

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

Date: Wed, Aug 16, 2023 at 8:23 AM

Subject: Please put on April 24th BOE Agenda: Superintendent's Report on Alleged Civil Rights Violation

To: Warren Haruki <warren.haruki@boe.hawaii.gov>

Cc: Bill Arakaki <bill.arakaki@boe.hawaii.gov>, BOE <BOE.Hawaii@boe.hawaii.gov>, Kahele Dukelow <kahele.dukelow@boe.hawaii.gov>, Kaimana Barcarse <kaimana.barcarse@boe.hawaii.gov>, Ken Kuraya <ken.kuraya@boe.hawaii.gov>, Lauren Moriarty <lauren.moriarty@boe.hawaii.gov>, Makana McClellan <makana.mcclellan@boe.hawaii.gov>, Shanty Asher <shanty.asher@boe.hawaii.gov>, Keith Hayashi <Keith.Hayashi@k12.hi.us>

Aloha Chair Haruki,

The next Board meeting agenda will be posted tomorrow at the end of the day. I urgently ask that you add this agenda item:

- **Superintendent's Report on Alleged Civil Rights Violation**

Over two weeks ago, I first contacted Mr. Hayashi about teacher Sue Aina's work emergency caused by the DOE (Civil Rights Compliance Office in cahoots with Principal Wilma Roddy) taking away the ADA accommodation she was granted in 2016 (assignment to a classroom large enough to accommodate her wheelchair). Mr. Hayashi has refused to communicate with me. All of my unanswered communications are posted on my website here: <https://freespeech4us.com/screwing-the-handicapped>

The Board of Education is tasked with OVERSIGHT of the DOE. Surely, you must realize that by its very structure, DOE investigations do not have any checks and balances on its investigation of complaints concerning (1) peers that report to the Office of Talent Management Assistant Superintendent; (2) the Office of Talent Management Assistant Superintendent; (3) the State Superintendent and Superintendent's Office. In an organization so corrupt that most anyone who disagrees with a supervisor can expect retaliation, an independent Investigations Section that is not under the influence of the Office of the Superintendent is the only one that offers true checks and balances.

Only the Board of Education can provide oversight of this emergency at this point in history with the current DOE structure.

The Maui fire disaster is a reminder that the best test of good management is how prepared it is to deal with emergencies, and what it does to prevent them. Ms. Aina's situation is an emergency caused not by the forces of nature colliding with an electric company's incompetence. **This emergency is caused by** (1) the DOE's illegal violation of ADA law; (2) the incompetence of the DOE to properly document granted employee disability accommodation; and (3) **choices made by the State Superintendent to do absolutely nothing about the emergency**. Proof that Ms. Aina was granted the accommodation of assignment to Room 11, large enough to accommodate her wheelchair, is in the attachments: The official Fraud & Ethics complaint (3 pages) and the attachment submitted with the complaint with Documentation of the Accommodations agreement (6 pages).

The only thing Mr. Hayashi has to do to fix the emergency is call Principal Roddy at Naalehu Elementary School and tell her to honor the disability accommodations agreement the DOE made in 2016, and reassign Ms. Aina to Room 11, or she will suffer disciplinary consequences. That is so simple, I can't believe it hasn't happened yet. Can you? Don't you want to find out from the Superintendent what's going on? Why he's not better at problem solving? Why he's never even responded to me?

Please put my requested topic on the Agenda for the August 24, 2023 Board of Education General Business meeting.

If you do, then perhaps Mr. Hayashi will be able to report by next week that the problem has been solved, the DOE has honored its agreement with Ms. Aina, and she's safely installed in Room 11.

Mahalo,
Vanessa Ott
808 - 854 -1018

BOE Hawaii <boe.hawaii@boe.hawaii.gov>

Date: Wed, Aug 16, 2023 at 4:20 PM

Subject: Re: Please put on April 24th BOE Agenda: Superintendent's Report on Alleged Civil Rights Violation

To: Vanessa Ott <msvott@gmail.com>

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Ms. Ott:

Board of Education Chairperson Warren Haruki has referred your request to the Department for further handling. The Board does not review or overturn decisions made by the Civil Rights Compliance Branch or principals or place matters involving individual teachers on its agenda. You should expect a response from the Department by August 31, 2023.

Mahalo,
Board Staff

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

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

Date: Wed, Aug 16, 2023 at 4:47 PM

Subject: Re: Please put on April 24th BOE Agenda: Superintendent's Report on Alleged Civil Rights Violation

To: Warren Haruki <warren.haruki@boe.hawaii.gov>

Cc: Bill Arakaki <bill.arakaki@boe.hawaii.gov>, Kahele Dukelow <kahele.dukelow@boe.hawaii.gov>, Kaimana Barcarse <kaimana.barcarse@boe.hawaii.gov>, Ken Kuraya <ken.kuraya@boe.hawaii.gov>, Lauren Moriarty <lauren.moriarty@boe.hawaii.gov>, Makana McClellan <makana.mcclellan@boe.hawaii.gov>, Shanty Asher <shanty.asher@boe.hawaii.gov>, BOE <BOE.Hawaii@boe.hawaii.gov>

Thank you for the prompt response.

There is a much broader problem here than one teacher being denied accommodations. That is only one case. If the Board does not investigate all the violations of the law that the Civil Rights Compliance Branch is committing, then you will never fix the problems. The CRCB decisions should be audited by independent experts, like perhaps the EEOC.

Please, in the future, though I want you to be cognizant of the fact that low pay is not the only reason good teachers leave the DOE. It is the horribly toxic environment that harasses whistleblowers and those who pursue their rights. Administrators break the law and there is no accountability. I quit working for the DOE in 2012 because I was retaliated against for years just because I wanted a few cost-free disability accommodations. I spent the last decade trying to change things. But, like so many before me, that is apparently impossible.

Unless the Board of Education is going to look at the problems the public brings to your attention, you are part of the problem. Please provide oversight of CRCB decisions.

It's not only teachers and employees affected. That corrupt department makes horrible decisions about Special Needs students. I could provide you with a lot of evidence of that concerning one student, but what's the point? If I can only produce evidence of one SpEd child who was totally screwed, so his mother pulled him out and moved to CA, but you won't bother to look at it. But, how is any member of the public supposed to get more evidence? UIPA requests don't work. Would you like to see the UIPA requests I sent for more information to the Department of the Attorney General and the DOE, that were denied? Would you even bother to read them? Probably not.

Don't blame the low pay. It is the toxic environment that has resulted from decades of really awful practices and a Board and Superintendent who turn a blind eye.

Mahalo,
Vanessa Ott
808 - 854 -1018