent
Heidi.Armstrong@k12.hi.us

re: **Violations of federal law and BOE Policies by Beth Schimmelfennig (CRCB Director), Stacey Bello (KKP Complex Area Superintendent), and Wilma Roddy (Na‘alehu Elementary School Principal). URGENT RESOLUTION REQUESTED.**

Aloha Mr. Hayashi and Ms. Armstrong,

I am including Mr. Hayashi in this correspondence, because I believe Ms. Schimmelfennig is his direct report. I am including Ms. Armstrong in this correspondence, because I believe Stacey Bello is her direct report.

Per BOE Policy 304-5 PUBLIC COMPLAINTS

After consulting with the Complex Area Superintendent and receipt of a written decision, or should the matter continue to remain unresolved, the matter may be referred to the office of the Superintendent. At each level of review, the parties shall make reasonable efforts to facilitate communication.

According to Beth Schimmelfennig, Teacher Sue Aina was granted the reasonable disability accommodation of working after hours and on weekends.

This past weekend, Principal Wilma Roddy refused to honor this agreement and told Ms. Aina she could not work on Saturday. I contacted the CRCB, Ms. Roddy changed her mind. However, she stipulated that Ms. Aina could not have any friends come on campus to help her.

I attempted resolution with Ms. Schimmelfennig by asking for an urgently needed reasonable disability accommodation for Ms. Aina. I have received no response from her yet.

I attempted resolution with Complex Area Superintendent Stacey Bello on Ms. Aina’s behalf, but Ms. Bello refused to do anything to correct the problem.



So, I ask that both of you look into the matter and resolve this crisis immediately.

For well over a decade, Beth Schimmelfennig and the CRCB (CRCO) have violated the federal statutes of American with Disabilities Act. I assume you are aware of Civil No. 1CC1910000694 in the matter of discrimination against DOE teacher Sue Aina. **I am NOT asking you to comment on an active lawsuit.**

Nonetheless, I do think you should send a representative from the Office of the Superintendent to observe this trial to see what your employees have been up to.

CASE NAME		CASE NO.	
SUE AINA vs. DEPARTMENT OF EDUCATION, STATE OF HAWAII		CIVIL NO.	
		1CC191000694 (DIV 21)	
		TRIAL WEEK	
		AUGUST 8, 2022	

JUDGE	DIVISION	DATE	TIME
James C. McWhinnie	21st Division Courtroom 17 Chambers 10	JUNE 22, 2022	11:00 A.M.

I AM asking you to resolve the immediate crisis and override Ms. Roddy's ban on allowing disabled Teacher, Sue Aina to have Community Members, including me, help her do physical tasks in her classroom after hours and on weekends.

Such a ban is indicative of the way Principals at Na'alehu School and the Civil Rights Compliance Office have treated handicapped teachers, including me. I think it's pathetic, unethical, illegal, immoral, recklessly irresponsible, and pretty much par for the course for the way the DOE operates.

If you cannot figure out why the State of Hawai'i DOE cannot retain good teachers, why the public does not trust the DOE, and why our state has one of the highest rates of private school enrollment in the nation look no further than the correspondence I've copied below.

I have 2 days left on the Big Island to help Ms. Aina. Are you going to let me do this?

Mahalo,



Vanessa Ott

enclosure: 8/2/22 Ott to Bello: Please resolve issues at Na'alehu Elementary School

8/3/22 – Deputy Superintendent Heidi Armstrong: Roddy to Ott: Letter of notification banning Ms. Ott from Na'alehu Campus for a year.

Date: Wed, Aug 3, 2022 at 5:32 PM

Subject: Re: URGENT RESOLUTION REQUESTED

To: Vanessa Ott <msvott@gmail.com>

Cc: Keith Hayashi <Keith.Hayashi@k12.hi.us>, Sue Aina <sueaina100@gmail.com>

Dear Ms. Ott,

I confirmed that teachers at Na'alehu Elementary can have guests/community members assist them in their classrooms after school and on weekends. However, in your particular situation, due to your conduct on July 28 and 29, 2022, the school officials have determined that you are not invited onto this campus. I reviewed the documentation and support the school's decision at this time.

Thank you very much for your concern and support for teacher Aina.

Sincerely,
Heidi Armstrong

Heidi Armstrong
Interim Deputy Superintendent
Hawaii Department of Education

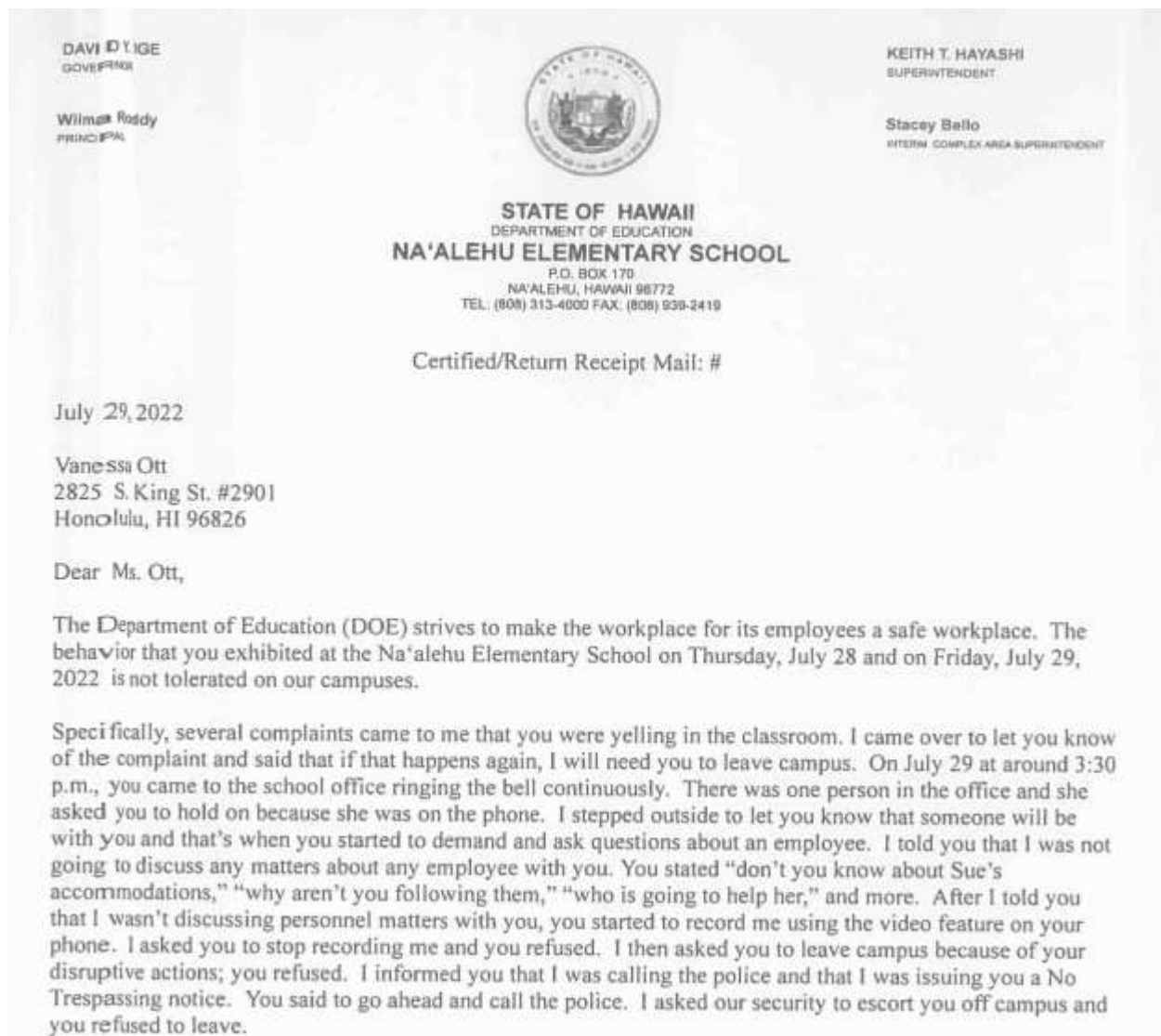
8/5/22 – Roddy to Ott: Letter of notification banning Ms. Ott from Na‘alehu Campus for a year.

From: **Wilma Roddy** <wilma.rodny@k12.hi.us>
Date: Fri, Aug 5, 2022 at 8:01 AM
Subject: Letter of Notification
To: msvott@gmail.com <msvott@gmail.com>

Ms. Ott,

Please see attached letter of notification.

 **Letter to V. Ott.pdf**



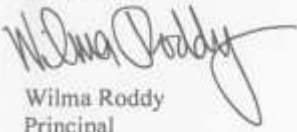
Your behavior on July 28 and July 29, 2022 is the reason you were asked to leave Naalehu Schools campus.

This letter is notification that, because of your behavior on July 29, 2022, you are no longer permitted to enter any DOE school campuses or offices for a period of one year. We may allow you to enter our school campus or administration office if (1) you write to us and state in writing that you will, in the future, always conduct yourself in a courteous and respectful manner while on DOE property; and (2) we respond in writing granting you permission.

During the time that you are not permitted to enter the school property, you may conduct business with the DOE by telephone, email or mail, as long as you are courteous and respectful.

If you enter DOE property while your presence is prohibited by this letter, we will be obligated to call the police and press trespassing charges against you.

Sincerely,



Wilma Roddy
Principal

c: Keith T. Hayashi, DOE Superintendent
Heidi Armstrong, Interim Deputy Superintendent
Stacey Bello, Complex Area Superintendent, Ka'u-Kea'au-Pahoa Complex Area
Maynard Mendoza, Director, DOE Safety, Security, and Emergency Preparedness Branch

Venessa Ott, via USPS Certified Mail and email: msvott@gmail.com

Wasted Taxpayer Money - \$8 postage

Even though Principal Wilma Roddy sent her 8/5/22 missive via email, she still felt compelled to waste her office staff 's time *and* taxpayer money to mail a printed copy to me.



8/26/22 – The Hawai'i Department of Education Does Not Teach Its Employees How to Manage Conflict

REQUEST TO ACCESS A GOVERNMENT RECORD

DATE: August 12, 2022
TO: State of Hawai'i Department of Education
FROM: Vanessa Ott

I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:

I request copies of any and all publications, training materials, procedures or memos that teach, train, and/or guide DOE supervisors at all levels how to use and apply professional and research-based conflict resolution skills, techniques, and methods. For each record, please specify the archived location of the record within DOE (e.g. URL) and purpose (e.g., used in 1-hour session during two month Principals Academy).

NOTICE TO REQUESTER

TO: Vanessa Ott
(Requester's name)
FROM: HI Dept. of Edu., Interim Deputy Supt. Heidi Armstrong, Contact Justin Takaki 808-784-6170
(Agency, and agency contact person's name, telephone number, & email address)



DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: 8/12/22

DATE OF THIS NOTICE: 8/26/22

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

- Will be granted in its entirety.
- Cannot be granted. Agency is unable to disclose the requested records for the following reason:
 - Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: No records found
 - Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
 - Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))

August 28, 2022

Keith Hayashi, State of Hawai'i Department of Education Superintendent
Heidi Armstrong, State of Hawai'i Department of Education Deputy Superintendent

re: Improving DOE Conflict Management Skills – Last Chance to Resolve this Conflict Appropriately

Aloha Superintendent Hayashi and Deputy Superintendent Armstrong,

Perhaps you would like you to consider my offer to rewrite the end of this story. As it stands now, the DOE is looking rather inept. My recent UIPA request below has revealed that the DOE does not teach its employees *any* conflict management skills. That explains why my recent conflict at Na‘alehu School was handled so unprofessionally. This is a golden opportunity for the DOE to learn from its mistakes. I strongly suggest the DOE develop trainings and procedures about appropriately dealing with conflict. This will benefit the entire public school system. This issue is not unique.

My banishment, per these DOE directives written by Ms. Roddy and supported by the State Superintendent and Deputy Superintendent, does not end the conflict. The conflict does not end until it's resolved appropriately. If the story of how the DOE handles this conflict is at an end as far as you're concerned, that shines a very poor light on the DOE because this ending is unethical and in some ways, illegal, and it will come to light, one way or another.

First of all, I don't think you can legally ban me from any public meeting held at any public DOE facility because some Principal and I had a disagreement, *especially* when there was no proper investigation to uncover all of the facts. You certainly cannot legally ban me for engaging in protected civil rights activities which is the behavior in which I was engaged on July 29, 2022 when Ms. Roddy demanded that I get off the campus. All I did was ask her if she was aware that Sue Aina, one of her teachers, had been granted a reasonable disability accommodation to work on the weekends and after hours. Ms. Roddy is the one who violated the ADA. After that, all I did was go to Ms. Aina's classroom and try to help her organize her pencils. So, I did refuse to leave, but Ms. Roddy had no right to demand that I do so because I asked about Ms. Aina's accommodation. I have no doubt that this problem has arisen because the Civil Rights Compliance Branch has continuously violated the ADA for over a decade; therefore, DOE employees, perhaps even the two of you, are poorly trained with regard to the ADA and probably

BANISHED

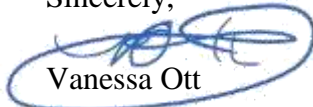
Because of your behavior on July 29, 2022, you are no longer permitted to enter any DOE school campuses or offices for a period of one year. We may allow you to enter our school campus or administration office if (1) you write to us and state in writing that you will, in the future, always conduct yourself in a courteous and respectful manner while on DOE property; and (2) we respond in writing granting you permission.

unaware of the [EEOC Enforcement Guidance on Reasonable Accommodation](#). If you were more educated on the subject, I think you would have handled this differently. Maybe not. Maybe you don't care about federal ADA regulations. And if you think that it's moral to banish a handicapped teacher's helper from campus based on a pretext of school safety when **NOBODY ELSE WAS GOING TO BE WORKING THAT SATURDAY**, well, let me be the first to tell you, it's not okay. It is, though a stereotypical example of how the DOE treats handicapped employees.

So, do you want to handle this conflict in a more professional manner? If no, that's the pathetic end to this phase of the story, and I move to the next phase. If yes, I suggest you start to formulate conflict management training for your employees. The articles that I sent to you are good starting point, and this conflict is a good test case. Then, let's try this again – the right way. The first thing that should happen is a face-to-face conversation with all the parties involved and an impartial mediator. There won't be any hissy fits about recording the proceedings. I have nothing to hide. Does the DOE? The parties would be me, Wilma Roddy, Sue Aina, the office person mentioned in Ms. Roddy's letter below (I think it was Rowena Del Rosario), and whomever the anonymous complainants were who heard my argument with Ms. Aina. Let's have them speak openly, with transparency, and hear what they have to say. Ms. Roddy was not completely truthful in her letters, and with everyone in attendance, the truth has a chance, slim as it is, that the truth can be revealed. Without that, the lies and gossip will prevail.

So, are you willing to try and create a better ending to this conflict, or are you going to stick to your guns, and keep the status quo in place? I look forward you your response.

Sincerely,



Vanessa Ott

8/29/22 – Armstrong to Ott: If you write a letter, you can come on DOE facilities.

From: **Heidi Armstrong** <heidi.armstrong@k12.hi.us>

Date: Mon, Aug 29, 2022 at 4:20 PM

Subject: Re: I offer you another opportunity to resolve this conflict professionally

To: Vanessa Ott <mstvott@gmail.com>

Cc: Keith Hayashi <Keith.Hayashi@k12.hi.us>, Justin Takaki <justin.takaki@k12.hi.us>

Dear Ms. Ott,

Thank you for your email. I understand that you were temporarily banned from DOE school campuses or offices for a period of one year due to your disruptive behavior at Na'alehu Elementary School. Please note that the fourth paragraph in the letter to you from Principal Roddy states that you may be allowed to enter a school campus or

administration office before one year if 1) you write a letter and state in writing that you will, in the future always conduct yourself in a courteous and respectful manner while on DOE property; and 2) we respond in writing granting you permission.

This is an option that is available to you.

Sincerely,
Heidi

8/29/22 – Ott to Armstrong: I'm not going to write a letter to admit to something I didn't do. DOE is not employing professional conflict resolution methods.

From: **Vanessa Ott** <mstvott@gmail.com>
Date: Tue, Aug 30, 2022 at 5:32 AM
Subject: Re: I offer you another opportunity to resolve this conflict professionally
To: Heidi Armstrong <heidi.armstrong@k12.hi.us>
Cc: Keith Hayashi <Keith.Hayashi@k12.hi.us>, Justin Takaki <justin.takaki@k12.hi.us>

Ms. Armstrong,

You are suggesting that I write a letter to admit that I did something wrong. I'm not going to do that because I don't think I did anything wrong. It is Ms. Roddy who should be writing a letter to me to apologize for demanding that I leave the campus for asking about Sue Aina's reasonable disability accommodation. The issue at hand is that the DOE does not conduct professional conflict resolution methods to discover the truth and come up with a reasonable resolution. Ms. Roddy lied, accused me of something I didn't do, and you are not addressing that. And the DOE is not addressing the fact that Ms. Roddy's actions are not in line with the Americans with Disabilities Act.

So, it is evident that the DOE has no interest in the truth, doing the right thing, or implementing professional conflict resolution methods. I did give you the opportunity to make it right. You chose not to take it. Next phase begins.

Vanessa Ott