

**DEPARTMENT OF EDUCATION REASONABLE DISABILITY ACCOMMODATION (RDA)
REQUEST & APPROVAL FORM**

Date of Request: July 31, 2023

School/Complex/Office: Na'alehu Elementary / Kau-Keaau-Pahoa Complex Area

Disabled Person's Name: Suzanne Marie Aina

Disabled Person is: Job Applicant Employee

If an Employee, list:

Employee's Position Title and Level: Teacher

Employee's Worksite Address: 95-5547 Mamalahoa Hwy, Naalehu, Hawaii 96772

Employee's Work Phone & Extension: school phone 808-313-4000

Requestor's Name: Vanessa Ott

Requestor is: Disabled Person Third-Party

Requestor's Address: _____

Requestor's Email Address (optional): MsVOtt@gmail.com

Requestor's Primary Phone: 808-854-1018 Requestor's Secondary Phone: _____

APPLICATION

1) In order to assist the Civil Rights Compliance Branch in making a determination, information describing the nature of the disability is:

In Employee's Personnel Record (*not first RDA request*) Described in attached Form RA-3

2) The following reasonable accommodation(s) are requested:

A.) The employee shall be assigned to a classroom workspace that offers two routes of exit, both to the left *and* to the right once out the door, so that she will not be trapped should there be an obstruction to the right or the left respectively.

B.) The employee shall be assigned to a classroom workspace, as she was before, that provides an evacuation route that enables her to maintain control of her students *and* minimize wear and tear on her wheelchair from monthly drills.

C.) The employee shall be assigned to a classroom workspace at Na'alehu Elementary School that is large enough to accommodate her wheelchair per per the ADA AccessibilityStandards Chapter 5 section 403.5.2 so that she is able to access all of her students, and navigate the workspace *while students are seated at their desks*.

3) The Disabled Person needs to have the reasonable accommodation(s) for the following reasons:

- A.) These accommodations meet the ADA criteria as “reasonable” because they pose no undue hardship to the employer. They cost nothing and will not disruption business operations **unless the CRCB is negligent, and refuses to act now.**
- B.) The employee has a right to a safe workplace.
- C.) The employee has the right to not be discriminated against which occurs when she is segregated from the school during evacuations, and demeaned by the implication that she is unable to perform her job duties because of her disability as has occurred in the past, prior to being afforded this accommodation that has now disappeared.
- D.) The employee has the right to an evacuation drill procedure that does not put unnecessary wear and tear on her wheelchair.
- E.) The employee has a right to a worplace that adheres to the Americans with Disabilities Act AccessibilityStandards.

Americans with Disabilities Act
Accessibility Standards

Chapter 4: Accessible Routes

403 Walking Surfaces

403.5 Clearances

403.5.2 Clear Width at Turn

Where the accessible route makes a 180 degree turn around an element which is less than 48 inches (1220 mm) wide, clear width shall be 42 inches (1065 mm) minimum approaching the turn, 48 inches (1220 mm) minimum at the turn and 42 inches (1065 mm) minimum leaving the turn.

F.) The employee was granted these accommodations in the past, or at least that was what the Defense represented to the Court in *Aina v. Department of Education*

Hawai'i First Circuit Court Case No. 1CC191000694. Based on Findings of Fact which included the representation by CRCB Executive Director Schimmelfennig that these accommodations had been granted, the judgement was against the employee, Ms. Aina, on November 10, 2022. Less that a year later, those accommodations have disappeared, and the ADA violations resume. There is something very unethical about this, and the accommodations need to be restored for all the arguments given over the last decade and the reasons stated above.

G.) Not granting these very reasonable disability accommodations is discriminatory.



Requestor's Signature

July 31, 2023

Date

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DETERMINATION
(For Civil Rights Compliance Branch 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 Branch. Type of reasonable accommodation agreed upon:

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

Civil Rights Compliance Branch Director

Date

B-1

FORM RA-1