

Parent Named as Plaintiff in IDEA Hearing Against Her Wishes

By: Vanessa Ott

13 August 2020

I am not the parent of a child with a learning disability (I prefer the word “handicap”), but I’ve been helping one for the past several years. I tutor her son (for free), and I help her understand the public education system because she doesn’t speak English very well, and she did not attend school in the United States.

Her son started Grade 6 in August 2019, and transitioned to a new school. He had a very unsuccessful academic year at the new school, in spite of the mother’s and my repeated efforts all year for greater home-to-school collaboration to improve the boy’s outcomes. Pleas to the Complex Area Superintendent for intervention lead us to the DOE Monitoring and Compliance Branch which gave us three options: impartial due process hearing; state complaint; mediation. So, the mother, with my help, filed a request for a public impartial due process hearing on March 24, 2020. (We also tried mediation on the communications issue.)

The parent withdrew almost the entire complaint pertaining to her son not receiving a FAPE (free and *appropriate* education supposedly guaranteed by the federal Individuals with Disabilities Education Act – IDEA). She had no other choice.

Current Hawai’i Administrative Rules enacted by the Board of Education do not allow third parties to assist a parent in an IDEA due process hearing unless that party is an attorney. Parents have the right to represent themselves, but this mom is not educated enough to do that. I’m able (barely), because I have the education to argue the case, and I’m better than nothing, but I’m not allowed to do this under current Administrative Rules.

Until they change the system of redress for SpEd complaints, this parent has no system for public redress of complaints. Mom needs an attorney, but she’s poor. We haven’t found one yet willing to do this for free, and there just aren’t enough civil rights attorneys to go around in the state of Hawai’i. At least she’s now getting some help from the Hawai’i Disability Rights Center to make a better IEP (Individualized Education Plan). We’ll see how his IEP Team meeting goes tomorrow with their help. Nonetheless, there are certain issues that the HDRC is not going to be addressing, one of which is the DOE refusal to give the mother the right to have me included in home-to-school communications (not just in due process hearings, but that, too) so that I can help her and her son.

On July 25th, after straightening out an administrative problem with the previous Monitoring and Compliance Branch point of contact, I asked the new (to me) MC&B Specialist how Ms. Huahulu could get an impartial hearing of her concerns under the current circumstances (uneducated, impoverished, non-English-proficient parent can’t represent herself and cannot afford an attorney).

The next thing we know, the M&C Branch opens *a new* due process hearing case, *exactly like the last one*, with the ATG Office of Dispute Resolution, which in turn opens a due process hearing case ***without the “Petitioner’s” signed consent!***

We ask them to stop. Ms. Huahulu didn't authorize this. She didn't request a hearing, and she certainly didn't sign the request form. Nonetheless, she's named as the Plaintiff in the case and she can't get out of it until she signs a letter asking to withdraw a complaint she didn't even submit. How is this legal?

The following Table of Contents gives the reader an overview of this absolutely ludicrous, expensive, (and legally questionable) endeavor.

Table of Contents

7/25/20 – Ott: Ms. Huahulu cannot afford an attorney; I am not permitted to represent her in IDEA due process hearing; she is not educated enough to represent herself. How can she get her concerns of IDEA violations addressed?	4
7/28/20 – Tanimura: My staff will follow up with you.	4
7/28/20 – White: It appears you are submitting an impartial due process hearing request. ..	4
7/29/20 @ 8:15 AM – ATG ODR: Attached is time-stamped copy of the COMPLAINT AND RESOLUTION PROPOSAL	5
ATTACHMENT: 2020-07-28 Complaint and Resolution Proposal.pdf	7
7/29/20 @ 9:44 AM – ATG ODR: Attached is time-stamped copy of the COMPLAINT AND	8
ATTACHMENT: 2020-07-28 Complaint and Resolution Proposal.pdf	8
7/29/20 @ 10:07 AM – ATG ODR: Attached is LETTER TO PARTIES in the above-referenced matter.	9
ATTACHMENT: 2020-07-29 Letter to Parties.pdf	10
7/29/20 @ 11:59 AM – Ott (To M&CB): I wrote to you asking how Ms. Huahulu can get an impartial hearing regarding son's FAPE when she can't represent herself in court and cannot afford an attorney. She does not want to go through the same failed due process procedure again.....	13
7/29/20 @ 12:18 PM – Ott: We do not understand why Ms. Huahulu is being referred to the AG's office for another due process hearing that will be as unsuccessful as the last one.....	15
7/29/20 @ 12:28 PM – Imamura: The document you sent to M&CB was referred to Attorney General Office of Dispute Resolution	16
7/29/20 @ 12:40 PM – Ott: I thought we made it clear to M&CB that Ms. Huahulu could not pursue a due process hearing, and she did not request one.	16
7/31/20 @ 10:12 AM – ATG ODR: Attached is NOTICE OF PREHEARING CONFERENCE.....	17
ATTACHMENT: 2020-07-31 Notice of Prehearing Conference.pdf	19
7/31/20 @ 10:14 AM – Imamura: We are working on getting a Tongan interpreter for the pre-hearing conference.	24
7/31/20 @ 11:12 AM – Kim: Days we are available.	24
7/31/20 @ 11:25 AM – Imamura: Other meeting time considerations.....	25

7/31/20 @ 1:53 PM – Inouye: I have contacted the Honolulu Reporting Service.	25
7/31/20 @ 1:57 PM – Ott: Ms. Huahulu would like to know why she is being forced into another Due Process Hearing when she does not have an attorney.	26
7/31/20 @ 2:04 PM – Imamura: I will explain more at pre-hearing conference.	26
7/31/20 @ 2:08 PM – Imamura: If court reporters not available, I will record the video conference.	27
7/31/20 @ 2:12 PM – Inouye: Kozuma no longer with Honolulu District.	27
7/31/20 @ 2:36 PM – Ott: What IDEA procedures demand a pre-hearing trial when the parent didn't ask for a due process hearing?	28
7/31/20 @ 4:39 PM – Imamura: These are the HARs that require the hearing must proceed unless you provide a written and signed withdrawal of the request.	29
7/31/20 @ 8:55 PM – Ott: Please make arrangement with Ms. Huahulu for court hearings and do not include me. Someone should explain to her what is going on.	30
8/1/20 – Ott (to M&CB): If Ms. Huahulu’s only option for redress is a State Complaint, is the DOE going to let me represent her in that proceeding?	31
8/6/20 – Ott (to M&CB): Ms. Huahulu would like you to rescind the due process hearing request you submitted to AG ODR in her name w/o her permission.	32
Emails to/from Ms. Huahulu.....	33
8/3/20 – Inouye: Court reporter is on standby for 10:00 meeting.	33
8/3/20 – Imamura: I have not heard from Ms. Huahulu and will postpone the pre-hearing conference.	33
8/4/20 – Yasuda: Attached are proposed dates for a resolution session and the DOE response to the complaint.	34
8/6/20 – Huahulu: I did not ask for due process hearing in July. Please take it away.	36
8/6/20 – Imamura: I can take your case away from calendar only if I receive a signed letter from you stating you want to withdraw your hearing.	37
8/6/20 – Huahulu: Signed letter in Tongan with Ms. Ott’s letter questioning legality of opening a due process hearing and naming Ms. Huahulu as “Petitioner” without her signed consent.	38
8/10/20 – Imamura: Time-stamped receipt of.....	42
8/13/20 @ 1:33 PM – ATG ODR: Translation of Parent’s Letter	43
attachment: 2020-08-13 Translation of Parent's Letter.pdf	43
8/13/20 @ 2:07 PM – AG ODR: Order of Dismissal	44

7/25/20 – Ott: Ms. Huahulu cannot afford an attorney; I am not permitted to represent her in IDEA due process hearing; she is not educated enough to represent herself. How can she get her concerns of IDEA violations addressed?

7/28/20 – Tanimura: My staff will follow up with you.

From: **Cara Tanimura** <cara.tanimura@k12.hi.us>
Date: Tue, Jul 28, 2020 at 3:36 PM
Subject: Re: Let's work collaboratively in the best interests of Tevita Ahomana
To: Vanessa Ott <msvott@gmail.com>
Cc: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>

Aloha Ms. Huahulu and Ms. Ott:

Thank you for your email.

My staff is reviewing the information and will follow up with you.

Sincerely,
Cara Tanimura

Cara Tanimura
Hawaii State Department of Education
Monitoring and Compliance Branch
P.O. Box 2360
Honolulu, Hawaii 96804

Office: (808) 307-3600
Email: cara.tanimura@k12.hi.us

7/28/20 – White: It appears you are submitting an impartial due process hearing request.

From: **Brikena White** <brikena.white@k12.hi.us>
Date: Tue, Jul 28, 2020 at 8:24 PM
Subject: Follow up to your email to the Monitoring and Compliance Branch
To: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>
Cc: Vanessa Ott <msvott@gmail.com>

Dear Ms. Huahulu,

I hope this note finds you well. I am emailing you in response to the email (dated July 25, 2020) and attachment (dated July 24, 2020) that you sent to the Monitoring and Compliance Branch Director Tanimura.

Upon reviewing the attachment, it appears that you are submitting an impartial due process hearing request. Therefore, impartial due process hearing procedures will need to be followed. A staff member from your child's school will be in touch with you to schedule the resolution session. The Office of Dispute Resolutions will also be in contact with you regarding your request for an impartial due process hearing.

We are committed to keeping communication open with you to support you and your child, and it is our obligation to stay impartial while trying to address the actions from your due process complaint. Because this is now in litigation, we cannot discuss any concerns that were raised in the attachment dated July 24, 2020. If you would like to schedule a time to discuss other areas of concern, please let me know.

Please find attached electronic copies of your Procedural Safeguards Notice in Tongan and English. If you have any questions with regard to your rights, please do not hesitate to contact me.

Sincerely,

Brik
Brikena Haxhiraj White, D.Ed.
Monitoring and Compliance Branch
Hawaii State Department of Education

Office: (808) 307-3600
Cell: (541) 543-9197
Fax: (808) 733-4412
Email: brikena.white@k12.hi.us

*Attachments: PSN Tongan 2020.pdf
PSN English 2020.pdf*

[Note: The attachments are the Procedural Safeguards Notice in Tongan and English. Ms. Huahulu is not educated enough to understand this legalese in either language.]

7/29/20 @ 8:15 AM – ATG ODR: Attached is time-stamped copy of the COMPLAINT AND RESOLUTION PROPOSAL

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>
Date: Wed, Jul 29, 2020 at 8:15 AM
Subject: TA v. DOE, DOE-SY2021-014, Complaint and Resolution Proposal
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>
Cc: msvott@gmail.com <msvott@gmail.com>, Marie Inouye <marie.inouye@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>

Dear Parent and DOE,

Please find attached for your files and information, a time-stamped copy of the COMPLAINT AND RESOLUTION PROPOSAL received in the above-referenced matter.

The document above has been encrypted with a password. The password is as follows, **student's first and last initials (in all Caps) followed by their ID number** as provided in the Complaint. Please contact our office if you have any questions. Thank you,

Office of Dispute Resolution

Department of the Attorney General

Richards Building

707 Richards Street, Suite 520

Honolulu, Hawaii 96813

Email: atg.odr@hawaii.gov

Phone: (808) 587-7680

attachment: *2020-07-28 Complaint and Resolution Proposal.pdf*

Feketi Huahulu
1326 Ke'eaumoku St., #106
Honolulu, HI 96814
HuahuluFeketi@gmail.com
808-308-8977

please cc: IEP Team Member and my interpreter,
Vanessa Ott, in written correspondence.

Vanessa Ott
MsVOtt@gmail.com
808-854-1018

July 24, 2020

NOTE: This document is identical (except p. 1, filename, and footer) to a due process hearing request that parent was unable to pursue for various reasons. Therefore, this document contains many references to "due process hearing." In this submission, **these words should be interpreted as:**

"impartial hearing"

Parent needs a FAPE for her son, and DOE oversight by impartial IDEA experts is necessary in order to achieve this.

TO: HAWAII DOE OFFICE OF THE DEPUTY SUPERINTENDENT MONITORING AND COMPLIANCE BRANCH
re: Tevita Ahomana (student ID: 1281600637)

My son, Tevita Ahomana, is not receiving an appropriate education as required by IDEA law.

I request a due process hearing to address this complaint, and as the first step, request a resolution session within 15 days.

Due to Mayor Caldwell's Work from Home Order, it appears that we will have to use some type of online meeting software to conduct business. Ms. Ott can help me with the technology. I need to arrange a practice session with someone at the DOE in advance of a resolution session to make sure I am able to get connected.

All the evidence supporting this complaint is available online through the links on this private web page:

<https://freespeech4us.com/due-process-hearing>

Should this complaint be deemed sufficient, I request the following conditions for the resolution session:

- The participation of an impartial curriculum expert (experts) who has (have) experience with the general education Language Arts and Math curricula selected by Robert Louis Stevenson Middle School (RLSMS), *Springboard* and *Ready Math* (including the Teacher Toolkit), and understands the differentiation materials available in each curriculum so s/he is able to make informed judgments regarding Tevita's current alternative curriculum (as evidenced by student work) compared to the school-selected general education curriculum.
- My chosen IEP Team Member, Vanessa Ott, who also serves as my personal interpreter and assistant will be treated as an equal participant and will often speak on my behalf.
- A clear understanding that I am going to record the session.

The rest of this 23-page document is identical to the withdrawn due process hearing request posted at: <https://freespeech4us.com/due-process-hearing>

7/29/20 @ 9:44 AM – ATG ODR: Attached is time-stamped copy of the COMPLAINT AND

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>
Date: Wed, Jul 29, 2020 at 9:44 AM
Subject: TA v. DOE, DOE-SY2021-014, Complaint and Resolution Proposal
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>
Cc: msvott@gmail.com <msvott@gmail.com>, Marie Inouye <marie.inouye@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>

Dear Parent and DOE,

Please find attached for your files and information, a time-stamped copy of the COMPLAINT AND RESOLUTION PROPOSAL received in the above-referenced matter.

Please note that this document is being resent to include the Office of Dispute Resolution’s Case Number.

The document above has been encrypted with a password. The password is as follows, **student’s first and last initials (in all Caps) followed by their ID number** as provided in the Complaint. Please contact our office if you have any questions.

Thank you,

Office of Dispute Resolution

Department of the Attorney General
Richards Building
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Email: atg.odr@hawaii.gov
Phone: (808) 587-7680

Another copy of the attachment sent at 8:15 AM

ATTACHMENT: 2020-07-28 Complaint and Resolution Proposal.pdf

ODR Case No. DOE-SY2021-014

Feketi Huahulu
1326 Ke’eaumoku St., #106
Honolulu, HI 96814
Huahulufeketi@gmail.com
808-308-8977

please cc: IEP Team Member and my interpreter,
Vanessa Ott, in written correspondence.
Vanessa Ott
MsVOtt@gmail.com
808-854-1018

July 24, 2020

NOTE: This document is identical (except p. 1, filename, and footer) to a due process hearing request that parent was unable to pursue for various reasons. Therefore, this document contains many references to “due process hearing.” In this submission, **those words should be interpreted as: “impartial hearing”**

Parent needs a FAPE for her son, and DOE oversight by impartial IDEA experts is necessary in order to achieve this.

TO: HAWAII’S DOE OFFICE OF THE DEPUTY SUPERINTENDENT MONITORING AND COMPLIANCE BRANCH
re: Tevita Ahomana (student ID: 1281600637)

My son, Tevita Ahomana, is not receiving an appropriate education as required by IDEA law.

I request a due process hearing to address this complaint, and as the first step, request a resolution session within 15 days.

Due to Mayor Caldwell’s Work from Home Order, it appears that we will have to use some

7/29/20 @ 10:07 AM – ATG ODR: Attached is LETTER TO PARTIES in the above-referenced matter.

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>

Date: Wed, Jul 29, 2020 at 10:07 AM

Subject: TA v. DOE, DOE-SY2021-014, Letter to Parties

To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>

Cc: msvott@gmail.com <msvott@gmail.com>, Marie Inouye <marie.inouye@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>

Dear Parent and DOE,

Please find attached for your files and information, a copy of the LETTER TO PARTIES in the above-referenced matter.

The document above has been encrypted with a password. The password is as follows, **student's first and last initials (in all Caps) followed by their ID number** as provided in the Complaint. Please contact our office if you have any questions.

Thank you,

Office of Dispute Resolution

Department of the Attorney General

Richards Building

707 Richards Street, Suite 520

Honolulu, Hawaii 96813

Email: atg.odr@hawaii.gov

Phone: (808) 587-7680

2020-07-29 Letter to Parties.pdf



OFFICE OF DISPUTE RESOLUTION
DEPARTMENT OF THE ATTORNEY GENERAL

STATE OF HAWAII
Richards Building
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Phone: (808) 587-7680
Email: atg.odr@hawaii.gov

July 29, 2020

Sent via email only

Feketi Huahulu
1326 Ke'eaumoku Street, #106
Honolulu, Hawaii 96814
HuahuluFeketi@gmail.com
Mother of Student

Stuart Kim
District Educational Specialist, Kaimuki-McKinley-Roosevelt Complex
3440 Leahi Ave
Honolulu, Hawaii 96816
Stuart.Kim@k12.hi.us
Representative for Respondents

Re: DOE-SY2021-014—In the Matter of Tevita AHOMANA v. the Department of Education, State of Hawaii, and Christina K. Kishimoto, Superintendent of the Hawaii Public Schools

Dear Ms. Huahulu and Mr. Kim:

I have been appointed as the administrative hearings officer in the above-referenced matter. Please be advised that I have no personal, professional, or financial relationship with either party in this matter that would affect my ability to render an impartial decision. If you have any questions or concerns about this, please let me know immediately via email with a copy to the opposing party.

The Request for Impartial Hearing (hereinafter "Complaint") in this matter is dated July 24, 2020. The IDEA allows for a thirty (30) day period after receipt of the Complaint by the DOE, during which the parties work through a resolution session to determine if the issues can

TA v. DOE, DOE-SY2021-014 Letter to Parties

be resolved without a hearing. The IDEA, under Hawai'i Administrative Rule 8-60-64(c), further provides that the forty-five (45) day deadline by which a decision must be issued in this case will commence the day after the end of the resolution period OR the day after one of the following events: 1) Both parties agree in writing to waive the resolution meeting; 2) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or 3) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or department withdraws from the mediation process. Please notify me via email immediately if any of the three listed events occur and copy your communication to the opposing party.

Allowing for the thirty (30) day resolution period without the above-mentioned events occurring, the 45-day deadline by which I must issue a decision will begin to run on August 24, 2020 and will expire on October 7, 2020.

Upon submission of any response to the Petitioners' Complaint, please forward an electronic copy of the to our office at atg.odr@hawaii.gov, with a copy to the opposing party. The response will be time-stamped and made a part of the record for this case.

The pre-hearing conference is *tentatively* scheduled for **Monday, August 31, 2020 at 10:30 a.m.** Due to COVID-19 social distancing mandates, the pre-hearing conference will take place over the Zoom videoconferencing platform. A Notice of Pre-hearing Conference, Subjects to be Considered will be sent out before the conference. Please contact our office if you have any scheduling concerns with above-mentioned date/time, or if you have any other questions or concerns. Please be advised that any communication with the Hearings Officer must be copied to the opposing party.

Very truly yours,



Chastity T. Imamura
Hearings Officer

CC: Vanessa Ott, MsVOtt@gmail.com
Marie Inouye, Marie.Inouye@k12.hi.us
Stephanie Kozuma, Stephanie.Kozuma@k12.hi.us

Enclosures

TA v. DOE, DOE-SY2021-014 Letter to Parties

HEARING PROCESS GUIDELINES

The following guidelines explain what is expected of parties during the course of the hearing process. This document is not a description or explanation of the parties' rights relating to the hearing. Rather, the purpose of these guidelines is to assist parties to effectively participate in the hearing process.

It is expected that each party will:

1. Treat other participants respectfully, e.g., not carry on side conversations during the hearing, and interrupt others when they are talking, or be rude or discourteous.
2. Be reasonably available, on time, prepared, and ready to participate in status conferences, prehearing conferences, and hearings.
3. Be prepared regarding the witnesses it will call, the questions it will ask the witnesses, and the exhibits or documents it wants to discuss with the witnesses and have the Hearings Officer consider. Often it helps to write down the questions or points a party wants to ask a witness, especially if the party is going to testify.
4. Direct questions about the process – what something means (such as when legal jargon is used) or why you are being asked to do something – to the Hearings Officer. Also, any arguments or objections to something must be made to the Hearings Officer.
5. Not take a lot of time or breaks during the hearing to get organized. A reasonable number of breaks are allowed. If one is needed, a party must ask the Hearings Officer.
6. Understand that in rendering a decision, a Hearings Officer may only consider what witnesses say while testifying on the record, or documents (called exhibits) that are made a part of the record.
7. Put requests (also known as motions) that the Hearings Officer do or allow something to be done (e.g., such as reschedule a hearing date, dismiss an issue or allow a witness to testify by telephone), or responses to such requests, in writing. These requests do not need to be typed, but they must be readable.
8. After the Hearings Officer has heard what the parties have to say about something, such as a request (or a motion), and ruled, the parties must read and obey the directives and rulings of the Hearings Officer, even if the parties disagree with them.

A party cannot:

1. Receive advice on legal questions, strategy, or what to do in presenting its case from the Hearings Officer.
2. Talk to the Hearings Officer about anything except scheduling matters when the other party is not on the phone or present. If a party sends any written communication (letter, email, etc.) to the Hearings Officer, the party must also send a copy of that communication to the opposing party. If the party does not do this, it is an *ex parte* communication with the Hearings Officer, which is prohibited by law. A party can request of the Hearings Officer that s/he schedule a conference call so both parties can participate.

7/29/20 @ 11:59 AM – Ott (To M&CB): I wrote to you asking how Ms. Huahulu can get an impartial hearing regarding son's FAPE when she can't represent herself in court and cannot afford an attorney. She does not want to go through the same failed due process procedure again.

From: **Vanessa Ott** <msvott@gmail.com>
Date: Wed, Jul 29, 2020 at 11:59 AM
Subject: Fwd: Let's work collaboratively in the best interests of Tevita Ahomana
To: Brikena White <brikena.white@k12.hi.us>
Cc: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>

Aloha Ms. White,

[See above.](#)

I'm sorry for any confusion I may have caused. Perhaps you did not receive the email that was sent with the attachment. Please read my 7/25 email to the MC&B first (copied below), and allow me to explain those points in more depth.

First, it's important to understand that Ms. Huahulu dropped out of high school in Tonga when she was 16 years old. Without a high school, much less college education, she cannot understand the legalese of the Procedural Safeguards even if they are written in Tongan. This is also why the offers of a Tongan interpreter are not useful. The DOE interpreters only translate -- they provide no content interpretation, advice, background knowledge, in-depth discussion, etc. This is why I wrote in my email, "*There's nothing impartial about the Hawaii IDEA impartial due process hearing option. It's completely inaccessible to -- and biased against -- poor, uneducated, non-English-speaking parents.*" Ms. Huahulu is not even a citizen yet. She does not understand the concept of civil rights because she was raised under the Tongan monarchy, not a democracy. All these reasons are why Ms. Huahulu wants me to help her. To do that, we need for the employees of the Department of Education, from LEA to SEA, to work with us collaboratively by communicating in English and including me in all the correspondence.

Regarding the Due Process Hearing:

Ms. Huahulu is unable to access the Due Process Hearing procedures because she cannot afford to hire an attorney. Current state laws prohibit the third-parties such as myself to speak for parents at due process hearings. (Note that this is not the case for all state departments, but is the

case for the DOE until people in power, such as yourself, change the status quo.) Ms. Huahulu cannot represent herself even with a Tongan interpreter because she's not educated enough to do so. Therefore, the due process hearing request had to be withdrawn. It's done. No one will be contacting us for yet another resolution session. But, I assure you, **nothing** was resolved.

So, what's next? We tried 3rd-party mediation. Not even a resolution on simple communications processes, and while it's confidential and can't tell you what was discussed, I can tell you the outcome of that very time-consuming process was: no resolution. We tried due process which is completely closed to those with no attorney unless they are able represent themselves. Ms. Huahulu is not. So, there's *still* no resolution on all the violations of the IDEA that prevent Ms. Huahulu's son from receiving a FAPE, and no impartial hearing. What are we going to do about all that?

Perhaps you were confused, because the document I sent made a lot of references to the due process hearing. The red text box at the top of the attachment reads as follows:

NOTE: This document is identical (except p. 1, filename, and footer) to a due process hearing request that parent was unable to pursue for various reasons. Therefore, this document contains many references to "due process hearing." In this submission, **those words should be interpreted as:**

"impartial hearing"

Parent needs a FAPE for her son, and DOE oversight by impartial IDEA experts is necessary in order to achieve this.

I could go through that document and the web page it references with all the evidence, delete all the phrases that say, "due process hearing," and replace them with "impartial hearing," but is that really necessary? Can you just replace "due process" with "impartial" when you read the documentation instead, and save me all that editing work?

If you can help Ms. Huahulu find an attorney who will represent her pro bono, she can proceed with the due process hearing. As far as I can tell, the DOE has unlimited access to attorneys through the AG's office. So, the whole process of ensuring that a student receives a FAPE is extremely biased *against* uneducated, immigrant parents living in poverty. It's just unfair. Isn't there some process by which the parent can have an impartial hearing with me to help her and professionally resolve the issues at hand? Until now, it's been whatever the Principal wants, the Principal gets, but what the Principal wants is denying the child a FAPE. There's no oversight. We need oversight that includes people who understand:

- The purpose of the IDEA; what is required by federal law; what is left to the states to decide; and what is permissible though unstated (the IDEA is deliberately vague).
- Education. What makes a good curriculum and what doesn't (especially for Tevita and his individual circumstances).
- Disability accommodations. Why Special Education students need all of their teachers to understand and implement the accommodations the student needs to succeed.
- What authentic parent & community engagement actually is, and what it looks like.
- What the IEP Team is supposed to be doing and the fact that *all* of the member (including me and the parent) should be involved in its development.

- That "consideration" of a request means an explanation needs to accompany any denial, not just "I considered it and say no."
- Professional business practices such as netiquette, email response times, and teachers' office hours.
- Board of Education policies.

...as well someone who has the authority to overrule the Principal if necessary. It is necessary. If someone would just give us an impartial hearing, I think we can prove the case. The problem is, we can't seem to get an impartial hearing.

So, that's where we are. What are we supposed to do next?

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

7/29/20 @ 12:18 PM – Ott: We do not understand why Ms. Huahulu is being referred to the AG's office for another due process hearing that will be as unsuccessful as the last one.

From: **Vanessa Ott** <msvott@gmail.com>
Date: Wed, Jul 29, 2020 at 12:18 PM
Subject: Re: TA v. DOE, DOE-SY2021-014, Letter to Parties
To: ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: Brikena White <brikena.white@k12.hi.us>, Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>

Hello Everyone,

We do not understand why Ms. Huahulu is being referred to the AG's office for *another* due process hearing that will be as unsuccessful as the last one. She doesn't have an attorney. She is not educated enough to represent herself. I'm not allowed to speak for her hand help her during the hearing. Nothing has changed, so why is this happening?

Insanity is doing the same thing over and over and expecting a different outcome. Is there some reason she can expect a different outcome? Has something changed? if not, this is insane by the commonly understood definition above, yes?

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

7/29/20 @ 12:28 PM – Imamura: The document you sent to M&CB was referred to Attorney General Office of Dispute Resolution

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>
Date: Wed, Jul 29, 2020 at 12:28 PM
Subject: RE: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014, Letter to Parties
To: Vanessa Ott <msvott@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: Brikena White <brikena.white@k12.hi.us>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>

Good afternoon Ms. Ott and Ms. Huahulu,

Thank you for your clarification. The document that you sent over to the Hawaii DOE Office of the Deputy Superintendent Monitoring and Compliance was referred to our office by them, as they understood it to be a request for due process hearing (even with the “impartial hearing” note). We will clarify with them the procedure to transfer the case back to them and will get back to you.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

7/29/20 @ 12:40 PM – Ott: I thought we made it clear to M&CB that Ms. Huahulu could not pursue a due process hearing, and she did not request one.

From: **Vanessa Ott** <msvott@gmail.com>
Date: Wed, Jul 29, 2020 at 12:40 PM
Subject: Re: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014, Letter to Parties
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>

Thank you, Chastity.

It seems that the DOE doesn't have any process for even attempting to handle IDEA / IEP disputes with a Principal other than to immediately hand them to the AG's Office. That's a giant puka in the DOE IDEA compliance system. I'm trying to work it out with them. You can see the correspondence I wrote to Ms. Brikena White before seeing the emails from you (below). I thought we made it clear to them that a due process hearing wasn't an option for Ms. Huahulu. Brikena White was newly assigned to the case because the previous person from the

DOE Monitoring & Compliance Branch assigned in December (Taren Taguchi) was recently taken off the case.

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

7/31/20 @ 10:12 AM – ATG ODR: Attached is **NOTICE OF PREHEARING CONFERENCE**

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>
Date: Fri, Jul 31, 2020 at 10:12 AM
Subject: TA v. DOE, DOE-SY2021-014
To: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Cc: Vanessa Ott <msovott@gmail.com>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>

Good morning Parent and DOE,

Please find attached for your files and information, a time-stamped copy of the **NOTICE OF PREHEARING CONFERENCE** issued in the above-referenced matter. Due to the correspondence regarding this case, the pre-hearing conference is being set expeditiously, so please let our office know immediately if you are not able to attend the pre-hearing conference. If you do so, please provide alternate dates times on Monday, August 3, 2020, Tuesday, August 4, 2020 or Wednesday, August 5, 2020 that you are available.

The Zoom link for the pre-conference hearing is attached below. Please contact our office if you have any trouble accessing the link.

The document above has been encrypted with a password. The password is as follows, **student's first and last initials (in all Caps) followed by their ID number** as provided in the Complaint. Please contact our office if you have any questions.

Thank you,
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
atg.odr@hawaii.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Chastity Imamura is inviting you to a scheduled Zoom meeting.

Topic: TA v. DOE, DOE-SY1920-043, Pre-Hearing Conference

Time: Aug 4, 2020 10:30 AM Hawaii

Join Zoom Meeting

<https://us02web.zoom.us/j/85628072680?pwd=eG9yTVRzSXarc25kMXcxWUw3YThwUT09>

Meeting ID: 856 2807 2680

Passcode: TA1281600637

One tap mobile

+16699009128,,85628072680#,,,,,0#,,4212029755# US (San Jose)

+12532158782,,85628072680#,,,,,0#,,4212029755# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 856 2807 2680

Passcode: 4212029755

Find your local number: <https://us02web.zoom.us/j/85628072680?pwd=eG9yTVRzSXarc25kMXcxWUw3YThwUT09>

attachment: 2020-07-31 Notice of Prehearing Conference.pdf

DEPARTMENT OF THE ATTORNEY GENERAL
OFFICE OF DISPUTE RESOLUTION
2020 JUL 31 AM 9:50 *SK*



OFFICE OF DISPUTE RESOLUTION
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAI'I

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-SY2021-014

NOTICE OF PREHEARING CONFERENCE;
SUBJECTS TO BE CONSIDERED

Hearings Officer: Chastity T. Imamura

NOTICE OF PREHEARING CONFERENCE

TO: Feketi Huahulu
1326 Ke'eaumoku Street, #106
Honolulu, Hawaii 96814
HuahuluFeketi@gmail.com

Stuart Kim
District Educational Specialist, Kaimuki-
McKinley-Roosevelt Complex
3440 Leahi Avenue
Honolulu, Hawai'i 96816
Stuart.Kim@k12.hi.us

YOU ARE NOTIFIED that pursuant to 34 C.F.R. § 300.511 and §8-60-65(e), Hawai'i
Administrative Rules, a prehearing conference has been scheduled as follows:

Date: **Tuesday, August 4, 2020**
Time: **10:30 a.m.**
Location: **Via Zoom video conference**

The pre-hearing conference will be conducted over the Zoom web-based video conference platform. An email link will be sent to each party by the Office of Dispute Resolution. Please provide the email addresses of any additional participants you would like to attend the pre-hearing conference by Tuesday, August 4, 2020 at 9:00 a.m.

The Hearings Officer may change the date and/or time of the prehearing conference at her discretion or, for good cause, at the request of either party. Additional hearing dates may be added at the discretion of the Hearings Officer.

The matters listed on the attached "Subjects to be Considered" document will be discussed at the prehearing conference.

This Notice can be made available for individuals with special needs. Individuals requiring special accommodations for the prehearing conference and hearing (e.g. sign language interpreter, large print, taped materials, etc.), are requested to call the ODR at (808) 587-7680.

DATED: Honolulu, Hawai'i, July 31, 2020.



CHASTITY T. IMAMURA
Hearings Officer

PREHEARING CONFERENCE – SUBJECTS TO BE CONSIDERED

The following matters will be discussed/reviewed during the prehearing conference (not necessarily in the order listed below):

1. If the parent is not represented by an attorney, does the parent plan to retain an attorney before the due process hearing? (If so, the parent or new attorney must immediately advise the hearings officer and opposing attorney of the attorneys' appearance in the case.
2. If not represented by an attorney, did the parent receive a list of sources to contact to obtain assistance in understanding IDEA, including rights regarding a hearing and possible legal representation?
3. When did the resolution meeting process conclude? Who was present for each party? Was an agreement reached by the parties, if any? Was it written and signed by the parties? Are the parties willing to pursue/considering pursuing mediation or further settlement discussions? When did/does the 20/45-day deadline start running?
4. What are the specific issues to be determined (e.g., what aspects of the IEP are alleged to be inappropriate) and what is the proposed relief (e.g., what type/amount of compensatory education is sought)? During the prehearing conference, the hearings officer may require the parties to provide further clarification/specificity of their claims, defenses and requested relief.
5. Did the Respondent file a response? If not, how will the Respondent's failure to file the required response be addressed?
6. Are there any admissions of fact or stipulations? Did the parties reach an agreement on any of the claims in the complaint, whether at the resolution meeting or thereafter?
7. What witnesses does each party contemplate calling at the hearing and how much time will be needed to hear them all? (Attorneys/parties are expected to give their witness list some meaningful thought prior to the prehearing conference to allow the hearing officer to make an informed decision on how much time each party will be given to present its case.) What additional time, if any, should be scheduled to deal with unanticipated problems/delays?

8. Confirm when and where the hearing will be held (i.e., date(s), and time(s)).
9. Is any continuance of the 45-day timeline anticipated? If so, what is the compelling reason or specific showing of substantial hardship the hearings officer should consider? How might an extension of the 45-day timeline be avoided?
10. What is the due date for the five-day disclosures, witness lists (including a name, role/position, address, phone number, and general thrust of the testimony), and evaluations/written recommendations that may be introduced during the course of the due process hearing?

Note: (1) Each party's disclosures must separately identify those witnesses whom, and exhibits which, the party expects to present/offer and those whom/which the party may call/offer if the need arises; (2) the disclosures must designate witnesses expected to be presented by telephone, if permitted in the discretion of the hearings officer; (3) copies of all proposed exhibits shall be appropriately marked (i.e., for parents, as P-1, etc.; for HIDOE as SD-1, etc.; and Joint as J-1, etc.) (each page of the proposed exhibit shall be numbered as well, e.g., P-1-1, P-1-2, etc.); (4) the hearings officer may direct each party to file with the hearings officer, a copy of the proposed evidence binder with exhibits, divided by tabs; by the disclosure date in such manner as the hearings officer directs; (5) in their five-day disclosures, each party must provide a curriculum vitae for all proposed expert witnesses; and (6) for the hearing, each party must have available four sets of exhibit books, i.e., one for each party, one for witnesses, and one for the hearings officer (unless directed otherwise).

Hearings officer may direct the parties to submit joint exhibits.

11. Does either party anticipate having a problem accessing or obtaining witnesses or records (i.e., the need to compel witnesses or the production of documents)? The requesting party should be prepared to explain the relevance of the witness testimony or records requested.

If yes, the party that refuses to produce the witness or records should be prepared to explain why it will not voluntarily ensure the appearance of the witness or production of the documents.

Will HIDOE make current employees voluntarily available at the due process hearing?

12. Does either party anticipate any witness scheduling or other logistical problems? How does the party propose to resolve them?

13. Do the parties anticipate any motions/requests or other disputes that should be addressed during the prehearing conference? If so, how will they be addressed, i.e., the dates on which motions/requests must be filed and the timeline for decisions on the motions?
14. Any other matters that the hearings officer deems appropriate or the parties want to discuss.

Note: The following matters will be addressed:

- Whether the Parent opts for a hearing to be open or closed.
- Whether either party requires interpreter services, the translation of documents or other accommodations.
- Confirm that the Petitioner shall proceed first at the hearing.
- Confirm that the Petitioner shall carry the burden of persuasion.
- Confirm that the parties shall be prepared to present oral closing argument, unless leave is granted by the hearings officer to allow for post-hearing written submissions.
- Whether the Parent elects to be provided with written or electronic findings of fact and decisions.

DIRECTIVE: The parties are directed that if any problem or dispute arises between the time of the prehearing conference and the time the decision is issued, and the parties are unable to mutually resolve the dispute, there by necessitating the involvement of the hearings officer, they shall immediately contact the hearings officer. The hearings officer shall address the matter by scheduling a telephone conference call or in such manner as is deemed appropriate under the circumstances.

7/31/20 @ 10:14 AM – Imamura: We are working on getting a Tongan interpreter for the pre-hearing conference.

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>
Date: Fri, Jul 31, 2020 at 10:14 AM
Subject: TA v. DOE, DOE-SY2021-014
To: stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>, Vanessa Ott <msvott@gmail.com>

Good morning Mr. Kim and Ms. Huahulu,

For the pre-hearing conference we have scheduled next week, could the DOE please arrange for a court reporter to be present during the pre-hearing conference? We are also working on getting a Tongan interpreter for the pre-hearing conference as well.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

7/31/20 @ 11:12 AM – Kim: Days we are available.

From: **Stuart Kim** <stuart.kim@k12.hi.us>
Date: Fri, Jul 31, 2020 at 11:12 AM
Subject: Re: TA v. DOE, DOE-SY2021-014
To: ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, Vanessa Ott <msvott@gmail.com>, Marie Inouye <marie.inouye@k12.hi.us>

Ms. Imamura, we are unavailable on Tuesday, August 4. We have a hearing scheduled for August 4, 5, and possibly 6. We are available on Monday, August 3 from 10:00 a.m. Will we need to secure a court reporter? Please advise. Thank you, Stuart.

7/31/20 @ 11:25 AM – Imamura: Other meeting time considerations.

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>
Date: Fri, Jul 31, 2020 at 11:25 AM
Subject: RE: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014
To: Stuart Kim <stuart.kim@k12.hi.us>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, Vanessa Ott <msvott@gmail.com>, Marie Inouye <marie.inouye@k12.hi.us>

Good morning Mr. Kim,

Thank you for responding. I can move the pre-hearing conference to either Monday, August 3, 2020 at 10:00 a.m. (or anytime thereafter before 4:30 p.m.), or Tuesday, August 4, 2020, at 12:00 p.m. so hopefully you can do the conference at the lunch break. If your hearing is with the other ODR Hearings Officer, I will make arrangements for her to allow you some extra time to do the pre-hearing conference and also have lunch.

Ms. Huahulu, please advise as to which time works better for you-August 3, 2020 at 10:00 a.m. or Tuesday, August 4, 2020 at 12:00 p.m.

Mr. Kim, a court reporter would be best if one is available, if not, then we can just record the pre-hearing conference.

We are still working to get an interpreter.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

7/31/20 @ 1:53 PM – Inouye: I have contacted the Honolulu Reporting Service.

From: **Marie Inouye** <marie.inouye@k12.hi.us>
Date: Fri, Jul 31, 2020 at 1:53 PM
Subject: Re: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Cc: Stuart Kim <stuart.kim@k12.hi.us>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, Vanessa Ott <msvott@gmail.com>

Hello ,

I have contacted the Honolulu Reporting Service and they have informed me that someone will be able to come on Monday, but that no one is available on Tuesday.

As soon as the date is confirmed I will contact them again.

Thank you!

7/31/20 @ 1:57 PM – Ott: Ms. Huahulu would like to know why she is being forced into another Due Process Hearing when she does not have an attorney.

From: **Vanessa Ott** <msvott@gmail.com>
Date: Fri, Jul 31, 2020 at 1:57 PM
Subject: Re: TA v. DOE, DOE-SY2021-014
To: ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>

Ms. Huahulu would like to know why she is being forced into another Due Process Hearing on the same issues as before when she does not have an attorney to represent her.

Who is forcing this on her?

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

7/31/20 @ 2:04 PM – Imamura: I will explain more at pre-hearing conference.

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>
Date: Fri, Jul 31, 2020 at 2:04 PM
Subject: RE: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014
To: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>, Vanessa Ott <msvott@gmail.com>

Good afternoon Ms. Huahulu,

I will explain more at the pre-hearing conference, but there are certain procedures that are required by the IDEA that prevents me from transferring the case to

the DOE Monitoring and Compliance office. The reason for the expedited pre-hearing conference is to get these matters cleared up quickly so other avenues may be pursued if that is what you would like.

Please let us know if the Monday, August 3, 2020 at 10:00 a.m. date/time works for you. Alternatively, Tuesday, August 4, 2020 at 12 noon is available as well.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

7/31/20 @ 2:08 PM – Imamura: If court reporters not available, I will record the video conference.

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>
Date: Fri, Jul 31, 2020 at 2:08 PM
Subject: RE: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014
To: Marie Inouye <marie.inouye@k12.hi.us>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, Vanessa Ott <msvott@gmail.com>

Good afternoon Ms. Inouye,

Thank you for contacting them. If the pre-hearing conference ends up being set on Tuesday, then I will just record the videoconference.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

7/31/20 @ 2:12 PM – Inouye: Kozuma no longer with Honolulu District.

From: **Marie Inouye** <marie.inouye@k12.hi.us>
Date: Fri, Jul 31, 2020 at 2:12 PM

Subject: Re: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Cc: ATG Office of Dispute Resolution <atg.odr@hawaii.gov>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, Vanessa Ott <msvott@gmail.com>

Hi there,

Sorry, I thought I should also let you know Stephanie Kozuma is no longer with Honolulu District so you can take her off the email contacts.

Thank you!

7/31/20 @ 2:36 PM – Ott: What IDEA procedures demand a pre-hearing trial when the parent didn't ask for a due process hearing?

From: **Vanessa Ott** <msvott@gmail.com>
Date: Fri, Jul 31, 2020 at 2:36 PM
Subject: Re: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Cc: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Stephanie.Kozuma@k12.hi.us <Stephanie.Kozuma@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>

Aloha Chastity,

As for a meeting next week, I am off island and cannot attend. I'd really rather not spend any more time on another Kafkaesque meeting. Besides, I think it would be much clearer for Ms. Huahulu, me, and probably other invitees if you put in writing whatever you have to tell us. I can't see that there's anything to discuss, anything that can't be put in writing. Then, I can explain it to Ms. Huahulu at her own pace of understanding.

Also, I would really like to know, before we spend any more time on this, what exactly what the IDEA procedures (statute and regulation references, please), that are demanding a pre-hearing trial when the parent didn't ask for a due process hearing, and why the AG's Office is involved when there's been no request for a due process hearing.

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

7/31/20 @ 4:39 PM – Imamura: These are the HARs that require the hearing must proceed unless you provide a written and signed withdrawal of the request.

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>

Date: Fri, Jul 31, 2020 at 4:39 PM

Subject: TA v. DOE, DOE-SY2021-014

To: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>

Cc: stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>, Vanessa Ott <msovott@gmail.com>

Good afternoon Ms. Huahulu,

I am again requesting confirmation on whether **you** will be able to attend a pre-hearing conference next week. In the previous case filed earlier this year, I clarified that Ms. Ott cannot represent you in these proceedings (please see attached). As a courtesy to you, our office typically copies correspondence to her. However, as Ms. Ott is not an attorney and cannot represent you, I need answers directly from you.

As far as the additional information that I intended to clarify further at the pre-hearing conference, the laws and administrative rules in Hawaii regarding the IDEA provide that a parent has three avenues through which they may address a concern regarding their IDEA rights: 1) filing a State complaint (Hawaii Administrative Rules or “HAR” 8-60-52); 2) mediation (HAR 8-60-60); and 3) a due process hearing (HAR 8-60-61 through HAR 8-60-69).

Hawaii Administrative Rules 8-60-53(c) provides that:

1. If a written complaint is received that is also the subject of a due process hearing under section 8-60-61 or sections 8-60-75 through 8-60-77, or contains multiple issues of which one or more are part of that hearing, the department shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action shall be resolved using the time limit and procedures described in subsections (a) and (b).
2. If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties:
 - A. The due process hearing decision is binding on that issue; and
 - B. The department shall inform the complainant to that effect.
3. A complaint alleging a school's failure to implement a due process hearing decision shall be resolved by the department.

[Eff 11/23/09] (Auth: 20 U.S.C. 1221e-3, HRS §302A-1112) (Imp: 34 C.F.R. §300.152)

Because the complaint that you filed references an impartial hearing under the IDEA throughout the document, the DOE Monitoring and Compliance office was obligated to set aside their procedures and refer the case for a due process hearing, which is what happened in this case. Changing the words due process hearing to impartial hearing does not transform the request into a non-hearing

request. Accordingly, there is no mechanism to 'transfer' this case back to the DOE Monitoring and Compliance Branch, as I had earlier erroneously alluded to.

While I do understand that based on the email communications that have been forwarded to me, that your intent was not to have this case filed as a hearing request, I am obligated to treat this as a hearing case and proceed under my given timelines and deadlines (HAR 8-60-61 through 8-60-69). The intent of setting an expedited pre-hearing conference was to get clarification from you on the record about how you want to proceed. I intended to explain to you that if you would like to pursue a hearing, we can set dates and the case will proceed. However, if you clarified that you still do not want to pursue a hearing and wanted to explore other options, I intended to explain that I would need a written and signed withdrawal of the request for impartial hearing stating that your intention was not to request an impartial due process hearing but instead was to pursue one of the other available options. If a written and signed withdrawal is received from you stating as much, then I am able to dismiss this current case and you may pursue your other options. If you need more information on how to pursue a State complaint or mediation, you may contact the school or the Department of Education for further information.

We are working on getting an interpreter to be present at the pre-hearing conference. If you are not able to attend on either Monday or Tuesday via Zoom, then please provide us with some additional dates/times when you will be able to attend.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

7/31/20 @ 8:55 PM – Ott: Please make arrangement with Ms. Huahulu for court hearings and do not include me. Someone should explain to her what is going on.

From: **Vanessa Ott** <msvott@gmail.com>
Date: Fri, Jul 31, 2020 at 8:55 PM
Subject: Re: TA v. DOE, DOE-SY2021-014
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Cc: huahulufeketi@gmail.com <huahulufeketi@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, Marie Inouye <marie.inouye@k12.hi.us>, Brikena White <brikena.white@k12.hi.us>, Cara Tanimura <Cara.Tanimura@k12.hi.us>

Ms. Imamura,

Please make arrangements with Ms. Huahulu for any court hearings. Because I can't represent her, I can't help her with this due process meeting. Under these circumstances, I don't think I

should be included in anything involving the Attorney General's Office and a due process procedure, so don't bother to cc: me on future emails regarding this meeting. I don't think Ms. Huahulu understands what's going on with this court proceeding, so someone needs to explain it to her. Now, I know that can't be you because of *ex parte* communications, so who? Someone from the Monitoring and Compliance Branch? I don't know. Not my job. Whomever, I wish you the best of luck.

Mahalo,
Vanessa Ott
808 - 854 -1018

8/1/20 – Ott (to M&CB): If Ms. Huahulu's only option for redress is a State Complaint, is the DOE going to let me represent her in that proceeding?

From: **Vanessa Ott** <mstvott@gmail.com>
Date: Sat, Aug 1, 2020 at 5:00 AM
Subject: Fwd: TA v. DOE, DOE-SY2021-014
To: Cara Tanimura <Cara.Tanimura@k12.hi.us>, Brikena White <brikena.white@k12.hi.us>

Aloha Ms. Tanimura and Ms. White,

I wrote to you recently about a systemic problem with IDEA compliance concerning Ms. Huahulu and her son, Tevita. I explained why the due process hearing procedures are not accessible to Ms. Huahulu. She can't afford an attorney. She can't represent herself due to educational and language (Tongan and English) limitations. And, I'm not allowed to speak for her.

The M&CB response to *my* inquiries was to write to Ms. Huahulu (not me), with "*It appears that you are submitting an impartial due process hearing request.*" As explained earlier, Ms. Huahulu submitted a DPHR earlier this year which was withdrawn and dismissed for the reasons cited above. Per (HAR 8-60-53(c)), the hearing is concluded. Ms. Huahulu did NOT submit another DPHR in July. *I* wrote to you about the systemic problem, and now she's getting complicated emails from the AG's Office about *another* due process hearing. I feel really sad that she's being subjected to this useless (at least to her) procedure again, and she's on her own, but I don't know that there is anything I can do. I told you the process was unfair. I asked what to do about that. The answer was: subject her to that unfair process -- again.

If the only other option she has is a State Complaint, that begs the question which has been the big bad issue from the beginning: Is the DOE going to let me represent her in State Complaint proceedings? If not, I sincerely doubt that she will want to engage in such a formidable, and impossible (for her) process. If not, then *someone* from the DOE should explain to her why I'm not allowed to help her, and why her son is failing, don't you think?

Please let's not beat around the bush anymore. Please let's clarify this issue for the public and the Board of Education. If it's not clear to the BOE that uneducated, non-English-speaking parents have such limited options, then it doesn't seem possible to explain to them why the HARs regarding compliance with the IDEA need updating.

Please reply to me, not Ms. Huahulu. I am the one who will bringing this issue before the new BOE. I am asking these questions. I didn't even cc: Ms. Huahulu on this email so as to avoid any further confusion.

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

8/6/20 – Ott (to M&CB): Ms. Huahulu would like you to rescind the due process hearing request you submitted to AG ODR in her name w/o her permission.

From: **Vanessa Ott** <mstvott@gmail.com>
Date: Thu, Aug 6, 2020 at 8:03 AM
Subject: [T. Ahomana] PLEASE rescind the due process hearing. Ms. Huahulu never requested a due process hearing.
To: Brikena White <brikena.white@k12.hi.us>
Cc: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>, Imamura, Chastity T <chastity.t.imamura@hawaii.gov>

Aloha Ms. White,

We thought we made it clear that Ms. Huahulu already tried the due process hearing procedure, and could not follow through because she does not have an attorney to represent her. You should not have forwarded my correspondence to you over to the AG's Office of Dispute Resolution as a due process hearing request since we made it clear Ms. Huahulu could not pursue that avenue of redress. Ms. Huahulu did not request a due process hearing in July. Ms. Huahulu would like for you to rescind that submission, and have it removed from the AG ODR records. I will make sure Ms. Huahulu communicates this personally to you and the Chastity Imamura of the AG's office so there is no question about her intentions and wishes.

Please let us know when this is done.

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

Emails to/from Ms. Huahulu

8/3/20 – Inouye: Court reporter is on standby for 10:00 meeting.

From: Marie Inouye <marie.inouye@k12.hi.us>
Sent: Monday, August 3, 2020 8:25 AM
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Cc: huahulufeketi@gmail.com; ATG Office of Dispute Resolution <atg.odr@hawaii.gov>; stuart.kim@k12.hi.us; Vanessa Ott <msvott@gmail.com>
Subject: [EXTERNAL] Re: TA v. DOE, DOE-SY2021-014

Good Morning!

I have called Honolulu Reporting Services and they have a court reporter (I believe it's Sheila) on standby for the 10:00 meeting. If we could let her know as soon as possible if this is on or off. Her email is sheila@hawaii.rr.com if you need to send her a zoom link. The did also notify me that she has another hearing tomorrow, and I believe that was our hearing as well, and that has been taken off calendar for now. So it is possible that she may be available.

Let me know if you would like me to contact, Sheila.

Thank you!

8/3/20 – Imamura: I have not heard from Ms. Huahulu and will postpone the pre-hearing conference.

From: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>
Date: Mon, Aug 3, 2020 at 9:11 AM
Subject: TA v. DOE, DOE-SY2021-014
To: Marie Inouye <marie.inouye@k12.hi.us>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>

Good morning!

Since I have not heard from Ms. Huahulu whether she is able to make the pre-hearing conference for today or tomorrow, I will postpone the pre-hearing conference for now. I will send out a new Notice of Prehearing Conference with a new date that is closer to the end of the resolution session. No need for the court reporter for today or tomorrow.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

8/4/20 – Yasuda: Attached are proposed dates for a resolution session and the DOE response to the complaint.

From: **Malcolm Yasuda** <malcolm.yasuda@k12.hi.us>
Date: Tue, Aug 4, 2020 at 2:19 PM
Subject: Resolution session
To: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>
Cc: Katherine Balatico <Katherine.Balatico@k12.hi.us>

Please review the two attachments:

1. Proposed dates for a resolution session to address your complaint received July 28, 2020
2. The Department of Education's response to your complaint.

--

Malcolm Yasuda
Student Services Coordinator (SSC)
Stevenson Middle School
Ph: (808) 587-4520 Fax: (808) 587-4523
Attachment: *Resolution session 8.4.20.pdf*

DAVID Y. IGE
GOVERNOR



DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
ROBERT LOUIS STEVENSON MIDDLE SCHOOL

1202 PROSPECT STREET
HONOLULU, HAWAII 96822

August 4, 2020

Feketi Huahulu
1326 Keeaumoku St. #106
Honolulu, HI 96814

Re: Due Process Resolution Session

Dear Ms. Huahulu,

We would like to convene a Resolution Session (meeting) to discuss your due process complaint received on July 28, 2020 and the facts that form the basis of the complaint regarding your son, Tevita Ahomana. The resolution session will be conducted using Webex. Webex allows you the option of video conferencing or phone call in. Please select one of the available meeting times:

- Wednesday, August 12, 2020 1:00 pm - 2:00 pm
- Thursday, August 13, 2020 1:00 pm - 2:00 pm
- Friday, August 14, 2020 1:00 pm - 2:00 pm

Please mail your preferred selection via USPS mail or email to:

malcolm.yasuda@k12.hi.us or
katherine.balatico@k12.hi.us

Please let me know if you will be accompanied by an attorney at the resolution session.

If you are requesting the services of a Tongan language interpreter, please let me know, in advance of the meeting.

Sincerely,

Malcolm Yasuda
Student Service Coordinator

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

<p style="text-align: center;">OFFICE OF DISPUTE RESOLUTION DEPARTMENT OF THE ATTORNEY GENERAL STATE OF HAWAII</p> <p>In the Matter of TEVITA AHOMANA, by and through his guardian, FEKETI HUAHULU Petitioners, vs. DEPARTMENT OF EDUCATION, STATE OF HAWAII, and CHRISTINA KISHIMOTO, Superintendent of the Hawaii Public Schools, Respondent.</p> <p>The Department of Education, State of Hawaii and Christina Kishimoto (collectively referred to as "DOE"), presents its Response to Petitioners' Complaint and Resolution Proposal ("complaint")</p> <p>TEVITA AHOMANA (hereinafter referred to as "Student") DOB, June 23, 2007 is eligible for special education and related services under the Chapter 60, DOE Hawaii Administrative Rules (HAR) under the category of Other Health Disability. Student is in the 7th grade and home school is Stevenson Middle School.</p> <p>The request for hearing was initiated by Student's guardian, FEKETI HUAHULU (hereinafter referred to as "Petitioner"), on July 28, 2020.</p> <p>Petitioner alleges that the DOE did not offer Student a Free Appropriate Public Education (FAPE) for the following reasons:</p> <p>1. SUBSTANTIVE VIOLATIONS</p> <ol style="list-style-type: none"> 1. Failure to a FAPE that is reasonably calculated for my son to make progress in the general education curriculum. 2. Failure to provide special education and related services that are effective and based on peer-reviewed research. 3. Failure to monitor the student's progress toward his or her goals and make instructional changes when necessary. 4. Failure to provide the means for my son to achieve appropriately ambitious educational objectives in light of his circumstances. 	<p>I. PROCEDURAL VIOLATIONS</p> <ol style="list-style-type: none"> 5. Failure to allow me and Ms. Ott to meaningfully participate in the IEP development process & educational decision making. 6. Failure to devise an appropriate IEP based on the Tevita's individual needs and circumstances. 7. Failure to train teachers in Tevita's areas of disability, and the accommodations & supports that should be in place. <p>Petitioner presents the following proposed resolutions:</p> <ol style="list-style-type: none"> 1. Tevita's IEP will be revised as soon as possible to account for my high-priority concerns. 2. Ms. Ott and I will be involved in all IEP meetings and have equal input regarding Tevita's educational plan and IEP revisions. 3. IEP meetings will be conducted as needed in manner that is efficient and effective. 4. My concerns will be addressed in a timely manner. 5. Ms. Ott and I will receive via email <i>full</i> diagnostic reports of assessments within 2 working days of assessment completion. 6. Tevita will be taught the general education curriculum and have challenging, structured learning experiences that account for his level of competency in the given curriculum. 7. All teachers will collaborate with me and Ms. Ott in the processes of curriculum delivery and IEP revisions. 8. Tevita will receive Extended School Year Services that provide one-to-one instructor(s) trained in the school-selected Language Arts and Math general education curricula who will work with me and Ms. Ott to help Tevita narrow his widening achievement gap. 9. Oversight: I would like a clear understanding of who is responsible for oversight to ensure that adopted resolutions are faithfully implemented, and what that oversight process is. 10. The results of the due process resolution sessions will be delivered in electronic format with copyable text to both me and Ms. Ott. <p>DOE Response:</p> <p>The DOE maintains that it has appropriately offered Student a free appropriate public education ("FAPE").</p>
1	2

<p>SUBSTANTIVE VIOLATIONS:</p> <ol style="list-style-type: none"> 1. Failure to a FAPE that is reasonably calculated for my son to make progress in the general education curriculum. <p>The DOE maintains that it has provided Student a FAPE. The IEP team worked diligently in developing a program for the student to make progress in his general education environment in light of the Student's circumstances.</p> <ol style="list-style-type: none"> 2. Failure to provide special education and related services that are effective and based on peer-reviewed research. <p>The DOE maintains that they have provided a student a FAPE with regards to special education and related services. The team, including the Petitioner, worked diligently to develop a program that includes evidence-based programs that are utilized school-wide and available to all students.</p> <ol style="list-style-type: none"> 3. Failure to monitor the student's progress toward his or her goals and make instructional changes when necessary. <p>The DOE maintains that Student's progress toward his goals are constantly being monitored and reported to parent on a regular basis.</p> <ol style="list-style-type: none"> 4. Failure to provide the means for my son to achieve appropriately ambitious educational objectives in light of his circumstances. <p>The DOE maintains that they have provided appropriate modifications and accommodations developed for the Student's individual needs in order for him to access his educational program.</p> <p>PROCEDURAL VIOLATIONS:</p> <ol style="list-style-type: none"> 5. Failure to allow me and Ms. Ott to meaningfully participate in the IEP development process & educational decision making. <p>The DOE maintains that parent was an integral part of the development of the Student's educational program and provided valuable information that assisted the team, inclusive of the parent, to make informed decisions regarding the IEP.</p> <ol style="list-style-type: none"> 6. Failure to devise an appropriate IEP based on the Tevita's individual needs and circumstances. <p>The DOE maintains that the Student's IEP was appropriately developed by the IEP team, inclusive of the parent, to incorporate Student's strengths and provide specialized</p>	<p>instruction and or accommodations and modifications for student in all individual areas of need.</p> <ol style="list-style-type: none"> 7. Failure to train teachers in Tevita's areas of disability, and the accommodations & supports that should be in place. <p>Student's teachers are appropriately trained, in accordance to State requirements, and carefully follow and implement Student's IEP.</p> <p>The DOE is willing to meet with Petitioner to discuss her concerns and to attempt to resolve these matters to the parties' mutual satisfaction.</p> <p style="text-align: right;">Dated: 8-3-2020 Honolulu, Hawaii, 96822</p> <p style="text-align: right;"> Principal</p>
3	4

8/6/20 – Huahulu: I did not ask for due process hearing in July. Please take it away.

From: **Feketi - Toakase Huahulu** <huahulufeketi@gmail.com>
Date: Thu, Aug 6, 2020 at 8:53 AM
Subject: Re: [T. Ahomana] PLEASE rescind the due process hearing. Ms. Huahulu never requested a due process hearing.
To: <brikena.white@k12.hi.us>, Imamura, Chastity T <chastity.t.imamura@hawaii.gov>

Hello Brikena White and Chastity Imamura,

Please call me so I can tell you I did not ask for a due process hearing last month. Please take it away.

My phone: 808-308-8977

Thank you,
Feketi Huahulu

8/6/20 – Imamura: I can take your case away from calendar only if I receive a signed letter from you stating you want to withdraw your hearing.

From: **Imamura, Chastity T** <chastity.t.imamura@hawaii.gov>
Date: Thu, Aug 6, 2020 at 9:00 AM
Subject: RE: [EXTERNAL] Re: [T. Ahomana] PLEASE rescind the due process hearing. Ms. Huahulu never requested a due process hearing.
To: Feketi - Toakase Huahulu <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>, ATG Office of Dispute Resolution <atg.odr@hawaii.gov>
Cc: Marie Inouye <marie.inouye@k12.hi.us>

Good morning Ms. Huahulu,

I can only take your case away from our calendar if you send a letter signed by you that you want to withdraw your hearing. Once I receive that, I can dismiss your case. The letter can be sent as an attachment to an email—it just needs to be signed by you.

Thank you,

Chastity T. Imamura
Hearings Officer
Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Chastity.T.Imamura@hawaii.gov

8/6/20 – Huahulu: Signed letter in Tongan with Ms. Ott’s letter questioning legality of opening a due process hearing and naming Ms. Huahulu as “Petitioner” without her signed consent.

Feketi Huahulu
1326 keeaumoku st #106
Honolulu, Hi, 96814

Ko hoku hingoa ko Feketi Huahulu.

'Oku ou fai 'ae tohi ni koe uhi koe tou tou email mai ke fkhoko 'ae due process hearing

- 1) Nae ikai keu atu ha'aku tohi kihe due process hearing.
- 2) "Oku ikai keu fiemau ke fkhoko 'ae due process hearing.
- 3) Na'e ikai keu fkmo'oni nima kiai he 'oku ikai keu loto kiai .

Kataki fkmolemole 'oku ikai keu fiemau ke fkhoko 'ae due process hearing keu hoko ko ha Petitioner 'oku ikai keu kole ai , 'oku ikai keu fiemau , na'e ikai keu fkmoonii nima kiai pe teu loto kiai .

Kataki ko hoku loto ia 'oku ikai keu fiemau 'ae due process hearing.

Malo 'aupito meia Feketi Huahulu..

8/10/20.



Please read Ms. Ott’s email on pages 2-4.

Ms. Huahulu’s letter p. 1

August 10, 2020

Chastity T. Imamura, Hearings Officer
Department of the Attorney General
Education Division Office of Dispute Resolution
707 Richards Street, Suite 520
Honolulu, Hawaii 96813

Aloha Ms. Imamura,

- 1) HAR §8-60-61(a)(1) states, "A parent or the department may file a due process complaint..." This specifically excludes *me* who is neither a parent nor a DOE employee.
- 2) The Department of Education ***Rights relating to Section 504 and Special Education*** web page¹ lays out the process for filing a §8-60-61 due process complaint.

Filing an IDEA impartial due process hearing request

If you want to file an IDEA due process hearing request to resolve an IDEA disagreement, please refer to this document: *Request for Due Process Hearing*². For more information regarding IDEA impartial due process hearing requests, please call the Complaints Management Program at 808-853-0261.

[NOTE: A picture of the *Request for Due Process Hearing* document follows this letter.]

- 3) Ms. Huahulu never signed the document³ required to file a new IDEA due process hearing request (DOE Form 105).

When I questioned why Ms. Huahulu was being forced to engage in a due process hearing she did not request, you replied,

"Because the complaint that you filed references an impartial hearing under the IDEA throughout the document, the DOE Monitoring and Compliance office was obligated to set aside their procedures and refer the case for a due process hearing."

Per HAR §8-60-61(a)(1) **and** DOE Form 105 (Request for IDEA Impartial Due Process Hearing), neither criteria for opening a due process hearing case has been met.

- The parent *did not* request a due process hearing.
- The parent *did not* sign DOE Form 105.

¹ www.hawaiipublicschools.org/TeachingAndLearning/SpecializedPrograms/SpecialEducation/Pages/Rights.aspx

² www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/RequestforDueProcessHearing.pdf

³ [ibid.](#)

It is not legally sufficient to open a due process hearing procedure, naming the parent as the complainant when the parent did not request a due process hearing and did not sign the appropriate form to do so.

You also cited HAR §8-60-53(c) as some justification for why Ms. Huahulu is facing the court in a due process hearing against her will. However, §8-60-53 are rules governing State Complaint Procedures, not Due Process Hearing procedures. If I have read the literature correctly, State Complaints are not handled by the AG ODR.

I am the one, *not* Ms. Huahulu, who asked Monitoring and Compliance Office for advice on what to do so that Ms. Huahulu's son receives a FAPE. I think the M&CB should have engaged in a dialog with me, and advised me. At the very *least*, they should have opened a State Complaint with me, Vanessa Ott named, as the Complainant since I am the one who wrote to the M&CB. Regardless, M&CB lack of engagement is not relevant to the issue at hand which is:

The ATG Office of Dispute Resolution opened a due process hearing case in a Matter involving Tevita Ahomana, and named Ms. Huahulu (Mother) as "Petitioner" without her signed consent.

I'm truly surprised that this is legally allowable. In fact, it appears to be contrary to the rules and procedures.

STATE OF HAWAII
OFFICE OF DISPUTE RESOLUTION
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAII

In the Matter of TEVITA AHOMANA, by and through his Mother, FEKETI HUAHULU,
Petitioners,
vs.
DEPARTMENT OF EDUCATION, STATE OF HAWAII, and CHRISTINA KISHIMOTO, Superintendent of the Hawaii's Public Schools,
Respondents.

DOE-SY2021-014
NOTICE OF PREHEARING CONFERENCE;
SUBJECTS TO BE CONSIDERED
Hearings Officer: Chastity T. Imamura

2020 JUL 31 AM 9:50

Such action is similar to a well-meaning 3rd party signing up his aunty for a gym membership, and the aunty's bank account suddenly being drained each month per the terms of a contract that aunty never signed. *That's* not legal.

By the same token, it can't possibly be permissible for my 3rd-party complaint to result in an open court case (due process hearing) with Ms. Huahulu listed as a Petitioner when she didn't petition and she didn't sign. This, too, is a drain on the hapless victim. This is an improper improvident expenditure of Ms. Huahulu's limited time and energy resources as well as mine.

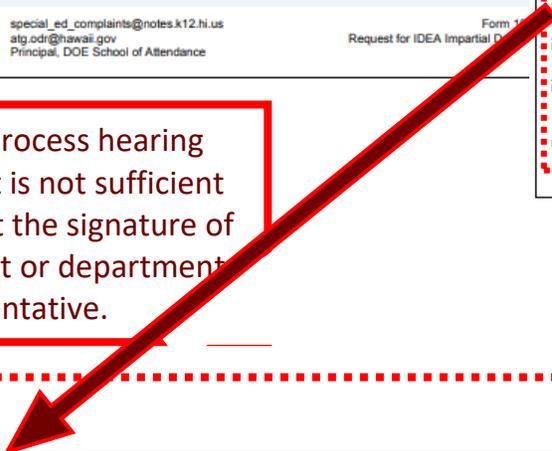
Sincerely,


Vanessa Ott

RequestforDueProcessHearing.pdf

	State of Hawaii DEPARTMENT OF EDUCATION	REQUEST FOR IDEA IMPARTIAL DUE PROCESS HEARING
<small>For DOE use only:</small> Date Received by CAS: _____ Initials: _____		
TO: Complex Area Superintendent _____ Complex Area or District _____	RE: Name of Student _____ Date of Birth _____ Phone _____	PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION: (Activities/services related to the IEP/MP) Description of problem and related facts: _____ Proposed Resolution: _____
FROM: Print Name Check one: <input type="checkbox"/> Parent/Legal Guardian <input type="checkbox"/> Department Representative <input type="checkbox"/> Attorney for Parent _____ Name of School (that student currently attends) _____	Student's Mailing Address* ("If none, please provide available contact info") _____ City _____ State _____ DOE Home School (if different) _____	<p style="font-size: small;">In accordance with Individuals with Disabilities Education Act (IDEA) 2004, before a due process hearing can be held, the school must convene a resolution session (meeting) with the parents and the relevant member(s) of the IEP Team who have specific knowledge of the facts identified in this request within 15 days of its receipt by the Department of Education. The purpose of the resolution session is for the parent to discuss the due process complaint and the facts that form the basis of the complaint. The school may not include an attorney at this session unless the parent is accompanied by an attorney. The resolution session will take place unless both parties agree to waive the meeting in writing, or agree to mediation.</p> <p>Please <u>initial</u> one of the following:</p> <input type="checkbox"/> I would like a <u>resolution</u> session. <input type="checkbox"/> I would like to <u>waive</u> the resolution session. (Note: The resolution session will be scheduled unless it is also waived by the other party.) <input type="checkbox"/> I would like to request a <u>mediation</u> session. <input type="checkbox"/> I do not wish to use the <u>mediation</u> process.
<p>This is a request for an impartial due process hearing concerning the education of the above-named student. In the spaces below, or on attached sheet(s), please describe the nature of the problem, including related fact proposed resolution of the problem as you see it, to the extent known to you. <u>Be specific.</u></p> <p>IDENTIFICATION: (Referral process prior to evaluation or determination of eligibility)</p> Description of problem and related facts: _____ Proposed Resolution: _____		
<p>EVALUATION: (Activities involved in information gathering to determine special education/ Section eligibility and/or the extent of special education/modifications and related service to the student)</p> Description of problem and related facts: _____ Proposed Resolution: _____		
<p>PLACEMENT: (The educational setting for the implementation of the IEP/MP)</p> Description of problem and related facts: _____ Proposed Resolution: _____		
DISTRIBUTION: special_ed_complaints@notes.k12.hi.us atg.odr@hawaii.gov Principals, DOE School of Attendance		
Additional Information (Please check box and fill-in as applicable.) <input type="checkbox"/> I will need the services of an interpreter. Please specify: _____ <input type="checkbox"/> I will be accompanied by an attorney at the hearing. If the attorney is known at this time, please provide the following information: Name: _____ Phone: _____ Fax: _____ Address: _____ <small>Street City State Zip Code Email</small> <input type="checkbox"/> I will be accompanied and advised by a parent advocate. If the advocate is known at this time, please provide the following information: Name: _____ Phone: _____ Fax: _____ Address: _____		
Signature of Requester _____ Date _____ Mailing Address: _____ Street _____ City _____ State _____ Zip Code _____ Phone _____ Fax, if available _____		
DISTRIBUTION: special_ed_complaints@notes.k12.hi.us atg.odr@hawaii.gov Principals, DOE School of Attendance		

A due process hearing request is not sufficient without the signature of a parent or department representative.



Signature of Requester _____ Date _____

Mailing Address: _____ Street _____ City _____

Phone _____ Fax, if available _____

DISTRIBUTION: special_ed_complaints@notes.k12.hi.us
 atg.odr@hawaii.gov
 Principals, DOE School of Attendance

Request for IDEA

8/10/20 – Imamura: Time-stamped receipt of

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>

Date: Mon, Aug 10, 2020 at 3:14 PM

Subject: TA v. DOE, DOE-SY2021-014, Letter from Parent

To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com
<huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>

Cc: Marie Inouye <marie.inouye@k12.hi.us>

Dear Parent and DOE,

Please find attached for your files and information, a time-stamped copy of the LETTER FROM PARENT received in the above-referenced matter.

The document above has been encrypted with a password. The password is as follows, **student's first and last initials (in all Caps) followed by their ID number** as provided in the Complaint. Please contact our office if you have any questions.

Tank you,

Office of Dispute Resolution
Department of the Attorney General
Richards Building
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Email: atg.odr@hawaii.gov
Phone: (808) 587-7680

attachment: *2020-08-10 Letter from Parent.pdf*

This is a time-stamped duplicate of [Ms. Huahulu's 8/6/20 letter](#).

DEPARTMENT OF THE ATTORNEY GENERAL
OFFICE OF DISPUTE RESOLUTION
2020 AUG 10 PM 3:04 *AK*

Feketi Huahulu
1326 keeaumoku st #106
Honolulu, HI, 96814

Oku ou i ka 'ae tohi ni koe uhi koe tou tou email mai ke fkhoko 'ae due process hearing.

- 1) Nae ikai keu atu ha'aku tohi kihe due process hearing.
- 2) *Oku ikai keu fiemau ke fkhoko 'ae due process hearing.
- 3) Na'e ikai keu fimo'oni nima kiai he 'oku ikai keu loto kiai .

Kataki fkmolemole 'oku ikai keu fiemau ke fkhoko 'ae due process hearing keu hoko ko ha Petitioner 'oku ikai keu kole ai ,oku ikai keu fiemau ,na'e ikai keu fmooni nima kiai pe teu loto kiai .

Kataki ko hoku loto ia 'oku ikai keu fiemau 'ae due process hearing.

Malo 'aupito meia Feketi Huahulu.

8/10/20 .
[Signature]

Please read Ms. Ott's email on pages 2-4.

8/13/20 @ 1:33 PM – ATG ODR: Translation of Parent's Letter

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>
Date: Thu, Aug 13, 2020 at 1:33 PM
Subject: TA v. DOE, DOE-SY2021-014, Translation of Parent's Letter
To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com
<huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>
Cc: Marie Inouye <marie.inouye@k12.hi.us>

Dear Counsel,

Please find attached for your files and information, a time-stamped copy of the TRANSLATION OF PARENT'S LETTER done by a certified interpreter in the above-referenced matter.

The document above has been encrypted with a password. The password is 8 characters long and is as follows, **student's first and last initials (in all Caps) followed by their ID number** as provided in the Complaint. For example, Jane Doe born on January 31, 2000 will have the password: JD013100. Please contact our office if you have any questions.

Thank you,

Office of Dispute Resolution
Department of the Attorney General
Richards Building
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Email: atg.odr@hawaii.gov
Phone: (808) 587-7680

attachment: 2020-08-13 Translation of Parent's Letter.pdf

Feketi Huahulu
1326 keeaumoku #106
Honolulu, Hi 96814

DEPARTMENT OF THE ATTORNEY GENERAL
OFFICE OF DISPUTE RESOLUTION
2020 AUG 13 PM 1:23

My name is Feketi Huahulu.

I am writing this letter in response to the emails about the due process hearing.

I did not submit any letter regarding a due process hearing.

I do not want any due process hearing.

I did not sign my signature because that is not my wish.

Please I do not want to continue this due process hearing as a petitioner. I did not ask for it, I do not want it, I did not sign my signature nor do I agree to it.

Please that is my wish, I do not want a due process hearing.

Thank you very much from Feketi Huahulu

8/13/20 @ 2:07 PM – AG ODR: Order of Dismissal

From: **ATG Office of Dispute Resolution** <atg.odr@hawaii.gov>

Date: Thu, Aug 13, 2020 at 2:07 PM

Subject: TA v. DOE, DOE-SY2021-014, Order of Dismissal and Letters to Partied Regarding the Order of Dismissal

To: Imamura, Chastity T <chastity.t.imamura@hawaii.gov>, huahulufeketi@gmail.com <huahulufeketi@gmail.com>, stuart.kim@k12.hi.us <stuart.kim@k12.hi.us>

Cc: Marie Inouye <marie.inouye@k12.hi.us>

Dear Counsel,

Please find attached for your files and information, a time-stamped copy of the ORDER OF DISMISSAL issued and the LETTER TO PARTIES REGARDING THE ORDER OF DISMISSAL in the above-referenced matter.

The document above has been encrypted with a password. The password is 8 characters long and is as follows, **student's first and last initials (in all Caps) followed by their student ID** provided in the Complaint (MM/DD/YY). For example, Jane Doe born on January 31, 2000 will have the password: JD013100. Please contact our office if you have any questions.

Thank you,

Office of Dispute Resolution

Department of the Attorney General

Richards Building

707 Richards Street, Suite 520

Honolulu, Hawaii 96813

Email: atg.odr@hawaii.gov

Phone: (808) 587-7680

2020 AUG 13 PM 1:41



OFFICE OF DISPUTE RESOLUTION

DEPARTMENT OF THE ATTORNEY GENERAL

STATE OF HAWAII

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

Petitioner(s),

vs.

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

Respondents.

DOE-SY2021-014

ORDER OF DISMISSAL

Hearings Officer: Chastity T. Imamura

ORDER OF DISMISSAL

On July 28, 2020, the DEPARTMENT OF EDUCATION, STATE OF HAWAII, and CHRISTINA KISHIMOTO, Superintendent of the Hawaii Public Schools (hereinafter "Respondents") forwarded a Request for an Impartial Hearing that was submitted to the Hawaii DOE Office of the Deputy Superintendent Monitoring and Compliance Branch by TEVITA AHOMANA, by and through his Mother, FEKETI HUAHULU (hereinafter "Petitioners").

After several communications made with Petitioners, it was expressed to this Hearings Officer that Petitioners did not want a Due Process Hearing and wanted the case withdrawn from the Office of Dispute Resolution (hereinafter "ODR") calendar.

On August 10, 2020, Mother sent this Hearings Officer a letter in Tongan that was later translated through a certified court interpreter, that indicated that she did not request a Due Process Hearing and wanted her case to be removed from the ODR calendar.

Based on the foregoing, IT IS HEREBY ORDERED THAT Petitioners' request to withdraw the Request for Impartial Hearing in the above-captioned matter is granted and this matter is dismissed with prejudice.

DATED: Honolulu, Hawai'i, August 13, 2020.



CHASTITY T. IMAMURA
Hearings Officer
Richards Building
707 Richards St., Suite 520
Honolulu, Hawai'i 96813
Phone: (808) 587-7680
Fax: (808) 587-7682
atg.odr@hawaii.gov



OFFICE OF DISPUTE RESOLUTION
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAII
Richards Building
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Phone: (808) 587-7680
Email: atz.odr@hawaii.gov

August 13, 2020

Sent via email only

Feketi Huahulu
1326 Ke'eaumoku Street, #106
Honolulu, Hawaii 96814
HuahuluFeketi@gmail.com
Mother of Student

Stuart Kim
District Educational Specialist, Kaimuki-McKinley-Roosevelt Complex
3440 Leahi Ave
Honolulu, Hawaii 96816
Stuart.Kim@k12.hi.us
Representative for Respondents

Re: DOE-SY2021-014—In the Matter of Tevita AHOMANA v. the Department of Education, State of Hawaii, and Christina K. Kishimoto, Superintendent of the Hawaii Public Schools

Kia Ms. Huahulu & Mr. Kim:

Kuo ma'u e tohi fakamo'oni nima meia Ms. Huahulu, 'o ne fakahaa mai 'oku 'ikai ke loto ke toe hoko atu ha hopo. Katakai 'o sio kihe tohi 'oku fakapipiki atu ki hono fakaikiiki.

Faka'apa'apa atu,

A handwritten signature in black ink, appearing to read "Chastity T. Imanura".

Chastity T. Imanura
Hearings Officer

CC: Vanessa Ott, MsVOtt@gmail.com
Marie Inouye, Marie.Inouye@k12.hi.us

Enclosure

TA v. DOE, DOE-SY2021-014 Letter Regarding Order of Dismissal-Tongan



OFFICE OF DISPUTE RESOLUTION
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAII
Richards Building
707 Richards Street, Suite 520
Honolulu, Hawaii 96813
Phone: (808) 587-7680
Email: atg.odr@hawaii.gov

August 13, 2020

Sent via email only

Feketi Huahulu
1326 Ke'eaumoku Street, #106
Honolulu, Hawaii 96814
HuahuluFeketi@gmail.com
Mother of Student

Stuart Kim
District Educational Specialist, Kaimuki-McKinley-Roosevelt Complex
3440 Leahi Ave
Honolulu, Hawaii 96816
Stuart.Kim@k12.hi.us
Representative for Respondents

Re: DOE-SY2021-014—In the Matter of Tevita AHOMANA v. the Department of Education, State of Hawaii'i, and Christina K. Kishimoto, Superintendent of the Hawaii'i Public Schools

Dear Ms. Huahulu and Mr. Kim:

We have received the signed letter from Ms. Huahulu stating that she would like to withdraw her request for a Due Process Hearing. Please find attached the Order of Dismissal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chastity T. Imanura".

Chastity T. Imanura
Hearings Officer

CC: Vanessa Ott, MsVOtt@gmail.com
Marie Inouye, Marie.Inouye@k12.hi.us

Enclosure

TA v. DOE, DOE-SY2021-014 Letter Regarding Order of Dismissal