

Exhibit 1:
Correspondence Concerning Defamation

Table of Contents

06-Oct-2020: Balatico – I sent a certified letter to you concerning Vanessa Ott. 2
attachment: Huahulu (En) 9.28.2020.pdf 3
attachment: Huahulu (En) 9.28.2020.pdf 4
08-Oct-2020: Huahulu – Principal’s 9/28/2020 letter is filled with lies. 5
attachment: 2020-10-08-Parent-Assistants-New-Policy.pdf 6
17-Oct-2020: Dilwith – Falsely accuses Ott of interrupting Asuncion’s class and yelling at her. 9
attachment: Ott.pdf 10
17-Oct-2020: Ott – Complaint to CAS Dilwith about Balatico’s false and murky allegations. 17
attachment: 2020-10-17-Dilwith-re-Libel.pdf 18
August Emails 22
29-Oct-2020: Ahomana - Stuff in Ms. Asuncion’s letter about Ms. Ott isn’t true. 24
29-Oct-2020: Ott – Next week I will provide statements of witnesses to alleged events. 24
03-Nov-2020: Ott – Included are Witness Statements Contradicting Asuncion’s False Statements 25
attachment: 2020-11-03-Dilwith-Unebasami-re-Libel.pdf 26
Issue Categories 26
TRUE STATEMENTS 27
SCHOOL OBJECTION TO ME ASSISTING TEVITA DURING DISTANCE LEARNING 29
FALSE STATEMENTS 30
HEARSAY 30
EXPURGATED ALLEGATIONS 32
RETALIATION 32
DEFAMATION 33
RESOLUTION 35
Attached: Witness Statement - Tevita Ahomoana 36
Attached: Witness Statement – Feketi Huahulu 37
Attached: Witness Statement – Erik Ott 38
15-Jan-2021: Ahomana – If you write an apology letter, Ms. Ott will not take you to court for defamation. 54

06-Oct-2020: Balatico – I sent a certified letter to you concerning Vanessa Ott.

From: **Katherine Balatico** <katherine.balatico@k12.hi.us>
Date: Tue, Oct 6, 2020 at 5:23 PM
Subject: Letter for Ms. Huahulu
To: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>

Dear Ms. Huahulu -

On September 28, 2020, I sent you a certified letter via USPS (tracking #7019 2970 0000 4007 6479). At this time, because I haven't received receipt that you have signed for and received my letter, I am emailing you. I am also attaching my letter (in both Tongan and English) electronically below.

Please review my letter, as I will no longer be communicating with Vanessa Ott.

Please also confirm your address for future mailed correspondence.

Thank you,

Katherine Balatico
Principal
R.L. Stevenson Middle School
Office (808) 587-4520
Fax (808) 587-4523

attachments: Huahulu (En) 9.28.2020.pdf
Huahulu (Tn) 9.28.2020.pdf



STATE OF HAWAII
DEPARTMENT OF EDUCATION
ROBERT LOUIS STEVENSON MIDDLE SCHOOL
1202 PROSPECT STREET
HONOLULU, HAWAII 96822

September 28, 2020

Dear Ms. Huahulu,

This letter is to inform you that in two separate emails (August 22, 2020 and August 30, 2020), I informed you and Ms. Vanessa Ott that it was brought to my attention that Ms. Ott has signed into Tevita's online classes and has spoken directly to Tevita's teachers as they are teaching class. I explained my expectations to you and Ms. Ott that Ms. Ott is not to interrupt Tevita's classes during live sessions; that she allow Tevita to communicate and ask questions for himself; and that should you or Ms. Ott have questions, that an email or voicemail be sent to teachers, who will send a timely response. However, over the last 2 weeks, Ms. Ott continues to participate in classes by interrupting, yelling at the teacher, and demanding the teacher do certain things. It appears Ms. Ott is not capable of complying.

It is standard practice that participation in classes by parents is not allowed. We are open, however, to you, as Tevita's mother, observing Tevita in his classes. If so, you may email his teachers individually to make prior arrangements 48 hour in advance of each class. If teachers agree to your observation, you would be allowed to sit alongside Tevita and listen in and watch the class but not actively participate. This invitation is not extended to Ms. Ott, as she is neither Tevita's parent or legal guardian. Ms. Ott's participation in Tevita's virtual (and eventually physical) classes is not welcomed.

We have been trying to work with Ms. Ott, but she has continued to disrespect me and my teachers, has been intrusive into their classes, and has clearly not adhered to my expectations. We are trying to help you, but ultimately, I need to ensure that Tevita and his classmates are able to learn and that my teachers are able to teach.

Because Ms. Ott remains so difficult, and based on all of the above, I am changing our agreement from the summer and will be ceasing all communication with Ms. Ott. As of today, September 16, 2020, and I will only be communicating directly with you, as you are Tevita's parent.

This is not an easy decision, as we have been trying to help you, but it is my responsibility to do what is in the best interest of Tevita and our students. Thank you for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Balatico".

Katherine Balatico
Principal

DAVID Y. IBE
GOVERNOR



DR. CHRISTINA K. KIMMOTO
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
ROBERT LOUIS STEVENSON MIDDLE SCHOOL
1202 PROSPECT STREET
HONOLULU, HAWAII 96822

September 28, 2020

Dear Ms. Huahulu,

ʻOku fakahā atu he tohi ni ha ongo ʻImeli ʻe ua (ʻAokosi 22, 2020 pea mo ʻAokosi 30, 2020), Naʻu fakamatala atu kiate koe pea mo Ms. Vanessa Ott ʻa e hū ʻa Ms. Ott ki he kalasi ʻInitaneti ʻa Tevita pea talanoa hanga tonu pe ʻa mo e falako ʻa Tevita lolotonga ʻene ako ʻa e kalasi. Naʻu fakamatala atu ha fakateʻuʻa kiate koe pea mo Ms. Ott pea tapu ke fakahohaʻasi ʻa Tevita lolotonga e laivi ʻa e kalasi sesini; pea ke tukuange ʻa Tevita ke fetuʻutaki pea mo fai ha ʻane fehuʻi; pea kapau ʻoku ʻi ai ha fehuʻi ʻa Ms. Ott, ke ʻImeli mai pē tuku ha pōpoaki he telefoni ki he falakō, pea tuku ha faingamalie ke fai atu ha tahi. Ka neongo ia, he like ʻe ua kuo malu atu, ʻoku kei kau mai pe ʻa Ms. Ott ia ki hono fakahohaʻasi ʻa e kalasi, ʻo ne kailangaki ʻa e falakō, pea mo fai tuʻutuʻuni ki he falakō. ʻOku hā mai ʻa e taʻemalava ʻe Ms. Ott ke talangofua ki he meʻa ni.

Ko ha tuʻunga ʻoku ngāue ʻaki he ngaahi kalasi ʻa e tapuʻi ke kau mai ʻa e ngaahi matuʻa ki he kalasi. ʻOku mau fakangofua pē, kiate koe, ko e faʻe ʻa Tevita, ke ke māmata mai ki he ngaahi kalasi. Kapau ko ia, teke lava ʻo ʻImeli ki he kau falako taktaha ha houa 48 kumuʻa mei he taimi ʻo e kalasi ke nau ʻi ai. Kapau ʻe loto ki ai ʻa e kau falakō ke ke mamata mai ki ai, ʻe fakangofua ke ke taʻutu he tafaʻaki ʻo Tevita pea fanongo mo māmata ki he kalasi kae tapu hoʻo kau mai. ʻOku ʻikai kau ʻa e fakaafe ia ko ʻeni kīa Ms. Ott, he ʻoku ʻikai ko ha matuʻa pe ko ha tauhi fakalao ia ʻo Tevita. ʻOku ʻikai tahi ke kau mai ʻa Ms. Ott ia ki he kalasi ʻInitaneti ʻa Tevita (pea aʻu ki ha maʻu kalasi he ʻaplakō).

Naʻe fai ha feinga ke mau ngāue fakataha mo Ms. Ott, ka ʻoku kei hoko atu ʻene taʻefakaʻapaʻapa kiate au pe mo e kau falakō, kaunoo he ngaahi kalasi, pea ʻoku ʻikai pē mulumui ia ki he ʻemau ngaahi fakaʻamu. ʻOku mau feinga ke tokoni atu, ka kuo aʻu ki ha tuʻunga, kuo pau keu malu ʻa e tamaki ako he kalasi ʻa Tevita ke kei hoko atu ʻenau akō pea malava he kau falakō ʻo fakahoko ho nau fatongā.

Koeʻuhi ʻoku anga faingataʻa ʻa Ms. Ott, pea hange ko e fakamatala kuo fai atu, Kuo fai ha liliu ki he fēlotoli ne fakahoko he taimi sāmā ke taʻofi ʻa e ngaahi fetuʻutaki kotoa pea mo Ms. Ott. Kamata he ʻaho ni, Septema 16, 2020, teu fetuʻutaki hangatonu pē mo koe, ko e matuʻa tonu ʻa Tevita.

ʻOku ʻikai ko ha fakakaukau faingofua ʻeni, 1 he feinga ke mau tokoni atu, ka ko hoku fatongā ke fakahoko ʻa ia ʻoku lelei kīa Tevita pea mo e tamaki akō. Fakamalo atu ko e mahino ʻoku maʻu.

Fakaʻapaʻapa atu,

Katherine Balatico
Principal

08-Oct-2020: Huahulu – Principal’s 9/28/2020 letter is filled with lies.

From: **Feketi - Toakase Huahulu** <huahulufeketi@gmail.com>

Date: Thu, Oct 8, 2020 at 8:00 PM

Subject: I need to speak with you about Principal's letter. I will call Friday, October 9th

To: Linell Dilwith <linell.dilwith@k12.hi.us>

Hello Complex Area Superintendent Dilwith,

Yesterday the post office delivered a letter from Principal Balatico that is filled with lies. A copy of the letter is attached (*Huahulu (En) 9.28.2020.pdf*). You are her boss, and I want you to do something to stop this. I want to talk to you about all the lies in the letter. My son wants to tell you about the lies, too. I will call you early tomorrow, October 9, 2020.

In case want more information, I am also attaching a copy of a letter I am sending to the Board of Education (*2020-10-08-Parent-Assistants-New-Policy.pdf*) asking for a policy change to protect people like me and my son from Principals like Katherine Balatico.

Thank you,

Feketi Huahulu

808-308-8977

attachment: 2020-10-08-Parent-Assistants-New-Policy.pdf

Feketi Huahulu
1326 Ke'eaumoku St., #106
Honolulu, HI 96814
HuahuluFeketi@gmail.com
808-308-8977
October 8, 2020

To: State of Hawai'i Board of Education

re: A Policy to Improve Conditions for Parents with Communication Difficulties

Dear Board of Education Members,

I am writing to the Board of Education to ask that you make a policy to give me the right to have a PARENT ASSISTANT help me with my son's journey through Hawai'i public schools. Since a "Parent Assistant" designation doesn't exist yet, I will define it. Then, I will explain why the Board of Education needs to make a policy giving parents who have communication or education difficulties the right to have a Parent Assistant who will be treated with the same respect afforded parents by the DOE.

DEFINITION

Parent Assistant One individual authorized by the student's legal guardian to assist in all matters involving a child's education. The DOE will include the Parent Assistant in all communications with the parent, and will afford communication from the Parent Assistant the same treatment as communication from a parent. The Parent Assistant is not authorized to make legal decisions for the student; those rights remain with the parent(s).

INTERPRETERS VS. TRANSLATORS

I do not speak English very well. I am raising my son by myself. I don't have any close family in Hawai'i, but I have a good friend who helps me write my thoughts in English. She is helping me write this letter to you. She helps me understand emails, letters, and notices I get from the school and other DOE departments. Sometimes these communications are very complicated because my son has special needs, and my P/Assistant helps me understand what all the words mean. For example, I was given a copy of the HIDOE IDEA *Procedural Safeguards* in Tongan (my language). This is a document about U.S. legal procedures. I withdrew from school in Tonga when I was sixteen years old, so I don't understand this document in Tongan. I even asked at the last IEP to have the DOE help me understand it, but that was brushed aside.

My P/Assistant does not speak Tongan, but she helps me understand the English communications I receive because I know enough English, and she is a patient teacher of English Language Learners. Even though I tell the DOE I have an interpreter, they keep documenting that I am denying the request to have an interpreter because *my* chosen interpreter does not speak Tongan. What they keep writing is not true, even though I keep asking them to change it.

The “interpreters” that the State keeps trying to force on me are not interpreters. They are just translators.¹ No one from the DOE has ever patiently explained anything to me. DOE so-called “interpreters” only make translations of statements, questions, and answers, but they don’t elucidate. If I don’t know the questions to ask, I’m at big disadvantage, and so is my son. My P/Assistant is the best interpreter I’ve ever had because she helps me truly understand what is going on. She has been helping me and my son for three and a half years, but the DOE just keep giving her a hard time because she’s not legally a “parent.”

HARD TIMES

Last year, my son did horribly at Robert Louis Stevenson Middle school. His Math and Reading diagnostic scores were lower at the end of Grade 6 (Mar 2020) than they were at the end of Grade 5 (May 2019). One of the biggest reasons this happened is because I had A LOT of communication and collaboration problems with the Principal (Balatico). She was extremely uncooperative with me and my P/Assistant (who is also my son’s home tutor and a former DOE elementary school teacher). The Principal told all the teachers to ignore emails from my P/A, and said we could communicate only through her. I complained to the Complex Area Superintendent who told me to work it out with the Principal, and also directed me to Monitoring & Compliance Branch of the Deputy Superintendent’s Office which handles IDEA (Individuals with Disabilities Education Act) issues – not this issue.

Last December, the M&CB specialist refused to include my P/A in email communications with me, and when we explained that my P/A was helping me write my emails, the specialist accused “someone” of committing fraud and forgery, and refused to communicate with me via email anymore. My P/A filed a Fraud & Ethics complaint. No apology, no acknowledgement of wrongdoing. At least the MC&B Specialist is being nicer now. That was a stressful drama.

Another drama was the mediation we went through about the Principal’s communications decisions. Because that’s a secret process, I can’t tell you anything other than that there was no resolution, and I wasn’t favorably impressed with the mediation process. It was a big waste of time, and I’m not even allowed to tell you why it was so frustrating and stressful.

This school year, the Principal has refused to put my P/Assistant on the Parent Notification email list. The teachers send email to me, not my P/A. I get so much email and I don’t know what to forward to my P/A and what not to send. This state of confusion is allowed to exist because the BOE is not setting any policies to change the status quo. The Principal can do whatever she wants, and excluding my P/A is what she wants. Since no policy against this exist, there’s *nothing* I can do.

This doesn’t help my son. It hurts him.

¹ interpret - to give or provide the meaning of; explain; explicate; elucidate.
[Origin: Middle English. stem of *interpres*: explainer]

translate - to turn from one language into another or from a foreign language into one’s own.
[Origin: Middle English. past participle of *trānsfarna*: to transfer]

Believe it or not, that's not the worst of it. Someone at the school filed an unsubstantiated claim of child abuse against my P/Assistant. That was very stressful because I didn't understand how anyone could call Child Welfare Services about me or my P/Assistant. By the end of that ordeal, the investigator was impressed enough with my P/Assistant that the Social Worker was encouraging my P/Assistant to become a volunteer Surrogate Parent for the Department of Health (someone who helps foster children and guardians the way my P/A helps my son and me).

The Principal also reprimanded my P/Assistant for assisting my son with his distance learning even though he never would have been able to do it without her. Today, I received a letter from the Principal, filled with lies, claiming that my P/Assistant has been interrupting distance learning classes and yelling at the teachers. This is outrageous, but I know why she writes these things. The Principal uses these lies as an excuse to justify this:

Because Ms. Ott remains so difficult, and based on all of the above, I am changing our agreement from the summer and will be ceasing all communication with Ms. Ott. As of today, September 16, 2020, and I will only be communicating directly with you, as you are Tevita's parent.

Truth is, Ms. Ott is a tireless advocate for my rights and my son's rights. She helps my son like any parent/aunt would. She helps him with his schoolwork. She goes to the doctor with us. She feeds him when I am sick. She takes him to Boy Scouts and Yoga. She's on his IEP Team. She hasn't done *anything* inappropriate.

I can't work this out with the Principal when the Board has given her permission behave like this this. Everyone in the DOE is complicit. Everyone turns a blind eye. No one will help. No one is holding an open hearing so we can expose the Principal's lies. The BOE has not answered Ms. Ott's and my pleas for help by making a policy to prevent this kind of harassment against the one person who's helping me and my son. Please, answer my pleas now.

A POSITIVE POLICY CHANGE

If the Board of Education will enact a policy that creates a designation of, and respect for, Parent Assistants, then I could get what I need to help my son with his education.

If the BOE won't create such a policy, then the DOE will continue to make my life very difficult. Why? What purpose does this serve? PLEASE, make it mandatory that if I designate a Parent Assistant, then that person is included in all the correspondence a parent would receive, and is given the right to communicate on my behalf with DOE employees (including teachers) just like a co-parent, and is allowed to assist with his education just like any other parent.

My son's future, and probably many others like him depend on a different, better way. PLEASE HELP! MAKE BETTER POLICY.

Thank you,



Feketi Huahulu

17-Oct-2020: Dilwith – Falsely accuses Ott of interrupting Asuncion’s class and yelling at her.

From: **Linell Dilwith** <linell.dilwith@k12.hi.us>
Date: Tue, Oct 27, 2020 at 5:17 PM
Subject: Re: Defamation by Principal Balatico
To: Vanessa Ott <msvott@gmail.com>
Cc: Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>

*Linell Dilwith
Complex Area Superintendent
Kaimuki-McKinley-Roosevelt Complexes*

*"Don't fear failure.
Fear being in the exact same place next year as you are today."
-unknown-*

attachment: Ott.pdf



STATE OF HAWAII
DEPARTMENT OF EDUCATION
HONOLULU DISTRICT OFFICE
4967 KILAUEA AVENUE
HONOLULU, HAWAII 96816

October 27, 2020

Ms. Vanessa Ott
MsVOtt@gmail.com

Dear Ms. Ott:

This responds to your corrected October 19, 2020 letter. We take your letter accusing Principal Balatico of publishing a defamatory letter about you seriously and object to your use of that allegation to demand concessions from the DOE. Let us make this clear, truth is an absolute defense to your allegations and we stand ready to defend our officials against your ill-conceived threat. We have obtained the statements of school officials that you intruded into the virtual classroom without authorization. Your role is not as a classroom assistant providing a related service to Tevita Ahomana. Indeed, you are not a qualified interpreter nor are you qualified to provide educational services in the classroom environment. Your role is limited to assisting Ms. Feketi Huahulu, per her request, at Tevita's IEP meetings and in tutoring him after school.

On August 27, September 3, September 11, 2020 you interrupted Ms. Asuncion's classroom instructions by appearing on Tevita's webcam and interfering and disrupting classroom instruction. On August 20 and September 1, 2020 you appeared on Tevita's webcam during Ms. Palmer's classes and again interrupted classroom instruction. Your conduct was inappropriate, unprofessional, and caused alarm to students. Your behavior upset and interfered with the education of the other students in the classroom. You are not authorized to interfere with classroom instructions. Tevita's IEP does not include you in any part of the delivery of classroom instruction, virtual or in-person. Your intrusion into the classroom instruction violated not only the teachers' First Amendment academic freedom rights to control the teaching environment, but your interference affected Ms. Asuncion's and Ms. Palmer's ability to freely exercise their professional judgment over the academic matters occurring in their classrooms. Your interference also intruded into the educational privacy rights of the other students in the classes.

Accordingly, your demands are rejected. We deny your assertions of defamation by Principal Balatico and stand ready to defend her. You are not permitted to participate in classroom instructions. Your role is limited to assisting Ms. Huahulu at school meetings, not speaking for her, and to provide tutorial services to Tevita, outside of the classroom, as may be initiated independently by Ms. Huahulu. Henceforth, the school will be communicating directly with Ms. Huahulu and will retain a Tongan interpreter to provide assistance to her. If she wishes to invite you to attend meetings with her, that will be her decision to make. This decision is made because of your unauthorized interruption of the teaching environment and your unpermitted intrusion into the classroom activities of the other students receiving instruction. Accordingly, we will not be responding to direct communications from you.

Attach. (Declarations)

DECLARATION OF TEACHER CHRISTINE ASUNCION

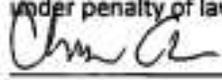
I, Christine Asuncion, do hereby declare as follows:

1. I am employed by the Department of Education as a Special Education Teacher at Robert Louis Stevenson Middle School.
2. I am a teacher of Tevita Ahomana, a student at Robert Louis Stevenson Middle School.
3. On August 27, 2020 Tevita was having computer issues with the YouTube link that I used in my powerpoint. Ms. Huahulu and Ms. Ott, who were standing on the side, asked permission to speak. I agreed to allow them to speak in an effort to troubleshoot the issue. I asked if Tevita was using "google chrome?" and Ms. Ott responded "he has a PC." Ms. Ott then said that "his other teachers don't just give the URL to the students etc." I informed Ms. Ott that I would email him the link again and I continued instructing my class. When I attempted to resume instruction, my entire class was silent, and one of my students made a comment to see if I was alright. I said yes and we just continued with the lesson.
4. On September 3, 2020, as I was conducting my Science class via WebEx, Vanessa Ott interrupted my class by appearing on Student Tevita Ahomana's webcam to speak directly to me. While the students were participating in the class activity, Vanessa Ott appeared on the side of the screen and began to yell at me to "reboot my computer." I ignored the unwarranted interruption and attempted to continue instructing my students. Vanessa Ott continued to yell at me saying "I've been telling you for the past 5 minutes to reboot your computer and you are not doing it." I ignored the unwarranted interruption and attempted to continue instructing my students. Ms. Ott continued to interrupt by stating loudly, "I don't understand for the past 10 minutes I have been telling her to reboot her computer and she won't listen." One of my students, who was aware of the impact Ms. Ott's yelling was having on me, blurted out "Ms., are you ok?" I said yes and we continued with the lesson. I again ignored Ms. Ott's interruption as I have multiple students in the class whom after this incident didn't want to participate in any class activities. At this time I also texted Vice Principal Robyn Tom to ask for help and she jumped into WebEx. I then continued to provide instruction to the students in the class until the end of the class period.
5. On September 11, 2020 while students were logging into class and I was taking attendance, and I heard Vanessa Ott scream very loudly in the background, "I'm bored!" As I continued talking to other students to prepare them for the day's lesson, I heard Ms. Ott yell "I'm bored" approximately two additional times. As on previous days, I ignored the interruption.
6. Ms. Ott intimidates me while I conduct my class, and her interruptions are also impacting my students. I have multiple students who have expressed that they do not want to attend class due to Ms. Ott's participation.

Declaration Statement: Christine Asuncion
October 26, 2020

Page 2 of 2

Pursuant to Rule 7(g) of the Hawaii Rules of the Circuit Courts, I, Christine Asuncion, do declare under penalty of law that the foregoing is true and correct.



CHRISTINE ASUNCION

10/26/2020

Dated, Honolulu, Hawaii

DECLARATION OF TEACHER ABIGAIL PALMER

I, Abigail Palmer, do hereby declare as follows:

1. I am employed by the Department of Education as a Special Education Teacher at Robert Louis Stevenson Middle School.
2. I am a teacher of Tevita Ahomana, a student at Robert Louis Stevenson Middle School.
3. On August 20, 2020 during my Period 2 English Language Arts class, Vanessa Ott interrupted my class by appearing on Student Tevita Ahomana's webcam to speak directly to me. Throughout the class, I noticed that Tevita kept turning his camera on and off and it appeared that someone was sitting beside him during class. He was actively engaged in the ice breaker, but kept looking towards where the other person was sitting frequently. I uploaded a Digital Notebook and began to walk students through how to access it, what it will be used for and how there is no need to return it each time they write in it because it is a working document that we will use throughout the semester.

While working on the assignment, Tevita became confused during the instructions because he had already begun to work on the document. He had turned it in before receiving instructions, so it would not allow him to edit the document until the instructor returns it back to the student. He asked me why he was unable to edit the document, and before I could answer him, Ms. Ott appeared on camera and interrupted saying "what Tevita is trying to say is that he doesn't have editing capabilities anymore. Yesterday he did, so I don't understand why he doesn't have them now." I responded back to Tevita, telling him that I would take a look at his document and figure out why. I told him not to worry because we will continue to work on them throughout the week next week. The purpose of introducing the digital notebook today was to give students a preview of what we will be working on next week.

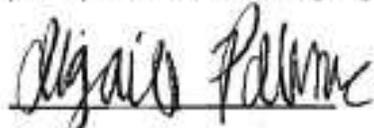
I wanted to make you aware of the situation because it definitely startled me as I have not had someone who is not a parent or guardian of a student present themselves on camera and be an active member of my online classroom before.

4. During the week of September 1, 2020, my students were working on the story *The Gift of the Magi*. The week prior we learned about the characters in the story. On or about September 3, 2020, during my Period 2 class, I asked students which characters they remembered from the story. Tevita immediately raised his hand and turned on his mic and said "Jimmy!" Before I could respond and before Tevita turned his mic off, Ms. Ott appeared very agitated on camera and started yelling "that is not the character's name! That is not his name, Tevita!" I responded to Tevita saying "Great job! That is correct! I'm so impressed you remembered his name! His full name in the story was James Dillingham

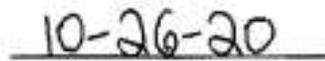
Young, but he went by many nicknames as well including 'Jim' in the story. If you remember him by calling him 'Jimmy', that is okay with me. Great work."

5. *On August 20, 2020 another teacher who has Tevita as a student, Ms. Horikami, also reported that Ms. Ott had jumped into her live class session.*
6. Due to Ms. Ott's participation in my virtual classroom, I have at least one student who has expressed that they do not want to attend class. Ever since Ms. Ott spoke up and shouted in my class, students have not wanted to participate or ask questions.

Pursuant to Rule 7(g) of the Hawaii Rules of the Circuit Courts, I, Abigail Palmer, do declare under penalty of law that the foregoing is true and correct.



ABIGAIL PALMER



Dated, Honolulu, Hawaii

DECLARATION OF PRINCIPAL KATHERINE BALATICO

I, Katherine Balatico, do hereby declare as follows:

1. I am employed by the Department of Education as the Principal at Robert Louis Stevenson Middle School.
2. Tevita Ahomana is a student at Robert Louis Stevenson Middle School.
3. On August 20, 2020, I was notified by Teacher Abigail Palmer that Vanessa Ott had appeared on Student Tevita Ahomana's webcam to speak directly to the teacher.
4. On August 22, 2020, I sent an email to Tevita's mother (Feketi Huahulu), as well as Vanessa Ott, informing them of what happened and reminding Vanessa Ott that she should only correspond with the teacher before and after class, not during live sessions. In this email, I stated, "I am asking that parents/tutors not interrupt classes and to contact teachers outside of the actual live Google Meets or WebEx sessions. Email or phone would be appropriate."
5. On August 30, 2020, I sent a second email to Vanessa Ott and Ms. Huahulu reminding them to not interrupt Tevita's teachers' classes during live sessions. In this email, I stated, "I understand that at times you are able to sit with him during class. Encourage Tevita to converse with his teachers. When you have a question, email or leave a message for teachers on their voicemails, and they will get back to you."
6. During the week of September 1, 2020, Ms. Abigail Palmer came to see me. She described teaching students a story and having students answer questions about the characters. She shared that in wanting to share an answer about one of the characters, Tevita had shortened the name of the character from "Jimmy" to "Jim" and that on camera in front of the other students in the virtual class, Vanessa Ott began to yell Tevita "that is not the character's name!" Teacher Palmer explained to me that she had to interrupt Ms. Ott and reassure Tevita that calling the character "Jim" was absolutely okay with her.
7. On September 3, 2020, I received a text message from Vice Principal Mara Kaizawa-Hiramoto requesting that I enter Teacher Christine Asuncion's virtual classroom because "Vanessa Ott is yelling at her." I walked over to Vice Principal Robyn Tom's office and observed Vice Principal Robyn Tom already in Teacher Christine Asuncion's virtual classroom, so I observed from within the room. VP Tom stated aloud that 2 devices (with Tevita's name) on in Teacher Asuncion's virtual classroom. Tevita's camera kept turning on and off at certain points in the class period. Tevita's camera would be turned off for a period of time prior to him coming back on and unmuting to ask Teacher Asuncion a question. VP Tom could hear Vanessa Ott directly promoting Tevita to talk to Teacher Asuncion; sporadically, the mute button and camera would be turned on and off. By the time I had logged onto the virtual classroom myself, the class was almost ending. VP Tom explained to me that Teacher Asuncion explained that once the administrators had entered the virtual classroom, Vanessa Ott's direct communication with Teacher Asuncion stopped.

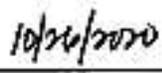
- B. On Friday, September 11, 2020, I received an email from Teacher Christine Asuncion describing how Vanessa Ott was disrupting her live class session by yelling at her to "reboot her computer." Teacher Asuncion noted that the students were uncomfortable with Vanessa Ott's participation in the class, and some students were choosing not to attend class due to Vanessa Ott's behavior. Teacher Asuncion wrote in her email, "I can't deal with this anymore. I have had another horrible class period I should have called you sooner. Sorry! Well the bell rang and all of my students were missing. So I looked on google classroom to find them and they weren't there then I heard a voice and it was Tevita. Then slowly another student appeared and so on. So I was taking attendance and continued to check around if the other students were coming to class. Then someone screamed "I'm Bored" really loud. I was talking to the other students and she did it again. I believe that she did it like 3 times. So I just ignored her and started the lesson. I went over the Science Doodle on the Scientific Method that the students were going to fill out as we were going to go over the powerpoint. I asked if the kids could see and stuff and they said they were okay and then she was like when are you going to send it to us. I forgot I had it in draft form. I have to keep it in draft form because she likes to do things ahead of time. So stupidity on my part forgot to assign it. Ugh she makes me so nervous. She also makes my kids very uncomfortable. I have to chat with them privately and she thinks that I am not talking to anyone. I had one student leave class today. I don't feel comfortable teaching and it is showing as my kids feel it. Think about it last week Aniya blurted out, "Ms. are you okay?" after she yelled at me. I have students that don't want to come to class. Something needs to be done. Well she went ahead and had him fill in all of the blanks ahead of the class so done before everyone. So I posted in the chat section a brain pop link on the scientific method. It was a direct link so he didn't need any passwords. Well I checked on him and he said he was okay. When the bell rang that's when she told him to tell me that the link didn't work cause it was asking for an admin password so he wasn't able to watch it. I was planning on posting it in the classwork section as well but as you saw she had him type up a letter already. My concern is that I have to type everything to my students because she is there and they don't feel comfortable with her being there yelling all the time."
9. In response to Teacher Christine Asuncion's email on Friday September 11, 2020, I also received an email from Teacher Abigail Palmer indicating that she had witnessed similar behavior on the part of Vanessa Ott, and also noted that some of her students were also choosing not to attend classes due to Ms. Ott's behavior. Teacher Palmer emailed, "I have noticed similar behavior with Vanessa and also have had Aniya not show up to my Period 2 class that Tevita is in. Vanessa also has Tevita jump ahead on work that I've asked students not to do until class so now I also have to put everything in draft form."
10. On September 28, 2020, I sent a letter to Ms. Huahulu via USPS outlining the issues dealing with Vanessa Ott in the classroom setting. I noted the two emails sent on August 22, 2020 and August 30, 2020, detailing the issues brought up by teachers, and my expectations that Vanessa Ott "not to interrupt Tevita's classes during live sessions; that she allow Tevita to communicate and ask questions for himself; and that should you [Ms. Huahulu] or Ms. Ott have questions, that an email or voicemail be sent to teachers, who will send a timely response." In the letter I noted that because Ms. Ott continued to "participate in classes

by interrupting, yelling at the teacher, and demanding the teacher do certain things," I would be changing the schools agreement from summer to include Ms. Ott in communications with the school.

Pursuant to Rule 7(g) of the Hawaii Rules of the Circuit Courts, I, Katherine Balatico, do declare under penalty of law that the foregoing is true and correct.



KATHERINE BALATICO



Dated, Honolulu, Hawaii

17-Oct-2020: Ott – Complaint to CAS Dilwith about Balatico’s false and murky allegations.

From: **Vanessa Ott** <msvott@gmail.com>
Date: Sat, Oct 17, 2020 at 12:23 PM
Subject: Defamation by Principal Balatico
To: Linell Dilwith <linell.dilwith@k12.hi.us>

Aloha Superintendent Dilwith,

Under authority as Principal of Robert Louis Stevenson Middle School, Katherine Balatico published a letter dated September 28, 2020 specifically about me which contains false statements of fact and inferences that cast a false light on the truth. These untrue statements have impugned my professional character. This is illegal libel. As her Supervisor, I assume you are the individual ultimately responsible for addressing inappropriate, and in this case, illegal behavior by those under your charge. If you are not the right person, please tell me who is, and forward my concerns to that person including me as recipient.

That is the first paragraph of my attached letter asking that you address this defamation.

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

attachment: 2020-10-17-Dilwith-re-Libel.pdf

attachment: **2020-10-17-Dilwith-re-Libel.pdf**

Vanessa Ott
MsVOtt@gmail.com
808-854-1018
October 17, 2020

Complex Area Superintendent Linell Dilwith
Linell.Dilwith@k12.hawaii.gov

Aloha Superintendent Dilwith,

Under authority as Principal of Robert Louis Stevenson Middle School, Katherine Balatico published a letter dated September 28, 2020 specifically about me which contains false statements of fact and inferences that cast a false light on the truth. These untrue statements have impugned my professional character. This is illegal libel.¹ As her supervisor, I assume you are the individual ultimately responsible for addressing inappropriate, and in this case, illegal behavior by those under your charge. If you are not the right person, please tell me who is, and forward my concerns to that person including me as recipient.

I did not set this in motion and resent that, once again, the Principal's actions means that *everyone* involved (not just me) has to spend precious time resources engaged in litigious activities rather than education, but the untrue statements cannot be allowed to stand, and I will do everything within my power to correct the record. So, I hope that you will conduct a fair and speedy inquiry. When the truth is allowed to surface, I think any reasonable person would agree that my following requests are reasonable recompense for the emotional distress, damage to my reputation, and loss of time I have been and am suffering. I request:

- (1) a full, frank, written retraction of the untrue statements made by Principal Balatico in her letter to Ms. Huahulu dated September 28, 2020;
- (2) an apology included with the written retraction; and
- (3) Ms. Balatico will honor Ms. Huahulu's wishes that I be treated like a second parent where her son's education is concerned in all but legal matters included, but not limited to, these common parent school privileges:
 - a. I will be included in all communications commonly sent to parents (e.g., newsletters, emails from school staff and teachers, telephone calls, etc.);
 - b. I am permitted to contact teachers with questions about Tevita's work, and can expect that any reasonable questions I have posed will receive a response from the teacher within a day or two;
 - c. I am not expected to include Principal Balatico in routine parent/teacher correspondence about class work;
 - d. I will receive responses from Principal Balatico or her assigns concerning reasonable requests for information about school policy, staff members, or other general administrative subjects within three business days.
 - e. I may observe classes with Ms. Huahulu if she requests any class visits when Tevita returns to school provided the number of requests are not unreasonable.

I request a meeting with you and my witnesses who can and will refute Ms. Balatico's false claims. Two of the most important witnesses are Tevita Ahomana, the student, and me since we both were in attendance

¹ <http://www.dmlp.org/BOOK/EXPORT/HTML/1809> - An excellent source about illegal defamation from the Digital Media Law Project.

100% of the time that the alleged actions occurred (during distance learning where I was present). Since Tevita attended school from Aug 17 – Sep 21 in my small, 2-bedroom apartment living room (my office, too), other witnesses to his distance learning classes in my home office were his mother, Feketi Huahulu, who was hanging around about 70% of the time, and my husband, who witnessed about 50% of these classes merely by the fact that he works from home and often has his office door open (a second bedroom that abuts the living room). We all would like the opportunity to tell you the truth and have the record corrected.

The other important witnesses are whichever teachers are claiming I yelled at them and demanded I “do certain things.” I cannot give you names for these teachers because there were no incidents like this. Having teachers openly bear witness before you, me, Tevita, Ms. Huahulu, and Ms. Balatico might clear up this mystery or, as I suspect, reveal that these statements are false.

Aside from the fact that the alleged incidents did not occur, Principal Balatico’s own statements are evidence that her September 28th accusations contain surprising, new creations of imagination. There are discrepancies between her two [emails in August](#) and several Sep. 28th statements about her own emails.

From: Katherine Balatico
28 SEP 2020

Dear Ms. Huahulu,

This letter is to inform you that in two separate emails (August 22, 2020 and August 30, 2020), I informed you and Ms. Vanessa Ott that it was brought to my attention that Ms. Ott has signed into Tevita’s online classes and has spoken directly to Tevita’s teachers as they are teaching class. I explained my expectations to you and Ms. Ott that Ms. Ott is not to interrupt Tevita’s classes during live sessions; that she allow Tevita to communicate and ask questions for himself; and that should you or Ms. Ott have questions, that an email or voicemail be sent to teachers, who will send a timely response. However, over the last 2 weeks, Ms. Ott continues to participate in classes by interrupting, yelling at the teacher, and demanding the teacher do certain things. It appears Ms. Ott is not capable of complying.

(cont....)

FALSE STATEMENT:
 No mention in August emails of signing into classes, and I do not know what this is about.

FALSE LIGHT:
 I do not know what offense Ms. Balatico is alleging I have committed. What does this mean, “signed into classes”? She has not described what she thinks I’ve done wrong, yet implies I’m guilty of something deserving of reprimand and sanction.

FALSE LIGHT:
 She is implying that I’ve not complied with these expectations. However, I have complied *all* of this; this is a false inference.

FALSE STATEMENT:
 As of 9/28, the “last 2 weeks” = SEP 14-25. After heavy construction abated in his own home, Tevita was no longer in my apartment during school hours after September 21st. It’s impossible for me to have “participated” in classes at that time.

FALSE STATEMENT:
 I have had verbal contact with Tevita’s teachers only three times this year: the two technical troubleshooting incidents in August, and the IEP meeting on SEP 17. I did not yell at any teachers. I did not participate in class. Anyone who says otherwise is lying. Tevita, Feketi, and my husband want the opportunity to speak to you directly, set the record straight and confirm that what *I’m* telling you is the truth.

FALSE LIGHT:
 As for “demanding the teacher do certain things,” I have no clue what she is talking about. This unexplained allegation falsely implies I am guilty of wrongdoing.

From: Katherine Balatico

28 SEP 2020

(...cont.)

It is standard practice that participation in classes by parents is not allowed. We are open, however, to you, as Tevita's mother, observing Tevita in his classes. If so, you may email his teachers individually to make prior arrangements 48 hour in advance of each class. If teachers agree to your observation, you would be allowed to sit alongside Tevita and listen in and watch the class but not actively participate. This invitation is not extended to Ms. Ott, as she is neither Tevita's parent or legal guardian. Ms. Ott's participation in Tevita's virtual (and eventually physical) classes is not welcomed.

We have been trying to work with Ms. Ott, but she **has continued to disrespect me and my teachers, has been intrusive into their classes, and has clearly not adhered to my expectations.** We are trying to help you, but ultimately, **I need to ensure that Tevita and his classmates are able to learn and that my teachers are able to teach.**

Because Ms. Ott remains so difficult, and based on all of the above, I am changing our agreement from the summer and will be ceasing all communication with Ms. Ott. As of today, September 16, 2020, and I will only be communicating directly with you, as you are Tevita's parent.

This is not an easy decision, as we have been trying to help you, but it is my responsibility to do what is in the best interest of Tevita and our students.
Thank you for your understanding.

This paragraph is deceitful because it pretends that RLS Middle School is cooperative and welcoming to parents. That has not been Ms. Huahulu's experience for the past 14 months.

This offer is worthless. Ms. Huahulu has said countless times that she cannot assist Tevita with his schoolwork. She has very limited English skills and no academic schooling in Tonga after she turned 16.

It is heart-wrenching to hear Ms. Huahulu cry as she tries to explain this (in broken English) to your representative on September 12th. ([Click to hear recording.](#))

This is also one more incident of the Principal's linguistic bullying that I've complained about before, yet is allowed to continue.

FALSE LIGHT:

There is no evidence I've been disrespectful to Ms. Balatico and her teachers other than Ms. Balatico's say-so, which I know from this letter, is not honest.

FALSE STATEMENTS:

I have not intruded in any classes other than the troubleshooting incidents in August. I *have* followed all of Ms. Balatico's expectations. These two accusations are false. My witnesses will corroborate.

FALSE LIGHT:

If Tevita's classmates are not able to learn, and teachers are not able to teach, it is not my fault. Perhaps Tevita left his laptop microphone on during distance learning, and his classmates heard me talking – in my own home. It's a teacher's responsibility to remind students to mute their mics, not mine.

There was no "agreement" because "agreement" means an arrangement accepted by all parties. There was only Ms. Balatico's decision about how things are going to be, which was not acceptable to the parent.

There are important facts for a supervisor to consider concerning Ms. Balatico's defamation of my character.

1. There were four full weeks between her August 30th email and the surprise attack letter written on September 28th. In that time, Katherine Balatico neither said nor wrote *anything* about the allegations in her 9/28 letter. I presume this is because, as I claim, none of these things happened. What *did* happen just one week before this act of libel occurred was that on September 21st, I filed an IDEA State Complaint with the Hawaii DOE Monitoring & Compliance Branch.
2. When your representative spoke with Ms. Huahulu on October 12, 2020 ([click here to listen to the conversation](#)), his comments reiterated Ms. Balatico's lies, and he was acting from a place of accepting that the defamatory statements about me are true.
3. If you've ever had a conversation with Ms. Balatico and she's made derogatory statements about me you would know. I've been asking you to address a lot of Ms. Balatico's behavior over the last year, and speak with me. I have not been given that opportunity yet. Ms. Balatico's bad behavior continues. Now, I am wondering if the reason you've never addressed any of the issues I've brought before you is due to defamation of my character by Ms. Balatico, and if so, how long this has been going on.
4. It is extremely common throughout the nation for school personnel to describe student advocates as "difficult" as did Ms. Balatico did me. This is because student advocates expect schools to make decisions that are in the best interests of the student, but because school administrators far too often are reluctant to meet these expectations, an advocate has to fight to ensure a student's needs are met. Thus, the label "difficult" to describe an advocate is used only by those who do not act in a student's best interests.

Please let me know if you are willing to meet with me and my witnesses. Ms. Huahulu will need an interpreter. She can supply her own, or you can make arrangements for a DOE-vetted Tongan translator.

As for any DOE staff you may want to question to discover the truth, please be aware that I have a confidential reason to suspect that Ms. Balatico has been pressuring teachers to be uncooperative with me. Some teachers may be feeling pressure from Ms. Balatico to contribute to defaming me. Any questioning of teachers should be done outside of Katherine Balatico's and Malcolm Yasuda's purview, and be kept confidential.

Thank you,



Vanessa Ott
808-854-1018

August Emails

BALATICO	TEVITA, FEKETI, VANESSA
<p>From: Katherine Balatico 22 AUG 2020</p> <p>It was brought to my attention that during Tevita's period 2 class on Thursday, Ms. Ott appeared on Tevita's webcam and spoke directly to his teacher, Ms. Palmer, about questions she had about accessing Tevita's online assignment.</p> <p>I know that distance learning is new and we are all learning how to approach this new classroom environment. Our teachers are also aware that there might be parents and/or family members nearby, sometimes assisting students in the background.</p> <p>While I appreciate that Ms. Ott is assisting Tevita with his classwork, please have Ms. Ott correspond with his teachers before or after class, and not during live sessions. As a student, Tevita is always encouraged to ask and answer questions and get clarity on assignments. But as this is a virtual classroom and there are other students in the class, I am asking that parents/tutors not interrupt classes and to contact teachers outside of the actual live Google Meets or WebEx sessions. Email or phone would be appropriate.</p> <p>-----</p> <p>From: Katherine Balatico 22 AUG 2020</p>	<p>From: Tevita 22 AUG 2020</p> <p>Hi Katherine Balatico, it's me Tevita. Ms. Ott helps me a lot but on Thursday she was only helping me because I had a difficult time trying to change the name of my journal. The reason she came in was because she saw that I was frustrated and I didn't know how to describe the issue to Ms.Palmer.</p> <p>-----</p> <p>From: Ms. Huahulu: 22 AUG 2020</p> <p>Ms.Palmer told the students that they could change the name of their journal but Tevita struggled with changing the name of his journal. Tevita was frustrated and he couldn't describe the issue to Ms.Palmer. That's why Ms.Ott talked to the teacher so she can help Tevita to change the name of his journal because Tevita didn't know what to do.</p> <p>My question is when Tevita was in the classroom and if he has a question about his work and he would ask the teacher for help. What about if he had a difficult online work that's why Ms.Ott helps him.</p> <p>Please understand the reason that Ms.Ott jumped in because Tevita had difficulty that day.</p> <p>-----</p> <p>From: Vanessa Ott 22 AUG 2020</p> <p>Katherine,</p> <p>I agree that parents should not be interrupting class to ask about classwork when the question can be answered later. Nonetheless, if there's an immediate technical problem with distance learning technology, I think parents (or the parent representative) should be allowed to help the child to resolve the problem. If the child is having difficulty with the technology, and this is preventing him from doing the classwork the teacher is asking him to do at that precise moment in real time, the parent or adult in attendance at the other end of the connection should be able to ask a quick question to resolve the technical issue if the child is unable to verbalize a need for assistance. Email or phone call later on does not solve the child's problem preventing him from participating in the class. I can't imagine that you intended to discourage me from assisting Tevita with a technical problem, or alerting the teacher that there is one if Tevita</p>

BALATICO	TEVITA, FEKETI, VANESSA
<p>Ms. Ott –</p> <p>Please understand that for future classes and instructional time:</p> <p>Please do not interrupt Tevita's teachers' classes during their live sessions. We are all working to teach Tevita the skills he will need to communicate and advocate for himself. This also includes asking questions when he might need help. I understand that at times you are able to sit with him during class. Encourage Tevita to converse with his teachers. When you have a question, email or leave a message for teachers on their voicemails, and they will get back to you</p>	<p>is unable to do so himself. So, perhaps there is some misunderstanding.</p> <p>Ms. Palmer was telling the students to change the name of the title in their online journals. Tevita was unable to figure out how to do this and growing anxious. From the sidelines, I could not figure out how to do this or how to help him. So, I tried to get Tevita to ask the teacher for help, but he was slipping into his "tongue-tied, frustrated, unable to communicate" mode. He was going to be left behind if I hadn't spoken up, described the problem Tevita was having, and asked the teacher what he should do.</p> <p>It was a simple fix. Turns out that because he had already submitted the completed assignment, he had to "unsubmit" it to change/edit the file. I think that was a valuable lesson to learn, and perhaps it helped some of the <i>other</i> students in the class understand how to prevent or troubleshoot the problem should they encounter it themselves in the days to come.</p> <p>Ms. Palmer,</p> <p>I sincerely apologize for interrupting your class, but Tevita was struggling and getting anxious, something he has a tendency to do; this, of course, only makes it harder for him to overcome the hurdle. Often, that hurdle is asking for help. I cannot sit idly by when I see Tevita struggling. I think that would be cruel. I would only interrupt if there were an immediate crisis that needed intervention. I deemed this to be one of those instances for the reasons described above. I ask for your understanding.</p>

29-Oct-2020: Ahomana - Stuff in Ms. Asuncion's letter about Ms. Ott isn't true.

From: **Tevita Ahomana** <tevitaahomana@gmail.com>

Date: Thu, Oct 29, 2020 at 8:25 PM

Subject: Ms. Ott did not say I'm bored

To: <linell.dilwith@k12.hi.us>

Cc: <christine.asuncion@k12.hi.us>, <huahulufeketi@gmail.com>, Ms. Ott <msvott@gmail.com>, <katherine.balatico@gmail.com>, <robyn.tom@k12.hi.us>, <Mara.Kaizawa_Hiramoto@k12.hi.us>

I feel that some of the stuff in Asuncion's letter wasn't true and Ms.Ott never said that she was bored. We were waiting for Ms. Asuncion and one of the students said they were bored.

Thank you,
Tevita Ahomana

29-Oct-2020: Ott – Next week I will provide statements of witnesses to alleged events.

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

Date: Thu, Oct 29, 2020 at 8:32 PM

Subject: Re: Ms. Ott did not say I'm bored

To: Tevita Ahomana <tevitaahomana@gmail.com>

Cc: Linell Dilwith <linell.dilwith@k12.hi.us>, Christine Asuncion <christine.asuncion@k12.hi.us>, Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>, <katherine.balatico@gmail.com>, Robyn Tom <robyn.tom@k12.hi.us>, <Mara.Kaizawa_Hiramoto@k12.hi.us>

Aloha,

Tevita:

Thank you for setting the record straight about the student who shouted, "I'm bored," in Ms. Asuncion's classroom. As you can see, sometimes people are accused of things they didn't do, and they need witnesses like you to step up and speak the truth. Malo.

Ms. Dilwith:

I learned from your October 27, 2020 letter that Science teacher, Christine Asuncion has falsely accused of me screaming, "I'm bored," more than once during her distance learning class. That is absurd *and* untrue. Her students were misbehaving and shouting out, "I'm bored." I do remember the incident, but I was minding my own business, doing my work. This is just one of several seriously false statements Ms. Asuncion has made against me. Ms. Balatico has acted in a retaliatory manner based on a lot of false information of which I was completely unaware until receiving your letter. Now, you also have based your decisions on false information. You may want to change your mind once you know the truth.

Early next week, I will send witness statements from me, Tevita Ahomana, Feketi Huahulu, and Erik Ott regarding the false statements in your October 27, 2020 and its three attachments.

Sincerely,
Vanessa Ott
808 - 854 -1018

03-Nov-2020: Ott – Included are Witness Statements Contradicting Asuncion's False Statements

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

Date: Tue, Nov 3, 2020 at 11:06 PM

Subject: Stop the defamation. Read my witnesses' statements and learn the truth.

To: Linell Dilwith <linell.dilwith@k12.hi.us>, <Phyllis.Unebasami@k12.hi.us>

Cc: Erik Ott <otterik@gmail.com>, Feketi (Toakase) Huahulu <huahulufeketi@gmail.com>, Tevita Ahomana <TevitaAhomana@gmail.com>

Aloha Ms. Unebasami,

On September 28, 2020 Principal Balatico sent me a libelous letter attempting to impugn my character and damage my reputation. I wrote to CAS Dilwith on October 19, 2020 asking her to handle the problem. On October 27, 2020, CAS Dilwith sent me her own libelous letter. She had not spoken to any of the four witnesses I had asked her to contact to get the truth. Attached is a document containing my statement as well as those of my three witness which give solid evidence that teachers Asuncion and Palmer, along with Ms. Balatico, and Ms. Dilwith are engaged in a campaign of defamation to the detriment of me personally and to the education of student Tevita Ahomana (one of the witnesses).

Considering CAS Dilwith is now part of the defamation conspiracy, and didn't behave very professionally when I asked her to handle the problem before, I think you should oversee what she does next.

Ms. Dilwith,

As I say in my attached letter, I am giving you the opportunity to try again to do the right thing. Reading my witnesses' statements and listening to their observations would be a good start.

Mahalo,

Vanessa Ott

808 - 854 -1018

MsVOtt@gmail.com

FreeSpeech4us.com

attachment: 2020-11-03-Dilwith-Unebasami-re-Libel.pdf



Vanessa Ott

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

(808) 854-1018

FreeSpeech4us.com

MsVOtt@gmail.com

November 3, 2020

Linell Dilwith
Kaimuki-McKinley-Roosevelt Complex Area Superintendent
Linell.Dilwith@k12.hi.us

Superintendent Dilwith,

You may want to reconsider the decisions you rendered in your October 27, 2020 letter after you read my witnesses' statements and learn the truth. I completely agree with you that truth is the absolute defense to any false allegation. I also want to thank you for getting witness statements from school employees because I was quite unaware of the false allegations that have been flying around the school about me. I hadn't heard anything from Ms. Balatico (Principal) about these outrageous and false accusations until reading her defamatory September 28, 2020 letter to Ms. Huahulu (Parent) about me. Ms. Balatico hinted at many grievances I allegedly committed, but didn't explain what exactly I was being accused of. Now, that I know what's been going on, I realize there is even more defamation occurring than I knew of writing my 19-OCT-2020 complaint to you about the defamation.

After reading Ms. Asuncion's (Q1 Science Teacher), Ms. Palmer's (Q1 Language Arts Teacher), and Ms. Balatico's signed statements, I sorted everything into Issue Categories and Events:

Issue Categories

- True Statements
- School Objection to Me Assisting Tevita
- False Statements
- Hearsay
- Defamation

Events

- Aug 17: First day of distance learning (due to COVID restrictions) School Year 2020-2021.
- Aug: 20: I deliberately went on screen and spoke to Ms. Palmer during her class to help Tevita resolve an issue which was preventing him from changing the title of his file as the teacher was instructing the class to do.

Sometime during the first week or two of school, I deliberately addressed Ms. Horikami (homeroom teacher) when she asked if students had any questions about assignments. My interjection concerned the school forms Tevita's mother had already signed, in person, at the school, but were still being marked as not received in Ms. Horikami's online assignments. Tevita had tried to resolve this via email, but he was unable to articulate the details of the issue either in writing or by speaking. So, I helped him, and his mother, solve the problem by speaking to Ms. Horikami.

- Aug. 27: I deliberately went on screen and spoke to Ms. Asuncion during her class to help Tevita resolve a technical issue which was preventing him from viewing the video the teacher had instructed the class to do.

Principal's Expectations

- Aug. 22 & 30: Ms. Balatico emails these expectations to Vanessa Ott and Feketi Huahulu:

Correspond with teachers before or after class, not during live sessions.

Do not interrupt Tevita's teachers' classes during their live sessions.

I understand that at times you are able to sit with him during class.

Encourage Tevita to converse with his teachers.

- Sep. 03: I tell Tevita *several* times to reboot his second computer so he can resume doing his classwork. He has his microphone on, so the students hear me speaking to him. Ms. Asuncion falsely accuses me of “screaming” at *her* and demanding that *she* reboot *her* computer. She admits she ignored the classroom interruption. She neither asked Tevita to mute his microphone, nor muted it herself, as the video conference facilitator.
- Week of Aug. 31 – Sep. 4: I assist Tevita with Language Arts class. He has his microphone on. The class hears me talking. Actually, I *am* shouting because I’m on the other side of the room doing something else, and making comments to Tevita that I think are helpful, and I have no idea the class can hear me. In her October 26, 2020 statement, Ms. Palmer claims, “Ever since Ms. Ott spoke up and shouted in my class, students have not wanted to participate or ask questions.”
- Sep. 11: Ms. Asuncion was taking roll and it was taking a long time to start class. More than one student starts blurting out, “I’m bored.” Unbeknownst to me until October 27th, Ms. Asuncion falsely accuses *me* of these utterances. She stated she, “heard Vanessa Ott scream very loudly in the background, ‘I’m bored!’” and yell it again approximately two additional times. She says that she ignored the classroom interruption. Ms. Balatico inappropriately cites a private email from Ms. Asuncion that is irresponsible and untrue: “Ugh she [Ott] makes me so nervous. She [Ott] also makes my kids very uncomfortable. I have to chat with them privately and she [Ott] thinks that I am not talking to anyone. I had one student leave class today. I don’t feel comfortable teaching and it is showing as my kids feel it.” In truth, I was minding my own business, and not even talking to Tevita. The student probably left because s/he was bored, but whatever the reason, it had nothing to do with me.
- Sep. 17: First IEP Team meeting of SY 2020-2021.
- Sep. 21: Office of the Deputy Superintendent Monitoring & Compliance Branch receives my IDEA State Complaint. Last day Tevita does distance learning in my apartment.
- Sep. 28: Ms. Balatico mails a defamatory letter about me to Ms. Huahulu.

TRUE STATEMENTS

Training Tevita to be successful with distance learning the first few weeks of school was not easy. My witnesses, Tevita Ahomana (student), Feketi Huahulu (mother), and Erik Ott (my

husband), know how much work I did making Tevita successful with the new way of attending school. No one at the school is aware of the challenges we overcame here at home with this learning-disabled student because what they saw was the end product -- Tevita doing really well.

During the first two weeks of school, I made a few short appearances on Tevita's video conference screen (August 20, 27, and another day I don't remember) in three separate teachers' classes. Each time was to resolve an issue that Tevita was not able to resolve himself. Two incidents needed immediate attention because Tevita was having technical issues that were preventing him from completing the teachers' instruction and proceeding with class participation. The third and maybe a fourth time was with his homeroom teacher and I was on topic because she was addressing the class about assignments still marked as incomplete in Infinite Campus; Ms. Huahulu *had* signed the forms (assignments) at the school, but there apparently was a communication problem between the school office and Tevita's homeroom teacher. Because of this, Ms. Balatico asked me to not talk to teachers directly during class in two emails dated August 22 and 30. I did exactly as she asked. A month later, after hearing nothing from her during that time about any issues, Ms. Balatico falsely accuses me of not complying with her expectations in her 28-SEP-2020 defamatory letter.

After troubleshooting Tevita's video problem on August 27, 2020, I did not speak to any of Tevita's teachers during class again. To this day, I have not talked to any of Tevita's teachers outside of class either, except at the IEP Team meeting on September 17, 2020.

Ms. Palmer and Ms. Asuncion each describe an event in their classroom during the 3rd week of school when I was talking to Tevita off camera. He had not muted his mic so the class heard me through the amplified video conferencing system. I have a loud voice and was unaware that the class could hear me. Both teachers make hearsay claims that these classroom interruptions emotionally damaged other students who don't want to come to class because of me. On September 11, 2020, Ms. Asuncion's students were shouting out that they were bored. According to Ms. Asuncion, one student even left class. Ms. Asuncion falsely accuses me of all three juvenile utterances of, "I'm bored," and for her student leaving class. I am unaware of these false accusations until October 27, 2020 when I receive CAS Dilwith's letter.

When using an amplified sound system, voices can sound very loud, almost like yelling. It is the responsibility of every video conference facilitator (teacher) to control the environment. This includes muting the microphones of conference participants when necessary and/or reminding participants to mute their own mics. Even though I had reminded Tevita many times to mute his mic, he did not understand the seriousness of this issue until someone at the school made an **unsubstantiated** claim to Child Welfare Services claiming I was guilty of child abuse for yelling at Tevita, and two social workers paid us all a visit on September 15, 2020. Tevita's mother was *very* upset – at whoever did this, not me. Tevita learned an important lesson and is much more careful about muting, now.

I do not recall any correspondence (written or verbal) from either a teacher or the Principal between August 30 and September 28, 2020 concerning classroom interruptions. I do not recall hearing any Teacher remind Tevita to mute his microphone during that time. As I was complying with Principal Balatico's August Expectations, her 28-SEP-2020 defamatory letter was a complete surprise.

SCHOOL OBJECTION TO ME ASSISTING TEVITA DURING DISTANCE LEARNING

Principal Balatico has falsely accused me of continuing to “participate” in classes when told not to do so. That’s a lie. After August 27, 2020 I *never* willing participated in a class. Tevita leaving his microphone on, and the class hearing me speak to Tevita to help him learn, does not constitute a violation of Ms. Balatico’s August expectations.

Statements made in the 28-SEP (Balatico) and 27-OCT (Dilwith) letters describe incidents when the class heard me assisting Tevita. Ms. Balatico wrote (30-August-2020), “I understand that at times you are able to sit with him during class. Encourage Tevita to converse with his teachers.” That is exactly what I was doing, and so much more. I was actually teaching him quite a lot.

Ms. Palmer wrote:

Tevita immediately raised his hand and turned on his mic and said “Jimmy!” Before I could respond and before Tevita turned his mic off, Ms. Ott appeared very agitated on camera and started yelling “that is not the character’s name! That is not his name, Tevita!” I responded to Tevita saying “Great job! That is correct! I’m so impressed you remembered his name! His full name in the story was James Dillingham Young, but he went by many nicknames as well including ‘Jim’ in the story. If you remember him by calling him ‘Jimmy’, that is okay with me. Great work.”

Her story is close to the way I remember this, but not identical. What I remember, what she did not see and hear on the home front with Tevita, is this. When Tevita answered, “Jimmy” correctly the first time (teacher asked several questions in which “Jimmy” or “James” was the correct answer), she congratulated him, *as did I*. I inferred from Ms. Palmer’s response, (calling the character James, and not acknowledging that Jimmy was a nickname for James) that she wanted the class to refer to the character as James. I suggested to Tevita that he follow the teacher’s lead. But, Tevita answered, “Jimmy” to another question. Teacher responded saying, “James.” I reminded Tevita to say “James” like the teacher was doing. The *third* time he said James, I called out to him that the character’s name is James. *This* utterance is what the Ms. Palmer is complaining about. She heard nothing of my instruction prior to that.

I have the mother’s permission to help Tevita get the most out of his public school education and teach him. Per Ms. Balatico’s August Expectation (3) it was understood that I was helping him. I’m a qualified teacher. Tevita needs help. His mother wants me to help him. If the teachers or Tevita are not managing the audio portion of classroom distance learning it is not my fault.

Any complaints about me helping Tevita learn, and the class overhearing, are without merit.

FALSE STATEMENTS

Ms. Asuncion made a false allegation that, On September 3, 2020, I yelled at *her* to reboot *her* computer. The truth is, I had to keep telling Tevita to reboot his computer. For some reason, he wasn't doing it. I kept repeating myself. I was talking to Tevita. His microphone was not muted. The class overheard me.

Ms. Asuncion made a false allegation that, on September 11, 2020, I screamed out, "I'm bored," three times and disrupted her class. My witnesses and I attest to the fact that it was neither me nor Tevita who made these utterances. Students in Ms. Asuncion's class were doing this. She characterized it as "screaming" and "yelling." It sounded loud to me only because of the laptop sound amplification.

By her own admission, Ms. Asuncion did not do her job and take control of the classroom interruptions on September 3rd or 11th. She "ignored" them and accused *me* of the difficulties she was having as a distance learning teacher.

False Light

Ms. Palmer wrote:

Before I could respond and before Tevita turned his mic off, Ms. Ott appeared very agitated on camera and started yelling "that is not the character's name! That is not his name, Tevita!"

If I was on the camera, I didn't know about it. I certainly wasn't in front of it addressing the class as this implies. I tried hard to avoid getting on the camera even before receiving Ms. Balatico's August Expectations. If I recall, I was sitting on my couch calling out to Tevita, which Ms. Palmer falsely characterizes as "yelling." So I don't know how it's possible I was "on camera." The class was hearing me, but I remember being on my couch, or maybe I was walking around the room, I don't remember.

HEARSAY

There is quite a bit of hearsay in the 27-October-2020 letter. There is a good reason why hearsay is not admissible in court. In this investigation, all hearsay should be stricken from the record. If any of the hearsay complainants wish to submit their own witness statements, they are free to do so. Following are a few examples.

Ms. Asuncion wrote:

6. Ms. Ott intimidates me while I conduct my class, and her interruptions are also impacting my students. I have multiple students who have expressed that they do not want to attend class due to Ms. Ott's participation.

Ms. Palmer wrote:

5. On August 20, 2020 another teacher who has Tevita as a student, Ms. Horikami, also reported that Ms. Ott had jumped into her live class session.
6. Due to Ms. Ott's participation in my virtual classroom, I have at least one student who has expressed that they do not want to attend class. Ever since Ms. Ott spoke up and shouted in my class, students have not wanted to participate or ask questions.

Ms. Balatico wrote:

9. In response to Teacher Christine Asuncion's email on Friday September 11, 2020, I also received an email from Teacher Abigail Palmer indicating that she had witnessed similar behavior on the part of Vanessa Ott, and also noted that some of her students were also choosing not to attend classes due to Ms. Ott's behavior. Teacher Palmer emailed, "I have noticed similar behavior with Vanessa and also have had Aniya not show up to my Period 2 class that Tevita is in. Vanessa also has Tevita jump ahead on work that I've asked students not to do until class so now I also have to put everything in draft form."

If Ms. Horikami wants to submit a complaint about me, let her speak for herself.

If the children and their parents want to submit a complaint about classroom interruptions, let them speak for themselves. However, be aware that any classroom interruption after August 27th by my voice is *not my fault*. It is the teacher's and Tevita's fault, but ultimately, the teacher's fault. If the children are traumatized, it is the fault of the teachers who did not mute the microphone or remind Tevita to do it himself. I reminded him many times. They did not. And absolutely no one told me there was an audio problem throughout the entire month of September.

Much of Ms. Balatico's signed statement is merely hearsay of statements made by Ms. Asuncion and Ms. Palmer in emails she received from them, but they decided to word differently in their signed statements. Ms. Asuncion's and Ms. Palmer's signed statements stand on their own. Any description of events by Ms. Balatico not actually witnessed by Ms. Balatico, and any rewording of the teachers' signed statements, is inaccurate hearsay.

Item 7 of Ms. Balatico's 26-OCT-2020 statement includes false statements, false light innuendo, hearsay, objections to helping Tevita learn, and a whole bunch of irrelevant statements about Tevita's computer usage. Ironically, it also confirms that I *was* adhering to her August Expectations, and **no one** other than Ms. Asuncion heard me speak to her, much less yell at her, about rebooting her computer because I didn't do it.

Ms. Balatico wrote:

7. On September 3, 2020, I received a text message from Vice Principal Mara Kaizawa-Hiramoto requesting that I enter Teacher Christine Asuncion's virtual classroom because "Vanessa Ott is yelling at her." I walked over to Vice Principal Robyn Tom's office and observed Vice Principal Robyn Tom already in Teacher Christine Aduncion's virtual classroom, so I observed from within the room. VP Tom stated aloud that 2 devices (with Tevita's name) on in Teacher Asuncion's virtual classroom. Tevita's camera kept turning on and off at certain points in the class period. Tevita's camera would be turned off for a period of time prior to him coming back on and unmuting to ask Teacher Asuncion a question. VP Tom could hear Vanessa Ott directly promoting Tevita to talk to Teacher Asuncion; sporadically, the mute button and camera would be turned on and off. By the time I had logged onto the virtual classroom myself, the class was almost ending. VP Tom explained to me that Teacher Asuncion explained that once the administrators had entered the virtual classroom, Vanessa Ott's direct communication with Teacher Asuncion stopped.

On September 3, 2020, I was telling Tevita to reboot his computer. There are no witness statements from Vice Principal Robyn Tom or Vice Principal Mara Kaizawa-Hiramoto that they heard me yelling at Ms. Ascuncion. On the contrary, my witnesses' statements confirm that I did

not yell at any of Tevita's teachers, *ever*, and that in this instance, I was telling Tevita (not the Science teacher) to reboot his computer. Ms. Balatico confirms that *only* Ms. Asuncion thinks she heard me yelling at *her* to reboot her computer, no one else. It is Ms. Asuncion who told Ms. Tom, who told Ms. Balatico that the reason no one heard me do this is because I stopped before any of the school personnel witnessed it. Ms. Asuncion is confused about a great many things. Ms. Balatico has accepted the false statements of a confused, technically incompetent Science teacher heard third hand, and used these false statements in an attempt to damage my reputation without even talking to me first to see if any of it was true. So did you, Ms. Dilwith.

My witnesses' statements contradict Ms. Asuncion's false allegations. Logic contradicts Ms. Asuncion's false allegations. Why in the world would I tell a teacher to reboot her computer, even if it was her computer that was having internet connection problems? I wouldn't, that's why. That would be her problem to figure out. I'm not going to jump in and troubleshoot a teacher's problems, though it had become obvious over the first few weeks that Ms. Asuncion needed help with technology. But – not my job.

Balatico states, "VP tom stated aloud 2 devices (with Tevita's name) on in Teacher Asuncion's virtual classroom." So what? Tevita has the luxury of two computers: a Lenovo Windows 10 PC and a Chromebook. He uses them both simultaneously during distance learning. He learns better that way. No doubt, if VP Tom runs the same diagnostics on any given day she will get the same result: two devices on when Tevita's in class. And what does this have to do with me?

As for all the nonsense about Tevita muting his video and audio, so what? What does this have to do with me? After I got Tevita to reboot and fix his connection problem, he was controlling his own computers, not me. I was on the other side of the room doing my own work, minding my own business. Besides, what's wrong with him muting video and audio while working? Isn't everyone in a tizzy that he *wasn't* doing that?

This statement confirms that indeed, I was complying with August Expectation (4) [Encourage Tevita to converse with his teachers.]: "VP Tom could hear Vanessa Ott directly promoting Tevita to talk to Teacher Asuncion."

There is no evidence in Ms. Balatico's item 7 that I am guilty of *any* wrongdoing or violations of her August Expectations, so what is any of this doing here? I'm glad it's there, though, because by her own words, Ms. Balatico reveals that I *was* complying with her expectations, and no one but befuddled Ms. Asuncion heard me yelling at her to reboot her computer or that I was bored. It may not be deliberate lying, but Ms. Asuncion does not tell the truth. Ms. Balatico deliberately uses whatever she can, be it true or not, to try an damage my character. This has to stop.

EXPURGATED ALLEGATIONS

Once the hearsay, the false allegations, the three short interruptions to fix problems the first two weeks of school, and the mic not muted when I was talking to Tevita are expurgated from the accusations of my wrongdoing, what is left? Nothing. **I have done absolutely nothing to warrant the defamatory** letters I received on September 28, 2020 from Katherine Balatico and October 27, 2020 from Linell Dilwith.

RETALIATION

I find it hard to believe that I am the only parent (or equivalent) who interrupted a distance learning class the first couple weeks of school to sort out a minor problem, or disrupted a class

unintentionally because a mic wasn't muted. However, **I don't find it hard to believe that I'm probably the only one getting harassed like this for deliberately making three minor interruptions to fix a problem during the first two weeks of school for a Special Needs student.**

The reason why Ms. Balatico has resorted to defaming my character is not an unsolvable mystery. It's retaliation because I filed an IDEA State Complaint on September 21, 2020, and I advocate for Tevita's right to an appropriate education. The lack of any correspondence throughout September about these baseless accusations, and the temporal proximity between IDEA complaint and libelous defamation, are pretty damning evidence.

Ms. Balatico wrote two emails to me in August telling me what she wanted me to do or not do. The last was on August 30, 2020. I complied. I did everything she asked. For over a month, I did not hear one peep from Ms. Balatico about her expectations or the false accusations Ms. Asuncion had made about me on September 3rd and 11th. On September 21, 2020 I filed an IDEA State Complaint with the DOE Monitoring & Compliance Branch after the first IEP meeting on September 17th. One week after the M&CB received the complaint, after four weeks of silence, Ms. Balatico mailed her defamatory letter on September 28, 2020.

September 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug 30		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Retaliation against someone engaging in protected civil rights activities (e.g., filing an IDEA State Complaint) is illegal, too. But that is a separate matter to be sorted out in a different venue.

DEFAMATION

Ms. Asuncion is obviously guilty of making false statements and defaming my character through slander and libel. As soon as Ms. Balatico, and you, Ms. Dilwith, published those false statements yourselves, and used them to damage my character, both of you also became guilty of libel. Neither one of you even attempted to speak to any of the four witnesses on the other side of the virtual classroom to find out the truth.

I am within my rights to bring charges against all three of you, personally and individually, in small claims court. Your position at the DOE does not allow you to commit libel, and I doubt the DOE legal services will assist. Be clear, however, that **court is my least preferred option**; it's a last resort that I will use if I must to clear my reputation. I prefer the more amicable, positive, and productive solutions below, similar what I proposed in my 19-OCT-2020 letter.

Ms. Dilwith, I'm willing to toss out your October 27, 2020 letter and let you start anew, if you want to do this. All of your false statements will be forgiven if a more cooperative, less dishonest culture in your district comes out of this.

One false statement you made was not based on any of the signed statements of others. You came up with it on your own. I consider this defamatory because it is untrue, published, and damages my reputation. Please do not make such a false statement in the future.

Indeed, you are not a qualified interpreter
nor are you qualified to provide educational services in the classroom environment.

Unfortunately, to explain why the statement in yellow is false, I must present myself like a braggart. Here goes.

I have been providing educational services via print media and telecommunications for over 30 years. I've been a successful national magazine editor, software technical trainer, curriculum developer, tech writer, public school teacher, and private tutor (paid and unpaid). I have decades of professional experience educating people of all ages on all sorts of topics for some very well-known corporations in the San Francisco Bay Area.

When I teach Tevita Ahomana, he learns (diagnostic scores prove it). When I don't teach Tevita, he either doesn't progress or worse yet, regresses (diagnostic scores prove it). My results alone prove I'm a qualified teacher.

In 2005, I received my postgraduate teaching certificate at California State University–East Bay, graduating in the top 10% of my graduating class when I was 46 years old. That school year, I developed and successfully taught a computer class for Grade 5 students at a Richmond, CA elementary school. Soon after moving to Hawai'i (2006), I was hired by the DOE's Adult Education branch to teach Microsoft Excel to adults who gave me great ratings. My scores on the Praxis exams I took to obtain my Hawai'i teaching license (2006-2007) were above the national average. For five years I was a "highly qualified teacher" with a complete and valid State of Hawai'i teaching license (elementary multiple subject) teaching full time at a DOE elementary school (2007 to 2012).

Now, at 61 years of age, I am a private piano teacher with a satisfied, well-paying clientele who did not have to stop taking lessons during the COVID shut-down because I'm a technically-proficient instructor. I had my students engaged in distance piano lessons two weeks after the shut-down in March 2020. You can read about my distance piano lessons on my web site, and a link to my curriculum vitae is toward the bottom of my home page on the web site I maintain:

freespeech4us.com

To say I'm not qualified to provide educational services in a DOE Grade 7 classroom environment is not true. I'm more qualified than a lot of the Special Education teachers Tevita has had foisted upon him in your Complex Area the past few years. If you think I'm not qualified to be in a classroom, then by your reasoning, you should get every teacher, every aid providing educational services in your district with less pedagogical qualifications than I have out of the classroom, yes? That would wipe out a good percentage of these employees, yes?

As for the issue of interpreter, we just plain disagree about what kind of interpreter is best for the school (least expensive and most efficient), and what qualifications Ms. Huahulu needs in an interpreter. It's not just to translate. If the objective is to ensure that the parent understands what's going on, Ms. Huahulu requires an interpreter *and* a counselor. She doesn't have an education past the 10th Grade in Tonga, and that little bit of academia was decades ago. I'm quite qualified to counsel Ms. Huahulu on how the education system works, and I'm capable of interpreting so that she can understand. In fact, I seem to be the only person in Tevita's entire school career who has ever bothered to explain much of anything to Ms. Huahulu, and it's not even my job. I'm a volunteer.

I have a history of effective communication with the English-challenged, adult students who came to the Genesys training center from around the world to learn software programming. I

became the defacto interpreter in a San Francisco City College computer class when the Russian students could not understand the Korean teacher's heavily-accented English and vice versa. While I was at CSU-East Bay, I received an excellent education in and obtained BCLAD certification (Bilingual, Cross-Cultural, Language and Academic Development). I'm quite good at communicating with people with marginal English skills. So, while my interpreter services would not be accepted in court, they are more than adequate to help Ms. Huahulu with day-to-day, school-to-home-to-school communications, and I'm the interpreter she wants!!

RESOLUTION

I will agree to not pursue in court any charges of defamation for events that have occurred to date if we can mutually agree on reasonable resolutions soon. I propose the following extremely reasonable resolutions:

- 1) Ms. Asuncion and Ms. Balatico will each publish a signed retraction of all the false and misleading statements they made impugning my character, and this publication will include an apology.
- 2) There will be clear understanding, in writing, that school staff, faculty, teachers and Complex Area personnel are required to work cooperatively with me to the fullest extent possible, as the parent wishes, to help further Tevita's education and assist the parent.
- 3) All harassment, slander, and libel by school and complex area staff toward Vanessa Ott will cease.
- 4) If my suggested resolutions are not satisfactory, Ms. Dilwith will respond with a good faith, reasonable counter offer, and refrain from derogatory and personally insulting comments in the process of negotiating a resolution.

Sincerely,



Vanessa Ott

I, Vanessa Ott, declare that as of November 3, 2020, the foregoing is true and accurate.



Tevita Ahomoana
1326 Keeaumoku St., #106
Honolulu, HI 96814
November 3, 2020

To Whom It May Concern,

I have read the letter to my friend and tutor, Vanessa Ott, from Complex Area Superintendent Linell Dilwith dated October 27, 2020.

Ms. Asuncion and Ms. Palmer said that Ms. Ott yelled at them. They are wrong. I haven't heard Ms. Ott yell at any of my teachers ever.

Ms. Asuncion says that on September 3, 2020 Ms. Ott was yelling at Ms. Asuncion to reboot her computer. Ms. Ott wasn't talking to Ms. Asuncion about rebooting the computer. She was talking to me. The only time Ms. Ott spoke to Ms. Asuncion was when we had issues with the YouTube video link. Ms. Ott was not yelling at Ms. Asuncion.

Ms. Asuncion says that on September 11, 2020, Ms. Ott screamed out that she was bored. That's not true. We were waiting for Ms. Asuncion to start class. One of the students blurted out, "I'm bored." Ms. Ott never said that. I think it was Winston.

I feel that you guys should let Ms. Ott help me. I have a hard understanding the schedules I get from the school. Ms. usually makes me a new schedule that is color coded, but she didn't do that with my Quarter 2 schedule because she says she's been real busy writing about the things the teachers said about her. The teacher shouldn't put false things about Ms. Ott because you guys make her look bad but she is a really good teacher. Plus Ms. Ott has helped me for 3 years and if she wasn't here to help me and I won't be successful today.

I understand you guys don't want Ms. Ott to interrupt the class but the only reason she did that is to help me with things that I couldn't solve it. Ms. Ott is like a second parent and she explain things that I don't understand which is like any mother would do if their child didn't understand something.

I, Tevita Ahomana, declare that as of November 3, 2020, the foregoing is true and accurate.

Tevita Ahomana

Tevita Ahomana

November 3, 2020

Feketi Huahulu
1326 Keeaumoku St., #106
Honolulu, HI 96814
808-308-8977
November 3, 2020

To Whom It May Concern,

On August 27, 2020 Tevita had difficulty. Vanessa knows that he cannot solve the problem so Vanessa and me came on camera to ask the teacher what was the problem so that Vanessa could solve it. There was no yelling from Vanessa to the teacher. She was talking nicely to the teacher to solve the problem.

Another day Vanessa came on camera to speak directly to the teacher about Tevita's forms. Vanessa explained that I had already filled out the form for food, but the teacher say we should do the form on the computer, too. I didn't hear Vanessa yelling at the teacher about Tevita's form.

It is not true that you say that Vanessa was yelling at the teacher because I was standing there and listening to them talking. I was there 75% when Tevita had class and I never heard her yell at Tevita's teachers.

The principal is mean and is trying to push Vanessa away, but I do not want that because she is nice and I trust her to speak for me. She helps my son a lot.

I, Feketi Huahulu, declare that as of November 3, 2020, the foregoing is true and accurate.



Feketi Huahulu

November 3, 2020

Erik Ott
2825 S. King St., #2901
Honolulu, HI 96826
otterik@gmail.com
November 3, 2020

Complex Area Superintendent Linell Dilwith
Linell.Dilwith@k12.hawaii.gov

Superintendent Dilwith,

As a resident where Tevita Ahomana was doing distance learning from August 17, 2020 to September 21, 2020, I witnessed some of the events described by teachers accusing Vanessa Ott of alleged misconduct. Tevita was participating in his classes from my kitchen table because heavy construction being done on his apartment building made that an impossible learning environment. To be clear, I was never directly observing class content delivery, rather an observer of Tevita in his distance learning instructional environment every day for five weeks the entire time Tevita was attending classes in my home.

I work from home, and have done so for over 15 years. The process of conducting online meetings and the technology used are far from new to me. The door to my home office is less than 10 feet from the table we set up for Tevita's distance learning environment. I keep my office door open unless I am on my remote meeting. It is impossible not to hear what is going on in my small apartment. Tevita's desk is next to the kitchen and it is impossible not to witness what is transpiring during class when going into the kitchen. If Ms. Ott, my wife, or anyone in a classroom video session, was yelling or screaming, I certainly would have been aware. I heard no yelling and screaming the entire time Tevita was doing his distance learning other than Ms. Ott calling out to Tevita to do something he needed to be doing. I say "calling" rather than "yelling" because it removes the negative implications from speaking loudly to deliver a needed message.

I will first testify to my account of the events described in the witness statements you included in your October 27, 2020 letter. Then, I will comment on your response to the situation and events in question.

Teacher Christine Asuncion:

Allegation:

3. On August 27, 2020 Tevita was having computer issues with the YouTube link that I used in my powerpoint. Ms. Huahulu and Ms. Ott, who were standing on the side, asked permission to speak. I agreed to allow them to speak in an effort to troubleshoot the issue. I asked if Tevita was using "google chrome?" and Ms. Ott responded "he has a PC." Ms. Ott then said that "his other teachers don't just give the URL to the students etc." I informed Ms. Ott that I would email him the link again and I continued instructing my class. When I attempted to resume instruction, my entire class was silent, and one of my students made a comment to see if I was alright. I said yes and we just continued with the lesson.

My Testimony:

I cannot confirm the date. I'm not involved with Tevita's class work. I *can* comment that one day I heard Tevita tell Ms. Ott that something wasn't working with his computer. As a professional in the computer industry, I pay attention when someone around me is saying they are having technical problems in the event I can assist. I got up from my desk, went to the door and observed as Ms. Ott inquired as to the problem, then told Tevita to ask the teacher for help. Tevita sat there looking confused not doing anything. Ms. Ott repeated the instruction with the same reaction from Tevita. The class continued to move on so Ms. Ott took control of the situation and communicated with the teacher. I don't recall the exact words as it was so inconsequential, but do recall I felt Ms. Ott had done nothing inappropriate. Tevita was having technical difficulties. He is a special needs student and was not able to take control of the situation. Class instruction continued. The adult best capable of handling it did so in a professional manner. Were we all supposed to sit there and allow this problem to continue and allow a special needs student to fall behind the class?

Reading the statement, I don't find it surprising that after this exchange the entire class was silent. They are 7th graders and were doing distance learning for the first time. It makes logical sense that the flow of the class had been broken, for good reason, and the students were waiting for further instruction. What I do find surprising is that a professional/certified teacher would find this situation problematic. So much so that a 7th grade special needs student had to ask if the teacher was ok. Effective teachers are leaders. This teacher is supposed to be a leader! Does her account sound like she is exhibiting leadership?

Allegation:

- 4. On September 3, 2020, as I was conducting my Science class via WebEx, Vanessa Ott interrupted my class by appearing on Student Tevita Ahomana's webcam to speak directly to me. While the students were participating in the class activity, Vanessa Ott appeared on the side of the screen and began to yell at me to "reboot my computer." I ignored the unwarranted interruption and attempted to continue instructing my students. Vanessa Ott continued to yell at me saying "I've been telling you for the past 5 minutes to reboot your computer and you are not doing it." I ignored the unwarranted interruption and attempted to continue instructing my students. Ms. Ott continued to interrupt by stating loudly, "I don't understand for the past 10 minutes I have been telling her to reboot her computer and she won't listen." One of my students, who was aware of the impact Ms. Ott's yelling was having on me, blurted out "Ms., are you ok?" I said yes and we continued with the lesson. I again ignored Ms. Ott's interruption as I have multiple students in the class whom after this incident didn't want to participate in any class activities. At this time I also texted Vice Principal Robyn Tom to ask for help and she jumped into WebEx. I then continued to provide instruction to the students in the class until the end of the class period.**

My Testimony:

I do not recall ever hearing Ms. Ott tell a teacher to reboot his or her computer. I can recall many times Ms. Ott telling Tevita to reboot his computer. In fact, we have both told him to do this many times over the last 3 years. As a technology professional, I will tell you that rebooting a computer is the first thing you should try when your computer is not behaving correctly. Being a special needs student, Tevita forgets a lot of things, so all the adults in his life have to remind him over and over.

Knowing Tevita's computer history and being an expert remote worker, it is obvious to me what transpired. Tevita was having a problem with his computer. Ms. Ott, working from her office desk on the other side of the room where he was distance learning, told him to reboot his computer. As she was across the room, she may have said this with a higher than speaking volume. The expectation was Tevita's computer was on mute and it was not. Because he is a special needs student and has a hard time sometimes with directions, he did not reboot his computer. He continued to have problems. Ms. Ott continued to tell him to reboot his computer from her desk. After 10 min, she no doubt went from her desk to his desk and made similar statements as referenced above. Perhaps she was speaking loudly, she definitely was not yelling otherwise I would have heard it, even if my door was closed. It's a small apartment.

From experience, I can tell you that during online meetings, unwanted sounds coming over the audio is common. This happens because attendees forget to mute every time they are not talking. The simple solution is someone who hears this happening says: "We're getting a lot of background noise, please mute your computer if you are not talking." This is even a common problem with the technology professionals that I work with. Someone forgetting to mute their microphone happens weekly in one or more of my work meetings. It seems this teacher doesn't understand the concept of someone forgetting to mute their microphone. Considering teachers have the ability to mute their students' microphones, this is an example of a teacher not being in control of her teaching environment. It's very simple: Tell everyone to be on mute when not speaking. If they don't, then mute their mic for them.

I would think the administration would be concerned regarding the teacher describing how she didn't have control of her class. The fact that this situation went on for over 10 minutes should be a major concern. I know many teachers from Hawaii to Philadelphia and they tell me classroom control is one of the top skills teachers must have. Instead of taking control of the class, this teacher takes the time to contact an administrator rather than simply rectifying the problem. It is not explicitly written but apparently the problem stopped by the time the administrator logged on. This tells me that Tevita finally rebooted his computer.

Allegation:

- 5. On September 11, 2020 while students were logging into class and I was taking attendance, and I heard Vanessa Ott scream very loudly in the background, "I'm bored!" As I continued talking to other students to prepare them for the day's lesson, I heard Ms. Ott yell "I'm bored" approximately two additional times. As on previous days, I ignored the interruption.**

My Testimony:

This is the most ludicrous allegation of them all. I have to say, not only did I start laughing at the ridiculousness when I read it, the friends and family I've read it to, especially the teachers I know, also got a great laugh. First I ask them who would say or yell, "I'm Bored" in class? Everyone so far responds the same, using their common sense: a student. When I told them Ms. Ott is accused of being the culprit, I heard roaring laughter and disbelief. I *would* thank you and the others for bringing us all a good laugh in these trying times if it wasn't for the fact that it reveals the complete incompetence of anyone who supports this claim.

I do not recall the exact date, but I recall pouring a cup of coffee from the kitchen and hearing a student say multiple times, "I'm bored." I wouldn't say they were yelling, certainly not screaming. I remember this event because hearing it made me sigh. It illustrated the difficulty teachers and students must be having with distance learning.

What scenario was in your mind when you accepted such a ridiculous accusation as the truth? How about this:

A 61-year-old, highly-productive, adult professional is sitting around with Tevita just waiting for class to start because she has nothing better to do. This very productive professional is just sitting there waiting to be engaged by the complex topic of Grade 7 Science. She gets tired of waiting for the 7th Grade special needs science teacher to start class, so decides to entertain herself by harassing the teacher and starts to screams very loudly, "I'm bored" multiple times.

Or perhaps this scenario is what you imagined:

Ms. Ott woke up, and drank an entire pot coffee. The caffeine is surging through her body. She is pacing back and forth in the apartment with nothing to do, completely lost because life is so empty, and she just can't wait for Tevita's Science teacher to start class. The teacher is taking roll, and Ms. Ott is so overcome with having nothing to do that she starts to scream very loudly, "I'm bored!"

Perhaps you envision something else? Whatever that might be, it's PREPOSTEROUS!! Does anyone supporting this false claim have any common sense? Doesn't it actually make much more sense that a special needs student was saying this? WOW! Once again, the teacher admits to not controlling her classroom, a common theme I'm seeing in her testimony. Is she being questioned about *that*?

During the first week of school it was noticeable to everyone on our end (me, Ms. Ott, Tevita, and his mother) that Ms. Asuncion was having difficulty with distance learning. Instead of complaining about her incompetence, Ms. Ott spent her time helping Tevita. Instead of spending her time getting better at using her computer, Ms. Asuncion spent her time (and a whole bunch of other people) defaming Ms. Ott.

Allegation:

- 6. Ms. Ott intimidates me while I conduct my class, and her interruptions are also impacting my students. I have multiple students who have expressed that they do not want to attend class due to Ms. Ott's participation.**

My Testimony:

I worked from 5am – 3pm from my home office Monday – Friday when Tevita was in my apartment doing distance learning. The office door was open most of the time, and I could hear everything going on in my living room and kitchen. I have heard Ms. Ott engage with the teachers only when Tevita was having a technical problem or an administrative problem, and unable to communicate it to the teacher himself. In those times she was professional. The few times this happened was at the beginning of the school year.

The fact that somehow over a computer Ms. Ott intimidates this teacher indicates there is a problem with the teacher. Her own testimony indicates is she has no control of her classroom, does not understand the technology and protocol required for distance learning, and is not a leader.

In my opinion her comments regarding "students who have expressed," is an outright lie to cover up her own problems as a teacher. If subpoenaed, it will be interesting to see if she can produce these students as witnesses. I don't believe 7th grade special needs students give a darn about Ms. Ott or what she does. I'd even bet if asked to recount any of these circumstances, none of them would have any

idea what you're even asking them. Regardless, the "interruptions" were due to the inadequacy of the teacher to perform her job!

Teacher Abigail Palmer:

Allegation:

- 3. On August 20, 2020 during my Period 2 English Language Arts class, Vanessa Ott interrupted my class by appearing on Student Tevita Ahomana's webcam to speak directly to me. Throughout the class, I noticed that Tevita kept turning his camera on and off and it appeared that someone was sitting beside him during class. He was actively engaged in the ice breaker, but kept looking towards where the other person was sitting frequently. I uploaded a Digital Notebook and began to walk students through how to access it, what it will be used for and how there is no need to return it each time they write in it because it is a working document that we will use throughout the semester.**

While working on the assignment, Tevita became confused during the instructions because he had already begun to work on the document. He had turned it in before receiving instructions, so it would not allow him to edit the document until the instructor returns it back to the student. He asked me why he was unable to edit the document, and before I could answer him, Ms. Ott appeared on camera and interrupted saying "what Tevita is trying to say is that he doesn't have editing capabilities anymore. Yesterday he did, so I don't understand why he doesn't have them now." I responded back to Tevita, telling him that I would take a look at his document and figure out why. I told him not to worry because we will continue to work on them throughout the week next week. The purpose of introducing the digital notebook today was to give students a preview of what we will be working on next week.

I wanted to make you aware of the situation because it definitely startled me as I have not had someone who is not a parent or guardian of a student present themselves on camera and be an active member of my online classroom before.

My Testimony:

I did not witness anything to contradict or support this account, but will comment that *nobody* was sitting next to Tevita attending class. There is one chair at the table in the kitchen nook. In a small apartment, we can all hear what is going on and witness how Tevita reacts during class. Each day he was here, Ms. Ott was doing her own work in the same room, no more than 25 feet away. She could easily observe Tevita from her desk and hear what was going on. Occasionally, if she saw Tevita not engaging in class, she would encourage him to do so, and he got better at it. As a special needs student he sometimes has a hard time forming thoughts into appropriate words. I do recall there were instances that, when it was obvious he was having difficulty, Ms. Ott would assist him. She also sometimes helped explain more about a subject the teacher was talking about. He has a lot of holes in his knowledge. She fills in the gaps. What decent teacher would resent this? What decent principal would try to put a stop to this? What qualified complex area superintendent would support this?

As stated previously, I am also in the apartment. When we were getting Tevita ready for distance learning, we taught him about muting the microphone and turning video on and off. I didn't want to

distract the class when walking behind Tevita to and from the kitchen. Perhaps he turned the camera on/off during my kitchen runs. Also consider it was early in the year and a new application for him. How many keiki do you know that play around when first using a new application? If it was distracting, all the teacher needed to do is tell Tevita to not turn his camera on and off. Complaining this was happening, and blaming Ms. Ott instead of doing something about it is another example of no control of the classroom environment. I'm seeing a common theme for both teachers with allegations. Who is accountable for making sure the teachers are performing their job adequately?

Using any of their complaints to justify your decision to cut Ms. Ott out of Tevita's schooling doesn't make sense. Ms. Ott is not Tevita's parent or legal guardian. So what? She is the equivalent of a Hawaiian Auntie. I am equivalent as Uncle. I know for a fact in Hawaii there are many keiki being assisted by Auntie and Uncle. Ms. Ott has spent countless unpaid hours providing Tevita an education. We have helped organize and conduct his birthday parties. I have introduced him to riding a bike, running, yoga and playing basketball. We have meals together. We help his mother with her personal problems. So what if that we are not his parents or blood relatives?! I would like to think you are familiar with the concept of ohana. We are part of Tevita's ohana, in spite of the DOE's narrow concept of what family is. We are giving what we can to ensure he gets the best education he can. Why are you putting blocks up to minimize our ability to help Tevita, and harassing us when we do?

Allegation:

- 4. During the week of September 1, 2020, my students were working on the story *The Gift of the Magi*. The week prior we learned about the characters in the story. On or about September 3, 2020, during my Period 2 class, I asked students which characters they remembered from the story. Tevita immediately raised his hand and turned on his mic and said "Jimmy!" Before I could respond and before Tevita turned his mic off, Ms. Ott appeared very agitated on camera and started yelling "that is not the character's name! That is not his name, Tevita!" I responded to Tevita saying "Great job! That is correct! I'm so impressed you remembered his name! His full name in the story was James Dillingham Young, but he went by many nicknames as well including 'Jim' in the story. If you remember him by calling him 'Jimmy', that is okay with me. Great work."**

My Testimony:

I do recall hearing Ms. Ott helping Tevita with regard to a story assigned as school work. I cannot comment on this specific incident other than Ms. Ott is his tutor, and a really good one. She decided years ago to devote her skills to help him and his mother. She has been successful in providing him an education. Is the teacher saying the problem is Ms. Ott "appeared very agitated"? So what if she looked agitated? What does that even mean, and how is that a punishable offense? Any camera appearance would have been accidental, anyway. If it did happen, it was probably for a brief moment. Seems to me you and your teachers are picking on Ms. Ott for things that are probably regularly occurring with other parents during distance learning.

A frequent theme of these allegations is Ms. Ott is yelling. I don't think anyone making these allegations understand what yelling sounds like. More likely they're exaggerating decibels for the purposes of defamation. Can Ms. Ott be loud? Yes. She has a lot of energy when she speaks and she projects her voice because she's been a teacher for so long. This repeated allegation of yelling seems to be a combination of her natural voice, the distance learning technology in a small apartment setting, and

teachers that are clearly are not in control of their classroom environments. Any “yelling” can quickly be silenced by muting the student’s microphone.

Ms. Ott is not from Hawaii. She was raised on the East coast, in an Italian family which is very different culturally than what you find in Hawaii. In her culture, people are loud when they’re happy, loud when they’re angry, loud when they’re excited, loud when they say hello, loud when they say goodbye. Regardless, I can guarantee that nobody during distance learning has heard Ms. Ott yelling at them. We’ve been together for over 25 years, and I’ve heard her yell.

As an executive in a Fortune 50 corporation, we have diversity and unconscious bias training every year. The intent of these trainings is to provide perspective on different styles and behaviors and understanding of cultural differences. Are DOE employees required to take similar training? If not, they should be. If so, it’s not working!

Allegation:

- 5. On August 20, 2020 another teacher who has Tevita as a student, Ms. Horikami, also reported that Ms. Ott had jumped into her live class session.***

My Testimony:

Where is her sworn statement? It isn’t there probably because she is intelligent enough not to directly make false accusations or professional enough to want to work with parents. The term “jumped into” is also poor terminology from an educator doing distance learning. It will be interesting to hear what Ms. Horikami has to say about Ms. Palmer’s description if she ever has to be subpoenaed to show that the above statement’s purpose is defamation.

Allegation:

- 6. Due to Ms. Ott’s participation in my virtual classroom, I have at least one student who has expressed that they do not want to attend class. Ever since Ms. Ott spoke up and shouted in my class, students have not wanted to participate or ask questions.***

My Testimony:

In my opinion her comments regarding “at least one student who has expressed,” is an outright lie to cover up her own problems as a teacher managing a virtual classroom, like Ms. Asuncion. I don’t believe 7th grade students give a darn about Ms. Ott or what she does. I’d even bet if asked to recount any of these circumstances, none of them would have any idea what you’re even asking them. Regardless, the “interruptions” were due to the inadequacy of this teacher to perform her job!

It’s clear to me that, without the false allegations about student reactions to hearing Ms. Ott during class, there isn’t anything to justify your decision to cut Ms. Ott out of Tevita’s education at your school. Insignificant incidents are being made to try to appear to be significant. I’m not surprised. This is not the first time I’ve seen DOE employees misrepresent the truth and lie to defame another, avoid responsibility or kiss up to Principals who have it out for some unfortunate employee. That’s a disturbing trend I have witnessed after 13 years of experience with DOE employees. Actually I’m happy that these

claims are in writing under oath. Should this have to be tried in a court of law, the lies are right there in writing.

Comments about your letter:

How dare you say Ms. Ott is not qualified to teach! There is no truth in this statement. It is just a feeble attempt to discredit Ms. Ott. During her life, she's acquired an Engineering degree, Music degree, Certified California teaching certificate, Hawai'i teacher's license and tenure, and is now a professional piano teacher, etc. She's been teaching people how to use their computers for the last 30 years.

My opinion is you are not qualified to be a Complex Area Superintendent! My proof is your October 27, 2020 letter supporting all the lies you didn't bother to properly investigate. You're the one with a public service job getting paid by our tax dollars. I am very unimpressed regarding your behavior. Ms. Ott asked you to help, you deferred to the principal, who is the problem. That's useless. You ignored Ms. Ott, and now you are attacking her. How can any manager justify conducting an investigation without talking to both sides? There is a clear bias here! This is unprofessional!

It's also clear there is a problem with control of teaching environments in YOUR school! If there wasn't, most of the allegations would have been blips on the radar caused by neglect using the mute and video buttons, and misunderstanding of what an acceptable volume is. It's pathetic that you accuse Ms. Ott of violating "the teachers' First Amendment Academic freedom rights to control the teaching environment."

First of all, the problem is that the *DOE teachers* neglected to control their classroom environment, and Ms. Ott is blamed for with *their* incompetency. Your response to this entire situation illustrates the problem with the DOE: NO ACCOUNTABILITY for DOE Administrators actions and their lies! No accountability for unprofessionalism.

Second of all, you obviously don't know what the First Amendment even is! The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances. Nobody's First Amendment rights were violated. Interesting that you bring up the First Amendment. That's what gives Ms. Ott the right to post on her web site copies every statement DOE employees write about her which is a factual account of how a government agency, the DOE, with you at the head of this particular complex area will not redress grievances about defamation. By the time you read this letter, it will probably already be on Ms. Ott's web site.

Ms. Ott found Tevita floundering at one of YOUR schools. His outlook was dim as one of YOUR schools was not doing its job. As such his mother accepted Ms. Ott's offer to home school him, and tutor him, and because of her choice, Tevita made great progress. Going back to one of YOUR schools, he fails! Why? Because YOU won't collaborate! Ms. Ott has made many requests many, many times to resolve this deplorable situation. Instead, you and your employees respond by defaming Ms. Ott. You and your employees are being hostile! I'm not impressed.

What is *your* job? I'm sure DOE HR books, like those in my company, say a lot of things. I want to know the core of your job functions. I will provide my opinion based on my extensive education, professional career, and having relationships with lots of educators, what your job *should* be:

To do the best of your ability you should ensure your staff is educating students in the most effective and safe manner.

By this definition, you are not doing your job! The years we have worked with Tevita and brought him so far should be proof that what Ms. Ott has done is effective. We are now part of his ohana, we are safe and professional adults. We pose no risk to other students, despite false allegations. The traumatization claims would not have transpired if teachers used their capability to mute students' microphones. The most effective and safe way to teach Tevita is with collaboration, not divisiveness!

Yet, divisiveness is all we seem to get from the school and your administration. There is so much divisive behavior it's now escalated to lies, exaggerations, and defaming Ms. Ott who has devoted the majority of her time the last 13 years to try to help educate keiki in Hawaii. Starting with our first years in Oahu, after she stopped working for the DOE on the Big Island, she attended almost every board meeting and wrote a lot of useful testimony. Just search the [BOE minutes archive](#) for her name and you will find 94 documents in the past eight years. She took courses in Roberts Rules to learn to be an effective meeting participant and facilitator. She decided she would be more productive helping students directly and volunteered to help the local school in 2016 where she met Tevita in 2017. She volunteers for Parents for Public Schools-Hawaii and Tevita's Boy Scout Troop. Due all to her efforts, she has brought a special needs child out of a very dark hole with a dark future into an enlightened path with endless possibilities through education. To continue this path to its conclusion (high school graduation) may be possible only with collaboration between tutor and school. And yet, you deny him this opportunity and attempt to defame Ms. Ott in the process.

Clearly from the national rankings of schools, what Hawaii DOE administrators are doing has not, and will continue to *not* work. Self interests of certain teachers and administrators seems to TRUMP a student's best interests. This is not ethical!

Our family has discussed litigation with our family council as an option. Whether or not we pursue a small claims case against you and the others for defamation depends on your next set of actions. Small claims court is an option where you and those involved cannot hide behind the DOE since we can, and will if we have to, go to court to hold all parties in the defamation personally accountable. We never imagined having to consider personal litigation, and certainly it's a last resort. But be sure, whether it's in a Hawaii court, or the court of public opinion, we too are ready to fight for justice, *and* we have the truth and common sense on our side!

Do your job! Instruct your employees to do their jobs and to use collaboration and not divisiveness and do what is right for Tevita's best interests! Maybe some of that experience will lead to other ideas to improve how they do their jobs better. That's what you should be changing, not making it even harder for Ms. Ott to help Tevita than it already is.

How easy *that* would be instead of spending hours upon hours continually dealing with something that is not in the best interests of Tevita. I will have to admit, however, it *would* be very personally satisfying to cash personal checks for the maximum amount a judge will award for this defamation, as that will finally provide *some* accountability for bad behavior of DOE employees. So, if you decide to not do the right thing, I personally will still have a victory. For too many years have I seen bad behavior buried by administrators and no accountability. Maybe a few defamation law suits will start a trend as other people treated so poorly by DOE find out that it's illegal to defame them, and they can sue the perpetrators personally in small claims court. Maybe we, along with you, will become the example for others who will learn how to pursue similar remedies for defamation by DOE employees. Ms. Ott is a great teacher. She will teach.

However, I really do prefer a solution in Tevita's best interests. Although he will learn a lot by engaging in a court proceeding as a witness, it's not really what we want him to be doing with his time. Then again, disabled people need to learn to protect their rights. In Hawaii it looks like he has to learn how.

Unfortunately, my experience with DOE employees is they can never admit when they are wrong. I believe it's engrained in the culture. So, I expect we'll meet at some point in the future in court. Such a shame all this divisive energy and time could easily be changed to positively affect education if you, the Principal, the teachers would just DO YOUR JOBS!

I, Erik Ott, declare that as of November 3, 2020, the foregoing facts are true and accurate, and the opinions expressed herein are my own.



November 3, 2020

Erik Ott

"The only thing necessary for the triumph of evil is for good men to do nothing." – Winston Churchill.

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

September 28, 2020

Dear Ms. Huahulu,

This letter is to inform you that in two separate emails (August 22, 2020 and August 30, 2020), I informed you and Ms. Vanessa Ott that it was brought to my attention that Ms. Ott has signed into Tevita's online classes and has spoken directly to Tevita's teachers as they are teaching class. I explained my expectations to you and Ms. Ott that Ms. Ott is not to interrupt Tevita's classes during live sessions; that she allow Tevita to communicate and ask questions for himself; and that should you or Ms. Ott have questions, that an email or voicemail be sent to teachers, who will send a timely response. However, over the last 2 weeks, Ms. Ott continues to participate in classes by interrupting, yelling at the teacher, and demanding the teacher do certain things. It appears Ms. Ott is not capable of complying.

It is standard practice that participation in classes by parents is not allowed. We are open, however, to you, as Tevita's mother, observing Tevita in his classes. If so, you may email his teachers individually to make prior arrangements 48 hour in advance of each class. If teachers agree to your observation, you would be allowed to sit alongside Tevita and listen in and watch the class but not actively participate. This invitation is not extended to Ms. Ott, as she is neither Tevita's parent or legal guardian. Ms. Ott's participation in Tevita's virtual (and eventually physical) classes is not welcomed.

We have been trying to work with Ms. Ott, but she has continued to disrespect me and my teachers, has been intrusive into their classes, and has clearly not adhered to my expectations. We are trying to help you, but ultimately, I need to ensure that Tevita and his classmates are able to learn and that my teachers are able to teach.

Because Ms. Ott remains so difficult, and based on all of the above, I am changing our agreement from the summer and will be ceasing all communication with Ms. Ott. As of today, September 16, 2020, and I will only be communicating directly with you, as you are Tevita's parent.

This is not an easy decision, as we have been trying to help you, but it is my responsibility to do what is in the best interest of Tevita and our students. Thank you for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Balatico".

Katherine Balatico
Principal

Vanessa Ott
MsVOtt@gmail.com
808-854-1018
October 17, 2020

Complex Area Superintendent Linell Dilwith
Linell.Dilwith@k12.hawaii.gov

Aloha Superintendent Dilwith,

Under authority as Principal of Robert Louis Stevenson Middle School, Katherine Balatico published a letter dated September 28, 2020 specifically about me which contains false statements of fact and inferences that cast a false light on the truth. These untrue statements have impugned my professional character. This is illegal libel.² As her supervisor, I assume you are the individual ultimately responsible for addressing inappropriate, and in this case, illegal behavior by those under your charge. If you are not the right person, please tell me who is, and forward my concerns to that person including me as recipient.

I did not set this in motion and resent that, once again, the Principal's actions means that *everyone* involved (not just me) has to spend precious time resources engaged in litigious activities rather than education, but the untrue statements cannot be allowed to stand, and I will do everything within my power to correct the record. So, I hope that you will conduct a fair and speedy inquiry. When the truth is allowed to surface, I think any reasonable person would agree that my following requests are reasonable recompense for the emotional distress, damage to my reputation, and loss of time I have been and am suffering. I request:

- (4) a full, frank, written retraction of the untrue statements made by Principal Balatico in her letter to Ms. Huahulu dated September 28, 2020;
- (5) an apology included with the written retraction; and
- (6) Ms. Balatico will honor Ms. Huahulu's wishes that I be treated like a second parent where her son's education is concerned in all but legal matters included, but not limited to, these common parent school privileges:
 - a. I will be included in all communications commonly sent to parents (e.g., newsletters, emails from school staff and teachers, telephone calls, etc.);
 - b. I am permitted to contact teachers with questions about Tevita's work, and can expect that any reasonable questions I have posed will receive a response from the teacher within a day or two;
 - c. I am not expected to include Principal Balatico in routine parent/teacher correspondence about class work;
 - d. I will receive responses from Principal Balatico or her assigns concerning reasonable requests for information about school policy, staff members, or other general administrative subjects within three business days.
 - e. I may observe classes with Ms. Huahulu if she requests any class visits when Tevita returns to school provided the number of requests are not unreasonable.

I request a meeting with you and my witnesses who can and will refute Ms. Balatico's false claims. Two of the most important witnesses are Tevita Ahomana, the student, and me since we both were in attendance 100% of the time that the alleged actions occurred (during distance learning where I was present). Since Tevita attended school from Aug 17 – Sep 21 in my small, 2-bedroom apartment living room (my office, too), other witnesses to his distance learning classes in my home office were his mother, Feketi Huahulu, who was hanging around about 70% of the

² <http://www.dmlp.org/BOOK/EXPORT/HTML/1809> - An excellent source about illegal defamation from the Digital Media Law Project.

time, and my husband, who witnessed about 50% of these classes merely by the fact that he works from home and often has his office door open (a second bedroom that abuts the living room). We all would like the opportunity to tell you the truth and have the record corrected.

The other important witnesses are whichever teachers are claiming I yelled at them and demanded I “do certain things.” I cannot give you names for these teachers because there were no incidents like this. Having teachers openly bear witness before you, me, Tevita, Ms. Huahulu, and Ms. Balatico might clear up this mystery or, as I suspect, reveal that these statements are false.

Aside from the fact that the alleged incidents did not occur, Principal Balatico’s own statements are evidence that her September 28th accusations contain surprising, new creations of imagination. There are discrepancies between her two [emails in August](#) and several Sep. 28th statements about her own emails.

<p>From: Katherine Balatico 28 SEP 2020</p> <p>Dear Ms. Huahulu,</p> <p>This letter is to inform you that in two separate emails (August 22, 2020 and August 30, 2020), I informed you and Ms. Vanessa Ott that it was brought to my attention that Ms. Ott has signed into Tevita’s online classes and has spoken directly to Tevita’s teachers as they are teaching class. I explained my expectations to you and Ms. Ott that Ms. Ott is not to interrupt Tevita’s classes during live sessions; that she allow Tevita to communicate and ask questions for himself; and that should you or Ms. Ott have questions, that an email or voicemail be sent to teachers, who will send a timely response. However, over the last 2 weeks, Ms. Ott continues to participate in classes by interrupting, yelling at the teacher, and demanding the teacher do certain things. It appears Ms. Ott is not capable of complying.</p> <p>(cont....)</p>	<p>FALSE STATEMENT: No mention in August emails of signing into classes, and I do not know what this is about.</p>
	<p>FALSE LIGHT: I do not know what offense Ms. Balatico is alleging I have committed. What does this mean, “signed into classes”? She has not described what she thinks I’ve done wrong, yet implies I’m guilty of something deserving of reprimand and sanction.</p>
	<p>FALSE LIGHT: She is implying that I’ve not complied with these expectations. However, I have complied <i>all</i> of this; this is a false inference.</p>
	<p>FALSE STATEMENT: As of 9/28, the “last 2 weeks” = SEP 14-25. After heavy construction abated in his own home, Tevita was no longer in my apartment during school hours after September 21st. It’s impossible for me to have “participated” in classes at that time.</p>
	<p>FALSE STATEMENT: I have had verbal contact with Tevita’s teachers only three times this year: the two technical troubleshooting incidents in August, and the IEP meeting on SEP 17. I did not yell at any teachers. I did not participate in class. Anyone who says otherwise is lying. Tevita, Feketi, and my husband want the opportunity to speak to you directly, set the record straight and confirm that what <i>I’m</i> telling you is the truth.</p>
	<p>FALSE LIGHT: As for “demanding the teacher do certain things,” I have no clue what she is talking about. This unexplained allegation falsely implies I am guilty of wrongdoing.</p>

From: Katherine Balatico

28 SEP 2020

(...cont.)

It is standard practice that participation in classes by parents is not allowed. We are open, however, to you, as Tevita's mother, observing Tevita in his classes. If so, you may email his teachers individually to make prior arrangements 48 hour in advance of each class. If teachers agree to your observation, you would be allowed to sit alongside Tevita and listen in and watch the class but not actively participate. This invitation is not extended to Ms. Ott, as she is neither Tevita's parent or legal guardian. Ms. Ott's participation in Tevita's virtual (and eventually physical) classes is not welcomed.

We have been trying to work with Ms. Ott, but she **has continued to disrespect me and my teachers, has been intrusive into their classes, and has clearly not adhered to my expectations.** We are trying to help you, but ultimately, **I need to ensure that Tevita and his classmates are able to learn and that my teachers are able to teach.**

Because Ms. Ott remains so difficult, and based on all of the above, I am changing our agreement from the summer and will be ceasing all communication with Ms. Ott. As of today, September 16, 2020, and I will only be communicating directly with you, as you are Tevita's parent.

This is not an easy decision, as we have been trying to help you, but it is my responsibility to do what is in the best interest of Tevita and our students.

Thank you for your understanding.

This paragraph is deceitful because it pretends that RLS Middle School is cooperative and welcoming to parents. That has not been Ms. Huahulu's experience for the past 14 months.

This offer is worthless. Ms. Huahulu has said countless times that she cannot assist Tevita with his schoolwork. She has very limited English skills and no academic schooling in Tonga after she turned 16.

It is heart-wrenching to hear Ms. Huahulu cry as she tries to explain this (in broken English) to your representative on September 12th. ([Click to hear recording.](#))

This is also one more incident of the Principal's linguistic bullying that I've complained about before, yet is allowed to continue.

FALSE LIGHT:

There is no evidence I've been disrespectful to Ms. Balatico and her teachers other than Ms. Balatico's say-so, which I know from this letter, is not honest.

FALSE STATEMENTS:

I have not intruded in any classes other than the troubleshooting incidents in August. I *have* followed all of Ms. Balatico's expectations. These two accusations are false. My witnesses will corroborate.

FALSE LIGHT:

If Tevita's classmates are not able to learn, and teachers are not able to teach, it is not my fault. Perhaps Tevita left his laptop microphone on during distance learning, and his classmates heard me talking – in my own home. It's a teacher's responsibility to remind students to mute their mics, not mine.

There was no "agreement" because "agreement" means an arrangement accepted by all parties. There was only Ms. Balatico's decision about how things are going to be, which was not acceptable to the parent.

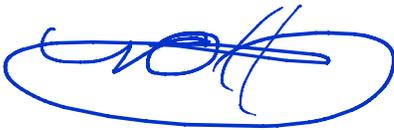
There are important facts for a supervisor to consider concerning Ms. Balatico's defamation of my character.

5. There were four full weeks between her August 30th email and the surprise attack letter written on September 28th. In that time, Katherine Balatico neither said nor wrote *anything* about the allegations in her 9/28 letter. I presume this is because, as I claim, none of these things happened. What *did* happen just one week before this act of libel occurred was that on September 21st, I filed an IDEA State Complaint with the Hawaii DOE Monitoring & Compliance Branch.
6. When your representative spoke with Ms. Huahulu on October 12, 2020 ([click here to listen to the conversation](#)), his comments reiterated Ms. Balatico's lies, and he was acting from a place of accepting that the defamatory statements about me are true.
7. If you've ever had a conversation with Ms. Balatico and she's made derogatory statements about me you would know. I've been asking you to address a lot of Ms. Balatico's behavior over the last year, and speak with me. I have not been given that opportunity yet. Ms. Balatico's bad behavior continues. Now, I am wondering if the reason you've never addressed any of the issues I've brought before you is due to defamation of my character by Ms. Balatico, and if so, how long this has been going on.
8. It is extremely common throughout the nation for school personnel to describe student advocates as "difficult" as did Ms. Balatico did me. This is because student advocates expect schools to make decisions that are in the best interests of the student, but because school administrators far too often are reluctant to meet these expectations, an advocate has to fight to ensure a student's needs are met. Thus, the label "difficult" to describe an advocate is used only by those who do not act in a student's best interests.

Please let me know if you are willing to meet with me and my witnesses. Ms. Huahulu will need an interpreter. She can supply her own, or you can make arrangements for a DOE-vetted Tongan translator.

As for any DOE staff you may want to question to discover the truth, please be aware that I have a confidential reason to suspect that Ms. Balatico has been pressuring teachers to be uncooperative with me. Some teachers may be feeling pressure from Ms. Balatico to contribute to defaming me. Any questioning of teachers should be done outside of Katherine Balatico's and Malcolm Yasuda's purview, and be kept confidential.

Thank you,



Vanessa Ott
808-854-1018

August Emails

BALATICO	TEVITA, FEKETI, VANESSA
<p>From: Katherine Balatico 22 AUG 2020</p> <p>It was brought to my attention that during Tevita's period 2 class on Thursday, Ms. Ott appeared on Tevita's webcam and spoke directly to his teacher, Ms. Palmer, about questions she had about accessing Tevita's online assignment.</p> <p>I know that distance learning is new and we are all learning how to approach this new classroom environment. Our teachers are also aware that there might be parents and/or family members nearby, sometimes assisting students in the background.</p> <p>While I appreciate that Ms. Ott is assisting Tevita with his classwork, please have Ms. Ott correspond with his teachers before or after class, and not during live sessions. As a student, Tevita is always encouraged to ask and answer questions and get clarity on assignments. But as this is a virtual classroom and there are other students in the class, I am asking that parents/tutors not interrupt classes and to contact teachers outside of the actual live Google Meets or WebEx sessions. Email or phone would be appropriate.</p> <p>-----</p> <p>From: Katherine Balatico 22 AUG 2020</p>	<p>From: Tevita 22 AUG 2020</p> <p>Hi Katherine Balatico, it's me Tevita. Ms. Ott helps me a lot but on Thursday she was only helping me because I had a difficult time trying to change the name of my journal. The reason she came in was because she saw that I was frustrated and I didn't know how to describe the issue to Ms.Palmer.</p> <p>-----</p> <p>From: Ms. Huahulu: 22 AUG 2020</p> <p>Ms.Palmer told the students that they could change the name of their journal but Tevita struggled with changing the name of his journal. Tevita was frustrated and he couldn't describe the issue to Ms.Palmer. That's why Ms.Ott talked to the teacher so she can help Tevita to change the name of his journal because Tevita didn't know what to do.</p> <p>My question is when Tevita was in the classroom and if he has a question about his work and he would ask the teacher for help. What about if he had a difficult online work that's why Ms.Ott helps him.</p> <p>Please understand the reason that Ms.Ott jumped in because Tevita had difficulty that day.</p> <p>-----</p> <p>From: Vanessa Ott 22 AUG 2020</p> <p>Katherine,</p> <p>I agree that parents should not be interrupting class to ask about classwork when the question can be answered later. Nonetheless, if there's an immediate technical problem with distance learning technology, I think parents (or the parent representative) should be allowed to help the child to resolve the problem. If the child is having difficulty with the technology, and this is preventing him from doing the classwork the teacher is asking him to do at that precise moment in real time, the parent or adult in attendance at the other end of the connection should be able to ask a quick question to resolve the technical issue if the child is unable to verbalize a need for assistance. Email or phone call later on does not solve the child's problem preventing him from participating in the class. I can't imagine that you intended to discourage me from assisting Tevita with a technical problem, or alerting the teacher that there is one if Tevita is unable to do so himself. So, perhaps there is some misunderstanding.</p>

BALATICO	TEVITA, FEKETI, VANESSA
<p>Ms. Ott –</p> <p>Please understand that for future classes and instructional time:</p> <p>Please do not interrupt Tevita's teachers' classes during their live sessions. We are all working to teach Tevita the skills he will need to communicate and advocate for himself. This also includes asking questions when he might need help. I understand that at times you are able to sit with him during class. Encourage Tevita to converse with his teachers. When you have a question, email or leave a message for teachers on their voicemails, and they will get back to you</p>	<p>Ms. Palmer was telling the students to change the name of the title in their online journals. Tevita was unable to figure out how to do this and growing anxious. From the sidelines, I could not figure out how to do this or how to help him. So, I tried to get Tevita to ask the teacher for help, but he was slipping into his "tongue-tied, frustrated, unable to communicate" mode. He was going to be left behind if I hadn't spoken up, described the problem Tevita was having, and asked the teacher what he should do.</p> <p>It was a simple fix. Turns out that because he had already submitted the completed assignment, he had to "unsubmit" it to change/edit the file. I think that was a valuable lesson to learn, and perhaps it helped some of the <i>other</i> students in the class understand how to prevent or troubleshoot the problem should they encounter it themselves in the days to come.</p> <p>Ms. Palmer,</p> <p>I sincerely apologize for interrupting your class, but Tevita was struggling and getting anxious, something he has a tendency to do; this, of course, only makes it harder for him to overcome the hurdle. Often, that hurdle is asking for help. I cannot sit idly by when I see Tevita struggling. I think that would be cruel. I would only interrupt if there were an immediate crisis that needed intervention. I deemed this to be one of those instances for the reasons described above. I ask for your understanding.</p>

15-Jan-2021: Ahomana – If you write an apology letter, Ms. Ott will not take you to court for defamation.

From: Tevita Ahomana <tevitaahomana@gmail.com>
Date: Fri, Jan 15, 2021 at 5:39 AM
Subject: Fwd: Ms. Ott did not say I'm bored
To: <christine.asuncion@k12.hi.us>
Cc: Toakase Ahomana <FeketiAhomana@gmail.com>, Ms. Ott <mstvott@gmail.com>

What you said about Ms. Ott screaming she was bored during your class is not true. She asked me to let you know that if you write an apology letter, she will not take you to small claims court for defamation. If she doesn't have the letter by next Friday, January 22nd, she will begin the court process the following week. She's pretty sure she can win because Ms. Ott, her husband and I all heard the kids yelling out that they were bored. It wasn't Ms. Ott. So, three people have a different story than you do. She doesn't want to go to court and take your money. All she wants is for you to write an apology letter for accusing her of something she didn't do, and for accusing her of telling you to reboot your computer. That's another thing you said she did that she didn't do. When that happened, we have four witnesses who contradict your telling of the story (Mr. Ott, my mom, me, and Ms. Ott). We're all willing to go to court to defend Ms. Ott's reputation if we have to.

You can prevent a court case by writing an apology and sending it to Ms. Ott before next Friday. Otherwise, I know she's going to file the court papers because her reputation is really important to her. Her husband is really angry and wants her to do it now, but she wanted to give you a chance to stop this. You can call her at 808-854-1018, if you want to.

Thank you,
Tevita Ahomana