

August 16, 2015

To: State of Hawai'i Board of Education Members

re: HR 8/18/15 Agenda Item IV.(A) Update on Department of Education ("Department") investigations, including employee leave data (Department Directed Leaves ("DDL") and Leaves Pending Investigation ("LPI")) [GBM Agenda Item IV.(A)]

Aloha Board of Education Members,

Thank you for the opportunity to comment on Department Directed Leave and Leaves Pending Investigation. As a taxpayer, I ask that the Board of Education not approve any more personnel specialist positions to work on Investigations until the DOE provides sufficient justification for creating more job positions to handle investigations.

This is a broad issue all Board Members should understand. It is obviously an HR Committee issue, but it also falls within the domain of other BOE Committees.

- The Audit Committee monitors the DOE's business practices and ethical standards of the DOE; a detailed audit of the investigation policies and procedures is desperately needed.
- The Finance Committee is responsible for overseeing financial operations. All of the expenses involved in Investigations should be analyzed closely.
- Last, but not least, student achievement suffers when their highly qualified teachers are not allowed to do their jobs for days, weeks, and months on end.

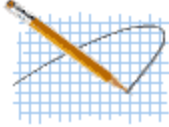
The only BOE meeting minutes that reference DDLs / Investigations that I could find were for the 12/16/14 HR meeting. That is not enough. This topic deserve be on every BOE Audit, FIC, and HR Committee meeting agenda, and continually revisited until the DOE Investigation Guidelines are written and the Board (and public) is receiving useful reports with appropriate data to justify investigation-related expenses.

The cost of substitutes just for 28 Teachers on paid leave during an investigation is over \$85,000 a month! That doesn't include the other 15 employees. No doubt investigations are costing the DOE over a million dollars a year for substitutes alone.

Update of DDLs & LPIs – 08.10.15

- ◆ **15 Cases closed (since 6/24/15) –**
employees returned to work or discipline implemented
- ◆ **43 employees currently on DDL or LPI**
 - 3 Educational Officers
 - 28 Teachers
 - 12 Classified Staff

| Typical Cost for 1 Substitute per day | Number of Teachers on paid leave | Total Sub cost per day | Sub Cost per week (5 days) | Sub Cost per month (approx 20 days) | Total Sub Cost per 180 days |
|---------------------------------------|----------------------------------|------------------------|----------------------------|-------------------------------------|-----------------------------|
| \$151.81 | 28 | \$4,250.68 | \$21,253.40 | \$85,013.60 | \$765,122.40 |



Jane Sezak <jsezak@hotmail.com>

08/17/2015 11:59 AM

To "boe_hawaii@notes.k12.hi.us"
<boe_hawaii@notes.k12.hi.us>
cc
Subject Agenda Item VII B 8/18/2015 1:30 PM

Jane Sezak
6377F Kalama Rd.
Kapaa, Hi. 96746

Board of Education Meeting
8/18/2015
1:30 p.m.
Agenda Item VII B

I fully support policy 101.7 school climate and discipline policy changes to public and charter schools in Hawai'i.

Suspension from school is counterproductive and actually destructive. Students get overwhelmingly behind and fall into a downward spiral, making it impossible to catch up and this furthers their lack of self-esteem and leads to even more acting out and disciplinary problems. A change in policy is long overdue. Please support these policy changes...

Mahalo

Jane Sezak

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TESTIMONY IN SUPPORT OF BOARD POLICY 101.7 TO THE HAWAII BOARD OF EDUCATION

Tai-An Miao
1508 Iao Lane
Honolulu, Hawai'i 96817

Hawai'i BOE General Business Meeting
Tuesday, August 18, 2015 at 1:30pm
Queen Lili'uokalani Building
1390 Miller Street, Room 404
Honolulu, Hawai'i 96813

RE: Agenda item VII.B., Board Action on Student Achievement Committee recommendation concerning new Board Policy 101.7, School Climate and Discipline

Aloha Board of Education,

I am submitting testimony in support of the Student Achievement Committee recommendations concerning new Board Policy 101.7, School Climate and Discipline. I am grateful to the stakeholder group that has reviewed the policy and formed recommendations and so proud of our Board for its consideration of this policy, which aligns with the national focus on the promotion of positive school climate as a protective factor for student success. I am also heartened by the policy's focus on requiring greater accountability from school administrators for the use of disciplinary action.

I am directly connected to this issue in multiple ways. I am a mother of two multi-racial/multi-ethnic children, an active community member in the Farrington Complex, and a juvenile justice researcher and advocate for reform. In my voluntary role as a member of the Governor-appointed Juvenile Justice State Advisory Council, I serve as Committee Chair for Cultural and Ethnic Diversity and I have just returned from representing Hawaii in the annual conference of the Coalition for Juvenile Justice in Washington, D.C. Multiple workshops in this national gathering were devoted to the development of a continuum of educational supports for youth who show greater risk of behavioral problems. I have personally spoken with school and justice agency partners working to "dismantle the school-to-prison-pipeline" from jurisdictions ranging from Sedgwick County, Kansas to Santa Cruz County, California and I look forward to seeing this work advanced and strengthened in Hawai'i. From a professional standpoint, I have recently reviewed data that reflect a disproportionate number of arrests corresponding to out-of-school suspensions for Chapter 19 offenses in the Wai'anae-Nanakuli Complex Area. The need to move swiftly to understand and address any policies or practices that may contribute to disparate outcomes based on race, ethnicity, economic opportunity, or geography is tantamount to the integrity and effectiveness of our education system. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has recently adopted a developmental approach to juvenile justice and encourages educational partners to also observe these hallmarks, which include "accountability without criminalization, alternatives to justice system involvement, a genuine commitment to fairness, and sensitivity to disparate treatment."¹ Mahalo for the Board's leadership in bringing this issue to the forefront and addressing it through pro-active policy that provides greater guidance to schools on how to enhance school climate and implement school discipline in a manner that is consistent, just and transparent.

I am fully sympathetic of the challenges that confront our school administrators and teachers as they strive to cultivate a climate of supportive learning while responding to disciplinary needs on campus. I am grateful for

¹ NAP – National Academies Press, *Reforming Juvenile Justice: A Developmental Approach*, 2013.

http://www.nap.edu/download.php?record_id=14685#

NAP – National Academies Press, *Implementing Juvenile Justice Reform: The Federal Role*, 2014.

<http://www.nap.edu/catalog/18753/implementing-juvenile-justice-reform-the-federal-role>

the dedication and passion of our school administration and staff as they grapple with these issues in complex areas that face significant historical, economic, and social disadvantages. I firmly believe the implementation of a school climate and discipline policy will become a tool to help the schools of Hawai'i realize their goals for greater accountability and transparency in the equitable treatment of all of our students regardless of geography, gender, economic advantage, or ethnic background. The school climate and discipline policy is a valuable tool in the toolbox of our educators in order to help support all of our students in achieving a bright future. .

Please accept my strongest support for the recommendations of the Student Achievement Committee regarding new BOE policy 101.7, School Climate and Discipline. Mahalo for your consideration of this timely and significant policy decision

Aloha,
Tai-An Miao

Bruce Naguwa
Principal
Kapolei Middle School

General Board Meeting
August 18, 2015
130 p.m.

School Discipline Policy

Board Chair Mizumoto and Members of the Board:

Thank you very much for affording me the opportunity to provide input into the proposed changes to the Hawaii Board of Education Policy 101.7, School Climate and Discipline.

As principal of Kapolei Middle School, I take the safety and welfare of my students and staff members very seriously. When students enter my school, they should be free from harassment, bullying and other forms of student misconduct. I am an advocate for students, and believe that a positive school climate is essential for student success.

Proposed changes to BOE Policy 101.7 will create another layer of requirements in order to keep my campus safe and secure. The policy states that, "Schools should remove students from the classroom as a disciplinary consequence only as a last resort and only for appropriate serious infractions." The need to include such language misrepresents what we do at the school level on a daily basis. As a school administrator, we never remove students without proper cause. Based on a recent newspaper article, school level administrators are doing a fantastic job limiting the use of suspensions on our campuses. The article highlights the fact that nationwide, school systems suspend students at a rate of 11%, while in Hawaii, school administrators suspend at a rate of 5%.

Before adopting changes to BOE Policy 101.7, please seek input from the field. Not a small group of administrators, but a large sample size of "school level" administrators. I'm sure the vast majority of school level administrators will find the proposed changes cumbersome and unnecessary based on current Chapter 19 requirements.

I believe in positive student supports, however, please do not limit our options in maintaining a safe and secure learning environment for our students. Adding another layer of bureaucratic requirements will not enhance the quality of our schools. Our students and staff members deserve to attend a safe school, and it is my responsibility to enhance the learning environment for our students.

Thank you very much for your support and the opportunity to provide input.

WHAT IS THE CRITERIA FOR PUTTING AN EMPLOYEE ON PAID LEAVE?

Because of the tremendous costs involved, both financial for the DOE, and to the employees' health, personal lives, and futures, a formal investigation should not be undertaken lightly. There should be **strict** criteria that must be met before anyone is permitted to authorize an expensive investigation. What are those criteria? Do you, Board Member, know?

I have been asking for well over five years (since my first DDL) for documentation of the DOE Investigation Policies and Procedures, and still there is relatively nothing, nada, zilch – except for one little Investigation Process Overview slide included in the Superintendent Matayoshi's 8/18/15 report to the BOE HR Committee (shown below). The BOE needs to give the DOE a deadline to produce that documentation before even bringing a proposal to increase investigations staff up for consideration.

As a taxpayer, I am alarmed that there are so many ongoing investigations and so little data to justify the *current* expenses much less additional expenses. Superintendent Matayoshi's 8/18/15 report is far too lean on details to justify two more paid positions to handle a workload *which may not even be necessary*. While more personnel may be needed, I have very strong doubts that this is true. I suspect DOE Investigators could do more with less if the process of what warrants an investigation was clearly defined first. I suspect there are several ongoing investigations that should be handled by better management of the issue.

There is no data (other than someone's say so) that suggests even *more* employees are needed to conduct *even more* investigations.

Three important questions I would be asking if I were a Board of Education Member:

- What are the criteria that must be met for an investigation to be initiated?
- Do all current investigations meet those criteria?
- Can I see the data to support this?

As a former teacher who was placed on DDL three times in four and a half years, I can attest that there have been some pretty flimsy reasons given for initiating an expensive and time consuming investigation. In every one of these cases, grievance timelines as specified in the HSTA contract were *never* followed, and the Investigation process was abused with the purposes of harassing and discrediting a good employee.

| | |
|---|----|
| • Hostile work environment | 5 |
| • Inappropriate conduct toward students | 22 |
| • Inappropriate sexual relations w/students | 3 |
| • Misuse of school funds | 1 |
| • Possession/use of drugs/alcohol | 1 |
| • Retaliation | 1 |
| • Sexual harassment | 4 |
| • Suitability | 1 |
| • Workplace Violence | 5 |

*From Matayoshi's 8/18/15 Update to BOE
HR Committee on DDL and LPI*

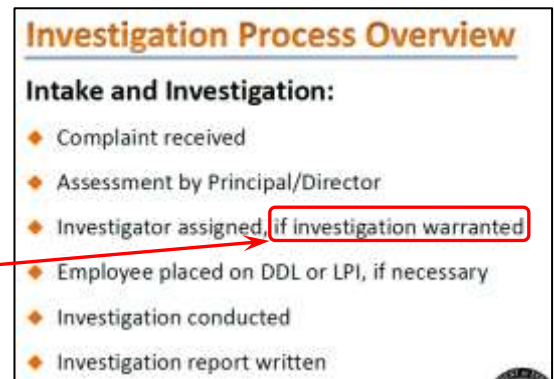
I have sent the Board of Education Members a copy of the full documentation for one of those cases (the shortest file I had). I was put on paid leave for three months and under investigation for over a year because of an anonymous and unfounded complaint about my teacher web site, and an alleged statement I made about my Principal. I never found out what I supposedly said that warranted an investigation and three months of substitute pay siphoned from the general fund. The investigation was closed a year later, but only because my HSTA UniServ Director and I kept pressing the issue (to clear my name).

I think it is *highly likely* that there are current Investigations underway right now that are as completely unwarranted as this was.

To ensure resources are not being wasted, my story illustrate why there must be very specific criteria for initiating an investigation. Then, there must be checks and balances. I'm sorry, but "*inappropriate conduct toward students*" just doesn't warrant an expensive investigation unless the conduct was illegal or bordering on illegal behavior. I wonder how many of the 22 "*inappropriate conduct toward students*" investigations also involve administrators unwilling to assist teachers and staff members with students who have extreme behavioral problems. While I may never know the answer to this, BOE Members should know such details before approving more positions to engage in this activity.

Prior to being on paid leave for my web site, I was placed on leave for 3 months because I said, "I don't have to take this kind of shit," to a coworker in front of my students after being abused by a visiting nurse during a very poorly organized flu clinic. I reported the incident to the administration myself before the school day ended, so there was nothing to investigate. I asked to apologize publicly to the students and whoever else wanted an apology for my bad language. Instead, I was placed on paid leave for 3 months(!) while under investigation, and never allowed to talk about why I was removed from my post for so long. It violates due process to not let the accused gather witnesses for his/her defense.

Identifying the circumstances that warrant an investigation is *the* crucial first step, not hiring more investigators. Is the alleged offense properly handled by a formal investigation while an employee is on paid leave, or is there a more appropriate way to handle a problem such as conflict mediation or other management methods? "*If investigation warranted*" is a big, expensive, undefined **IF**.



SIMPLE SOLUTIONS FOR THE BOE

There are a few relatively easy things the BOE can do to provide checks and balances to be sure expensive ongoing investigations are indeed warranted.

First, get more complete data from the DOE. What exactly are these 22 inappropriate conduct with students, 5 hostile work environment, and 5 workplace investigations really about? Did someone say a bad word in front of students and thus create a hostile work environment with their inappropriate conduct? The BOE is flying blind without knowing more details about what's really going on.

The DOE will tell you that investigation details are confidential information. Whose confidentiality are we protecting? Confidentiality applies to *personal* information. If employees under investigation want to waive their confidentiality rights regarding *their* individual investigation so the BOE can have a greater understanding of the situation, they should have the right to do so. Currently, the investigation process denies employees this right.

Have you considered giving employees under investigation the option to allow BOE members to have more detailed information? You might be surprised how many would love for the BOE to take a serious look at the investigation process to which they've been subjected. The BOE could even go so far as to *invite* and welcome some of the more gray-area cases, or cases that have been ongoing for a long time to come and speak during Executive Session. This will give the Board a greater understanding of why investigations take so long to complete.

MORE COMPLETE DATA NEEDED FIRST

I strongly suspect that informative, objective data will reveal that the current investigation workload can be reduced simply by making sure that only cases which truly warrant this process are handled by formal investigation.

So, before any more positions to handle the investigation workload are considered, the DOE should supply more complete data to the Board and the public about the expenses incurred for investigations.

What are the additional costs for each investigation? Is this data even being tracked?

- How many hours of investigator's time to interview, correspond, write reports, etc. for each investigation?
- How much does the substitute cost (i.e., how many days is the employee on leave)?
- If no substitute is hired, whose workload is increased (and by how many hours) to cover for the missing employee?
- How many hours of administration's time is taken up with the investigation (Principal, CAS, office staff).

How do we know the process is as efficient as it can be? For all we know, making the process more efficient could solve the workload problem. For all we know, a change in policy or procedure could have avoided 10 of those investigations. This update is insufficient. The Board needs more data.

I've worked in customer support. When the same troubleshooting problem comes up over and over again, you write a procedure or a clarifying document, or fix the software so that the number of calls to the help center goes down. If there are 10 investigations about the same issue in the same complex area, that information can lead to a preventative solution. Try investigating whether or not the entire process can be avoided, and understand what's causing the problem before going out and hiring new people to engage in ill-defined, and questionable practices.

So, in terms of prevention, there need to be incentives for a Complex Area Superintendent to fix recurring problems that lead to investigations by finding out the root causes. The incentive for a CAS is a good reputation for having a low percentage of investigations within their Complex Area from year to year. And that is why it is crucial for reports to provide information grouped by Complex Area.

While the public would not be privy to the nature and details of investigations, non-confidential, yet revealing and informative financial data could be shared at BOE meeting in a spreadsheet such as the one that follows on the next page.

Where is a Report Like This One?

| School 2014 – Year: 2015 | | # employees placed on DDL beginning in each Quarter | | | | Total # employees on DDL | | | | Average # Work Days employees on DDL | | | | DDL Cost to General Fund for (incl. substitutes and all other costs) | | | |
|--------------------------|----------|---|----------|----------|----------|--------------------------|----------|----------|----------|--------------------------------------|-----------|-----------|-----------|--|----|----|----|
| | | | | | | | | | | days / Q1 | days / Q2 | days / Q3 | days / Q4 | | | | |
| Complex Area | CAS | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| A | X | # people | # people | # people | # people | # people | # people | # people | # people | days | days | days | days | \$ | \$ | \$ | \$ |
| B | Y | # people | # people | # people | # people | # people | # people | # people | # people | days | days | days | days | \$ | \$ | \$ | \$ |
| ... etc. | ... etc. | # people | # people | # people | # people | # people | # people | # people | # people | days | days | days | days | \$ | \$ | \$ | \$ |

I also think the Board should see a report of how long it takes each investigator to clear cases. What if Investigator A clears cases in an average of two weeks, while Investigator B takes eight months or more? Perhaps Investigator A could help Investigator B learn to be more efficient. Perhaps Investigator A deserves a bonus.

CONCLUSION

There is much more work to be done before new positions are created. There is more data needed to justify this. The criteria for putting people under investigation needs to be defined immediately, and all existing investigations that do not meet this stringent criteria should be closed and handled in a more appropriate way.

I caution the Board about using the Los Angeles Unified School District as a model for Investigations as was discussed at the 12/16/14 meeting. I've read several articles about the LAUSD's "Teacher Jail" (the equivalent of HIDEOE Investigations). The LA Times reported recently, "These suspensions with pay during often lengthy investigations are known as 'teacher jail'; teachers largely spend the time at home while substitutes who often are less qualified take their places...As currently practiced, the procedure appears to turn too many easily resolved cases into administrative quagmires."¹ At least LAUSD posts their Investigation criteria for everyone to read, which is more than can be said for the Hawai'i DOE.

Nonetheless, the LAUSD's investigation model is not one Hawai'i should emulate. If the DOE and BOE can't create their own reasonable Investigations criteria, processes, and accountability system then, at least pull from a model that has proven to be successful.

Mahalo for your time to read my testimony,



Ms. Vanessa Ott

attachment: *Correspondence_WebSite_Investigation.pdf*

¹ www.latimes.com/opinion/editorials/la-ed-rafe-esquith-laUSD-teacher-jail-20150810-story.html

What Are the Hawai'i Department of Education's Requirements for Initiating a Formal Investigation and Paid Leave?

No Hawai'i DOE employee should be placed under investigation based on anonymous, trivial complaints. Complex Area Superintendents need to be held accountable for the expenses incurred in investigations, and be motivated to use that process only when necessary.

The DOE needs to define when an investigation is warranted and when it is not. Employees should not be placed under a gag order (cannot discuss the issue with colleagues) any longer than two weeks. Due process rights should be clearly defined and adhered to (right to face accusers; right to gather witnesses for a defense; right to a speedy trial).

The following correspondence documents an abuse of the investigation process and how it was used to keep a teacher from returning to work from a prior 3 month DDL based on equally bogus reasons. As a result of 6 months of DDL, Ms. Ott had to return the \$3,000 Good Idea Grant she had received to purchase computers and other technical equipment because she was not able to work with her students and do the project. During DDL, she was denied the right to attend an after-school class for National Board Certification in which she was enrolled because it was held on the campus. She was denied the right to attend School Community Council meetings (public meetings) because they were held on the school campus. However, the school status report for that year showed the class as being taught by a highly qualified teacher – when most of the year, it was not. The DOE used Ms. Ott's qualifications for their report without letting her teach.

Example: A Fully-Documented DDL and Investigation

Ms. Ott was placed on DDL From February through March 2010 (3 months paid leave) based on anonymous complaints that: (1) she posted pictures of no educational value on her web site; (2) she made a slanderous statement about her Principal.

Since Ms. Ott does not lie, and the investigator never produced any evidence of slander (Ms. Ott never learned what the alleged slanderous statement was), the second accusation is preposterous.

The first accusation is easily disputed if someone with a sound mind simply takes a look at the web site.

Ms. Ott saved a copy of the web site as it was when the Department of Education took it down. Any Board of Education member who would like the compressed file of the web site (106,803 KB) may request a copy. Since Ms. Ott wrote the code for the web site using a text editor, no special software is required to unzip the files and folders, and open the "index.html" file.

Ms. Ott was using the internet for instruction long before others. She had links to educational tools on her teacher web site and she was the only teacher who even had a web site. Yet, this is the kind of teacher the Hawai'i DOE hounded out of the profession with bogus investigations and other forms of harassment including being denied reasonable disability accommodations. In fact, she believes that the grievances she filed regarding civil rights violations were a primary reason for the administration's harassment and her eventual constructive discharge (i.e., she quit teaching).

Contact Ms. Ott:
msvott@gmail.com
808-854-1018

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| 03/02/10 – To OTT | 5 |
| <i>Ott received Notice of Investigation re: DOE email and web site use. (??Was this from Burgess or Correa?)</i> | <i>5</i> |
| <i>Notice of Investigation from Principal Burgess dated 2/15/10.</i> | <i>6</i> |
| 03/18/10 – INVESTIGATION MEETING DURING SPRING BREAK | 7 |
| <i>Investigation meeting occurred in Hilo with Vice Principal Paulino, Ott, and UniServ Director Yamanaka.</i> | <i>7</i> |
| 03/19/10 – PRINCIPAL TO OTT | 7 |
| <i>You will be placed on another DDL pending investigation of DOE email and web site.</i> | <i>7</i> |
| 03/19/10 – PRINCIPAL TO OTT | 8 |
| <i>Your web site will be taken down pending the current investigation.....</i> | <i>8</i> |
| 03/30/10 – PRINCIPAL TO OTT | 8 |
| <i>Ott is placed on DDL 4/1/10 to 4/29/10 pending investigation of inappropriate use of DOE email and web site.</i> | <i>8</i> |
| 04/19/10 – VICE PRINCIPAL PAULINO TO OTT | 8 |
| <i>You have had the opportunity to provide perspective of the complaint. Enclosed is VP's summary of 3/18/10 meeting.</i> | <i>8</i> |
| 04/26/10 – OTT TO VICE PRINCIPAL PAULINO | 10 |
| <i>Cover letter stating meeting did not follow due process rights. [See signed copy in "CoverLetter_Ott_DueProcess_26Apr2010.PDF"]</i> | <i>10</i> |
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| 4/27/10 – UNISERV DIRECTOR TO OTT..... | 19 |
| <i>Your statement is a true rendition of what took place at the meeting.....</i> | <i>19</i> |
| 04/28/10 – OTT TO SUPERINTENDENT CORREA AND PRINCIPAL BURGESS | 19 |
| <i>My DDL is supposed to end 4/29/10. Are you expecting me to return to work on Monday?</i> | <i>19</i> |
| 04/29/10 – OTT TO PRINCIPAL BURGESS | 20 |
| <i>Unless I hear otherwise, I will report to work on Monday 5/3/10.....</i> | <i>20</i> |
| 04/29/10 – PRINCIPAL BURGESS TO OTT | 20 |
| <i>Your DDL is extended the rest of the school year (5/3/10 to 5/27/10).</i> | <i>20</i> |
| 03/02/11 – OTT TO SUPERINTENDENT CORREA..... | 21 |
| <i>Investigation has been going on for over a year. Please attend to this matter.</i> | <i>21</i> |
| 03/05/11 – PRINCIPAL TO OTT | 22 |
| <i>Ott receives letter dated 3/3/11 that investigation is being withdrawn.</i> | <i>22</i> |

2010 - 2011 Calendar

| January, 2010 | | | | | | | February, 2010 | | | | | | | March, 2010 | | | | | | | April, 2010 | | | | | | |
|---------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|-------------|----|----|----|----|----|----|-------------|----|----|----|----|----|----|
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| 27 | 28 | 29 | 30 | 31 | 1 | 2 | 31 | 1 | 2 | 3 | 4 | 5 | 6 | 28 | 1 | 2 | 3 | 4 | 5 | 6 | 28 | 29 | 30 | 31 | 1 | 2 | 3 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 | 28 | 1 | 2 | 3 | 4 | 5 | 6 | 28 | 29 | 30 | 31 | 1 | 2 | 3 | 25 | 26 | 27 | 28 | 29 | 30 | 1 |
| 31 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

| May, 2010 | | | | | | | June, 2010 | | | | | | | July, 2010 | | | | | | | August, 2010 | | | | | | |
|-----------|----|----|----|----|----|----|------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| 25 | 26 | 27 | 28 | 29 | 30 | 1 | 30 | 31 | 1 | 2 | 3 | 4 | 5 | 27 | 28 | 29 | 30 | 1 | 2 | 3 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | 1 | 2 | 3 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 30 | 31 | 1 | 2 | 3 | 4 | 5 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 29 | 30 | 31 | 1 | 2 | 3 | 4 |

| September, 2010 | | | | | | | October, 2010 | | | | | | | November, 2010 | | | | | | | December, 2010 | | | | | | |
|-----------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| 29 | 30 | 31 | 1 | 2 | 3 | 4 | 26 | 27 | 28 | 29 | 30 | 1 | 2 | 31 | 1 | 2 | 3 | 4 | 5 | 6 | 28 | 29 | 30 | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 1 | 2 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 28 | 29 | 30 | 1 | 2 | 3 | 4 | 26 | 27 | 28 | 29 | 30 | 31 | 1 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 | 31 | 1 | 2 | 3 | 4 | 5 | 6 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

| January, 2011 | | | | | | | February, 2011 | | | | | | | March, 2011 | | | | | | | April, 2011 | | | | | | |
|---------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|-------------|----|----|----|----|----|----|-------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| 26 | 27 | 28 | 29 | 30 | 31 | 1 | 30 | 31 | 1 | 2 | 3 | 4 | 5 | 27 | 28 | 1 | 2 | 3 | 4 | 5 | 27 | 28 | 29 | 30 | 31 | 1 | 2 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 1 | 2 | 3 | 4 | 5 | 27 | 28 | 29 | 30 | 31 | 1 | 2 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 30 | 31 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

| May, 2011 | | | | | | | June, 2011 | | | | | | | July, 2011 | | | | | | | August, 2011 | | | | | | |
|-----------|----|----|----|----|----|----|------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 | 29 | 30 | 31 | 1 | 2 | 3 | 4 | 26 | 27 | 28 | 29 | 30 | 1 | 2 | 31 | 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 26 | 27 | 28 | 29 | 30 | 1 | 2 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 28 | 29 | 30 | 31 | 1 | 2 | 3 |
| 29 | 30 | 31 | 1 | 2 | 3 | 4 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 31 | 1 | 2 | 3 | 4 | 5 | 6 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

| September, 2011 | | | | | | | October, 2011 | | | | | | | November, 2011 | | | | | | | December, 2011 | | | | | | |
|-----------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| 28 | 29 | 30 | 31 | 1 | 2 | 3 | 25 | 26 | 27 | 28 | 29 | 30 | 1 | 30 | 31 | 1 | 2 | 3 | 4 | 5 | 27 | 28 | 29 | 30 | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 1 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | 1 | 2 | 3 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | 30 | 31 | 1 | 2 | 3 | 4 | 5 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

SY 2009 – 2010 Official HIDOE Calendar

State of Hawaii – Department of Education

2009-2010 OFFICIAL SCHOOL CALENDAR

Teachers' Work Year — First Semester: July 28, 2009, to January 4*, 2010; Second Semester: January 5, 2010, to May 27, 2010

Students' Work Year — First Semester: July 30, 2009, to December 18, 2009; Second Semester: January 5, 2010, to May 26, 2010

This calendar applies to 10-month teachers and students at all regular DOE schools except those on multi-track schedules.

| Week | Student Days | Teacher Days | 2009-2010 | S | M | T | W | Th | F | S | Notes |
|---|--------------|--------------|--------------|----|----|----|----|----|----|----|---|
| FOR PUBLIC RELEASE | | | | | | | | | | | |
| 1 | 2 | 4 | 2009-July | 5 | 6 | | | | | | |
| *Calendar for 10-month teacher* Furlough days are boxed. | | | | | | | | | | | |
| 2 | 7 | 9 | August | 12 | 13 | 14 | 15 | 16 | 17 | 18 | |
| 3 | 12 | 14 | | 19 | 20 | 21 | 22 | 23 | 24 | 25 | |
| 4 | 16 | 18 | | 26 | 27 | 28 | 29 | 30 | 31 | 1 | 1st SEMESTER – 84 Student Days July 28 – First day for teachers July 30 – First day for students August 21 – Statehood Day |
| 5 | 21 | 23 | | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| 6 | 26 | 28 | September | 9 | 10 | 11 | 12 | 13 | 14 | 15 | |
| 7 | 30 | 32 | | 16 | 17 | 18 | 19 | 20 | 21 | 22 | |
| 8 | 35 | 37 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 | |
| 9 | 40 | 42 | | 30 | 31 | 1 | 2 | 3 | 4 | 5 | September 7 – Labor Day |
| 10 | 45 | 47 | October | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| 11 | - | - | | 13 | 14 | 15 | 16 | 17 | 18 | 19 | |
| 12 | 49 | 52 | | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 1st Quarter (45 days) Ends – Oct. 2 |
| 13 | 53 | 56 | | 27 | 28 | 29 | 30 | 1 | 2 | 3 | Oct. 5-9 – Fall Break *** |
| 14 | 57 | 60 | | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Oct. 12-16 – One student day off for Teacher Institute Day (dates set by HSTA and subject to change) |
| 15 | 61 | 64 | November | 11 | 12 | 13 | 14 | 15 | 16 | 17 | |
| 16 | 65 | 68 | | 18 | 19 | 20 | 21 | 22 | 23 | 24 | |
| 17 | 69 | 72 | | 25 | 26 | 27 | 28 | 29 | 30 | 31 | November 11 – Veterans' Day |
| 18 | 72 | 75 | December | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| 19 | 76 | 79 | | 8 | 9 | 10 | 11 | 12 | 13 | 14 | November 26 – Thanksgiving Day November 27 – School Holiday |
| 20 | 80 | 83 | | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 2nd Quarter (39 days) and 1st Semester Ends – Dec. 17 |
| 21 | 84 | 87 | | 22 | 23 | 24 | 25 | 26 | 27 | 28 | |
| 22 | - | - | 2010-January | 29 | 30 | 1 | 2 | 3 | 4 | 5 | Dec. 21-Jan. 1 – Winter Break *** |
| 23 | - | - | | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Dec. 25 – Christmas Day/Jan. 1 – New Year's Day |
| 24 | 88 | 92 | | 13 | 14 | 15 | 16 | 17 | 18 | 19 | Jan. 4 – Teacher work day (no students) |
| 25 | 92 | 96 | | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 2nd SEMESTER – 83 Student Days |
| 26 | 96 | 100 | | 27 | 28 | 29 | 30 | 31 | 1 | 2 | January 18 – Martin Luther King Day |
| 27 | 100 | 104 | February | 3 | 4 | 5 | 6 | 7 | 8 | 9 | |
| 28 | 104 | 108 | | 10 | 11 | 12 | 13 | 14 | 15 | 16 | |
| 29 | 108 | 112 | | 17 | 18 | 19 | 20 | 21 | 22 | 23 | |
| 30 | 112 | 116 | | 24 | 25 | 26 | 27 | 28 | 29 | 30 | |
| 31 | 117 | 121 | | 31 | 1 | 2 | 3 | 4 | 5 | 6 | February 15 – Presidents' Day |
| 32 | 121 | 125 | March | 7 | 8 | 9 | 10 | 11 | 12 | 13 | |
| 33 | 125 | 129 | | 14 | 15 | 16 | 17 | 18 | 19 | 20 | |
| 34 | - | - | | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 3rd Quarter (41 days) Ends – Mar. 11 |
| 35 | 129 | 133 | | 28 | 29 | 30 | 31 | 1 | 2 | 3 | March 15-19 – Spring Break *** |
| 36 | 133 | 137 | April | 4 | 5 | 6 | 7 | 8 | 9 | 10 | March 26 – Kuhio Day April 2 – Good Friday |
| 37 | 138 | 142 | | 11 | 12 | 13 | 14 | 15 | 16 | 17 | |
| 38 | 143 | 147 | | 18 | 19 | 20 | 21 | 22 | 23 | 24 | |
| 39 | 147 | 151 | May | 25 | 26 | 27 | 28 | 29 | 30 | 1 | |
| 40 | 151 | 155 | | 2 | 3 | 4 | 5 | 6 | 7 | 8 | May 26 – Last day for students ** May 27 – Last day for teachers |
| 41 | 155 | 159 | | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 4th Quarter (42 days) and 2nd Semester Ends – May 27 |
| 42 | 159 | 163 | | 16 | 17 | 18 | 19 | 20 | 21 | 22 | May 31 – Memorial Day |
| 43 | 164 | 168 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 | June 11 – Kamehameha Day |
| 44 | 167 | 172 | June | 30 | 31 | 1 | 2 | 3 | 4 | 5 | |
| | 163* | 173** | | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Approved – 08.21.08/Amended - 09.22.09 | | | | 13 | 14 | 15 | 16 | 17 | 18 | 19 | |
| | | | | 20 | 21 | 22 | 23 | 24 | 25 | 26 | Light shaded dates are teacher work days without students |

OFFICIAL STATE HOLIDAYS, 2009-2010 SCHOOL YEAR

| | | | |
|-----------------------------------|-------------------|--|-------------------|
| Independence Day (observed) | July 3, 2009 | New Year's Day | January 1, 2010 |
| Statehood Day | August 21, 2009 | Dr. Martin Luther King, Jr., Day | January 18, 2010 |
| Labor Day | September 7, 2009 | Presidents' Day | February 15, 2010 |
| Veterans' Day | November 11, 2009 | Prince Jonah Kuhio Kalaniana'ole Day | March 26, 2010 |
| Thanksgiving Day | November 26, 2009 | Good Friday | April 2, 2010 |
| Christmas Day | December 25, 2009 | Memorial Day | May 31, 2010 |
| | | King Kamehameha I Day | June 11, 2010 |

* Jan. 4: Teacher work day between student semesters

** Commencement Exercises: No sooner than May 21, 2010

*** For all teachers - Intersessions: Oct. 5-9; Recesses: Dec. 21 - Jan. 1 and Mar. 15-19

* Four instructional days shall be converted to non-student days for the purposes of school planning and collaboration.

** The employer may assign an additional day (six-hour equivalent in half-hour blocks) for training and meetings beyond the teacher's regular work day.

03/02/10 – To Ott

Ott received Notice of Investigation re: DOE email and web site use. (??Was this from Burgess or Correa?)



[Home](#) | [Help](#) | [Sign In](#)

[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7009 0960 0000 3115 4140

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 2:01 PM on March 2, 2010 in NAALEHU, HI 96772.

Detailed Results:

- Delivered, March 02, 2010, 2:01 pm, NAALEHU, HI 96772
- Notice Left, February 26, 2010, 11:04 am, NAALEHU, HI 96772

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Track & Confirm

Enter Label/Receipt Number:

[Go >](#)

LEIDA LINGLE
GOVERNOR



PATRICIA HAMAMOTO
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
NAALEHU SCHOOL
P.O. Box 170
Naa'alehu, Hawaii 96772

February 25, 2010

CERTIFIED MAIL # 70090960000031154140
RETURN RECEIPT REQUESTED

Vanessa Ott
PO Box 825
Na'alehu, HI 96772

Dear Ms. Ott,

RE: Notice of Complaint and Investigation

This is written to inform you that I am in receipt of some information that during your Leave of Absence for a "nervous breakdown" you allegedly:

1. Used the Department of Education technology inappropriately and that you were insubordinate and slanderous towards your supervisor in an email which you sent during your Leave of Absence from your teaching position at Na'alehu Elementary School.
2. You have posted personal information, not related to education, and without permission on a Department of Education Website, which has generated an anonymous complaint from someone identifying themselves simply as "a parent of a student at Na'alehu Elementary School." In which he stated "You have a teacher named Ms. Ott who has put propaganda on the website and pictures of her insides. I thought you should know because I don't think you would approve." Additionally you had that information linked to Na'alehu School's website.

An investigation has been initiated and you will be contacted by a department representative in the future. You may request union representation during the investigation process.

You are encouraged to not contact or discuss this matter with students or staff, unless arrangements for a meeting have been made pursuant to Article X, Section D of the Agreement between the Hawaii State Teacher's Association and

Rec'd 3/2/10

the State of Hawaii Board of Education. The Department of Education policies strictly prohibit any form of retaliation

You will be given a full opportunity to respond to the complaint before a final administrative decision is made. You have the right to have your union representative present at any such meeting. Thank you for your cooperation.

Sincerely,



Teddy Burgess, Principal
Na'alehu Elementary School

CC: Mary A. Correa, CAS, Ka'u/Kea'au/Pahoa Complexes
Larry Kaliloa, OHR-PRO
Kalei Rapoza, OHR-Labor Relations

Acknowledgement of Receipt

I understand that my signature below merely indicates knowledge and receipt of this memorandum.

Signature

Date

03/18/10 – Investigation Meeting during Spring Break

Investigation meeting occurred in Hilo with Vice Principal Paulino, Ott, and UniServ Director Yamanaka.

03/19/10 – Principal to Ott

You will be placed on another DDL pending investigation of DOE email and web site.

From: Teddy_Burgess/NAALEHU/HIDOE@notes.k12.hi.us

Subject: DDL

To: msott_teacher@yahoo.com

Cc: Ann_Paulino/NAALEHU/HIDOE@notes.k12.hi.us

Date: Tuesday, March 30, 2010, 4:35 PM

Ms. Ott,

Effective April 1st through April 29th, 2010 you will be placed on another Department Directed Leave pending investigation of inappropriate use of Hawaii DOE email and website.

Aloha,

Teddy

03/19/10 – Principal to Ott

Your web site will be taken down pending the current investigation.

3/19/10 – From: Teddy Burgess

Re: Your website will be taken down off the DOE server pending the current investigation

From: Teddy_Burgess/NAALEHU/HIDOE@notes.k12.hi.us

Subject: Website

To: msott_teacher@yahoo.com

Cc: Mary_Correa/HAWAIIDO/HIDOE@notes.k12.hi.us, Jeff_Hara/LILI/HIDOE@notes.k12.hi.us

Date: Friday, March 19, 2010, 5:58 PM

Dear Ms. Ott,

I am notifying you that your website will be taken down off the DOE server pending the current investigation. It has also been removed from our school's website.

Thanks,

Teddy

03/30/10 – Principal to Ott

Ott is placed on DDL 4/1/10 to 4/29/10 pending investigation of inappropriate use of DOE email and web site.

From: Teddy_Burgess@notes.k12.hi.us>

Subject: DDL

To: msott_teacher@yahoo.com

Date: Tuesday, March 30, 2010, 4:35 PM

Ms. Ott,

Effective April 1st through April 29th, 2010 you will be placed on another Department Directed Leave pending investigation of inappropriate use of Hawaii DOE email and website.

Aloha,

Teddy

04/19/10 – Vice Principal Paulino to Ott

You have had the opportunity to provide perspective of the complaint. Enclosed is VP's summary of 3/18/10 meeting.

April 19, 2010

Vanessa Ott

PO Box 825
Na'alehu, Hawai'i 96772

Dear Ms. Ott,

Re: Internal Administrative Investigation

I have been assigned to conduct an investigation on behalf of the school. I have been asked to investigate allegations of possible violation of policies, regulations, procedures, and/or misconduct. In an effort to conduct a thorough investigation and afford you, the respondent, proper due process, I would like to provide you with information regarding this investigation.

You have had an opportunity to meet with me and provide your perspective of the complaint. Enclosed is a summary of the meeting held on March 19, 2010 at the Hawai'i State Teacher's Association office. Please review it and make corrections as needed. I will provide you with two opportunities by e-mail as well as with a hard copy in the mail. These opportunities are provided based on past experience with this part of the investigation that was conducted for an earlier investigation.

This investigation was initiated by a complaint filed by an anonymous parent and a colleague. During the investigation process, I will gather evidence in the form of witness statements, questionnaires, documents, and any other relevant information that may have bearing on the case. As part of the investigation process, you, as the respondent, was afforded your due process rights by having the opportunity to provide your response, as well as any documents, witness information, and/or any other relevant information to the investigator. As a member of the HSTA, UniServe Rae Yamanaka was present since it is your right to have union representation. Once the investigation is completed and turned over to the person who will make any decision on the case, you will be provided the notice that the investigation has been forwarded to such a decision maker. This investigation will consider the totality of the allegations and may address inappropriate conduct, and/or any other possible violations of DOE policies and/or procedures. The reason for conducting an investigation is to allow the Department of Education an opportunity to look into allegations and see whether the allegations are corroborated and if so, whether there has been any violation of policies, regulations, procedures, and/or misconduct. If there is no evidence to substantiate the allegations, a report stating such facts will be provided to the appropriate decision maker to review and to make a decision on the case.

For this specific case, the following is a summary of the allegations made by the anonymous parent:

1. That information posted on your teacher website which is linked to the school was "propoganda".
2. Posting personal information like " pictures of her insides".
3. The information was linked to the school website and not approved by an administrator.

A colleague informed the principal that:

1. A slanderous comment was made while you were on leave.
2. DOE technology was misused and used inappropriately.

Finally, the DOE has a policy, DOE Policy #1110-11, that prohibits retaliation against an employee engaged in protected activity. Filing a discrimination complaint is considered a protected activity. To avoid any violation of this policy, please **do not** attempt to contact staff or students concerning this case as it may jeopardize the integrity of the investigation. Failure to comply with this DOE policy may result in DOE having to take appropriate action separate from this investigation. Any inappropriate misconduct resulting from inappropriately contacting staff or students concerning this case may result in additional action.

Please feel free to provide other information, documents, and/or witness information that you feel would assist me in understanding this case from your perspective. You may give me you response or interoffice mail.

Should you have any questions, please feel free to contact Ann Paulino at 939-2413 x 226. Thank you.

Sincerely yours,

Ann Paulino
Vice Principal

04/26/10 – Ott to Vice Principal Paulino

Cover letter stating meeting did not follow due process rights. [See signed copy in "CoverLetter_Ott_DueProcess_26Apr2010.PDF"]

Vanessa Ott
PO Box 825
Na'alehu, Hawai'i 96772
April 26, 2010

Ann Paulino, Vice Principal
State of Hawai'i Department of Education
Naalehu School
P.O. Box 170
Naalehu, Hawai'i 96772

Re: Investigator's letter dated 4/19/10

Public schools should be exemplary models of upholding our Constitutional rights and principals of democracy. However, the latest DOE investigation against me has followed only one of the four basic principals of due process.

In your letter dated 4/19/10, you claim that at our March 18, 2010 meeting (which you mistakenly typed as March 19, 2010), I was "afforded [my] due process rights by having the opportunity to provide [my] response, as well as any documents, witness information, and/or any other relevant information to the investigator." I disagree that I was afforded due process rights.

Due process rights as enumerated in the U.S. Constitution and the Hawai'i State Constitution are as follows:

1. the right to a speedy and public trial, by an impartial judge or jury;
2. to be confronted with the witnesses against him (her);
3. to be informed of the nature and cause of the accusation;
4. to have the assistance of counsel for the accused's defense;

I was afforded the opportunity to have my HSTA representative provide assistance for my defense (#4 above). I find the other three requirements of constitutionally-guaranteed due process to be lacking. Allow me to explain.

- 1.a) Speedy Trial: School Code Regulations mandate that an employee can be placed on paid leave of absence for no longer than 10 days. For this latest investigation, I was placed on leave from April 1 to April 29 (19 days).
- 1.b) Impartial Jury: An investigator should come from outside the Department of Education. I know now that this has not been past practice. What does the future hold? I believe that the investigator, Vice Principal Ann Paulino, is beholden to her supervisor, Principal Teddy Burgess; the Principal Teddy Burgess is beholden to Complex Area Superintendent, Mary Correa; they are all beholden to the Department of Education (including State Superintendent and Board of Education) for their livelihood, and thus do not easily admit making mistakes. At least, that's not been my experience. If I am incorrect in this perception, please point me to some documentation that refutes it. It would be reassuring to know that it's not always an uphill battle to address problems within the Hawai'i DOE.

2.a) The Right to Face One's Accusers. I have not been afforded the right to speak with the parent who had a concern that, "You have a teacher named Ms. Ott who has put propaganda on the website and pictures of her insides." I would like to find out why s/he was offended, and to explain the educational value of showing making MRIs of my spinal column available to my students and their parents. This is part of educating the next generation about spinal health (something I didn't learn from my teachers and became disabled). I believe a conversation with the concerned parent could open him/her up to a different perspective about the MRIs (pictures of my insides). I believe that it's cost-effective to diffuse volatile situations with personal contact and informal discussion before instigating an expensive investigation.

3. To Be Informed of the Nature and Cause of the Accusation.

3.a.) I have repeatedly requested, and been denied, a copy of the email that was allegedly "slanderous" and "insubordinate." How can I possibly defend myself against an accusation when I don't know what I allegedly said, or wrote, that was slanderous and insubordinate?

As far as I'm concerned, the evidentiary phase of this investigation is still open. The investigator needs to provide me with the evidence against me, in a timely manner, so that I have the opportunity to prepare my defense.

I expect that before the investigation is over, I will have the opportunity to have a formal meeting with the investigator and my HSTA UniServ Director, *after* I have been supplied a copy of this alleged statement or email that is claimed to be slanderous and insubordinate, so I may have the opportunity to defend myself against the accusations, and call witnesses. Concluding my "trial" with a final investigation report, before I am informed of what I'm defending myself against, is premature.

3.b.) I was presented with BOE Policy #2170, but I don't know what I'm accused of violating. I think my postings are completely consistent with Policy #2170 which states that internet usage is to provide "a conduit for the transmission and sharing of information, ... and assists in developing the literacy skills necessary in a technology-rich society." I've been given no reasonable explanation why the administration thinks I've violated this policy. Pictures of my MRIs are very educational, and the educational materials I posted with them promote spinal health.

I've had several positive comments from some of my students and their parents who went to my teacher web site and were fascinated by my MRIs. They seemed to appreciate the personal connection I made to scientific anatomy/health education. I suspect this one "anonymous" parent is not a parent of one of my students, since they have been identified merely as, "a parent of a student at Na`alehu School." Given the fact that I'm not permitted to speak with the complainant (a violation of due process and the BOE/HSTA contract), I have good reasons to suspect that this anonymous complaint was generated by an employee of the school, or family member of an employee, and the complaint is one way to gain favor with the principal who seems more interested in spending time and DOE resources persecuting me rather than working with me.

3.c.) I've been accused of putting propaganda on my web site. I do not know what "propaganda" I'm defending because I believe all the information I posted supports BOE Policy #2170 and is permissible given HIDOE policies^[1] I've not been informed of what HIDOE policy I've violated by creating a very educational web site for my students and their parents.

What is propaganda anyway? The dictionary defines it as: 1.) information, ideas, or rumors deliberately spread widely to help or harm a person, group, movement, institution, nation, etc.; 2.) the deliberate spreading of such information, rumors, etc.; 3.) the particular doctrines or principles propagated by an organization or movement. I have not posted anything with the intent to harm someone. I have deliberately spread information to help promote my personal doctrine that an educated and informed citizenry is essential to upholding the principals of democracy, and that we should treat others as we would like to be treated. Isn't that what public school teachers are supposed to do? So, by removing my informational web site, the administration is the entity that violated BOE Policy #2170, not me.

- 3.d.) This accusation, "The information was linked to the school website and not approved by an administrator," does not make sense. I'm not exactly sure, but I think the statement about linking my web site to the school website refers to the link was on the faculty web page at: <http://naalehuel.k12.hi.us/faculty.html>

If so, it is incorrect to say that this was not approved by an administrator. I sent a request to Vice Principal Karen Pare to put a link to my HIDOE teacher web site on the Faculty web page located on the school web site. There already was a column set up to post teachers' web site addresses. Therefore, whoever updates the site, put it there. I do not have the capability of changing anything on the school web site. The administration *had* to approve the request. Otherwise, the school site web master would not have made the change.

| Grade | Name | Room Number | Phone Extension | Class Website |
|-----------|----------------------------|-------------|-----------------|---------------|
| K | Freddeelyn Freeman-Koeplke | P-6 | 277 | |
| K | Marcia Miy | P-5 | 276 | |
| K | Purna Zei | P-8 | 232 | |
| 1 | Sandra Daniels | P-2 | 273 | |
| 1 | Dale Sales | P-4 | 278 | |
| 1 | Daryn Santiago | P-3 | 274 | |
| 2 | Daniel Duffy | 6 | 239 | |
| 2 | Janine Kawaroc | 4 | 237 | |
| 2 | Janice Ogi | 3 | 236 | |
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If the accusation is implying that all postings to a teacher's web site have to have prior approval from the administration, then that also doesn't make sense. The Makani Web Server Policies^[1] state:

2. *Users may post pages that are consistent with the public, non-profit educational mission of the Department of Education and are in compliance with all state and federal laws, including those prohibiting obscenity, defamation or copyright infringement.*
3. *The DOE is not responsible or liable for material in violation. Users are responsible for the content of their postings and obtaining all necessary permissions or licenses for any material used.*

There is no rule or policy requiring administrative approval for every posting or change to a teacher's web site. To do that would create unnecessary bureaucratic delays in the free flow of information, and from a business and technology perspective, this process is unworkable. Instead,

the Makani Server users are expected to stay within the boundaries of content that is consistent with the educational mission of the DOE. I have done that. The “permissions” required in the DOE Makani Web Server Policy #3 refer to permissions necessary for posting intellectual property that one would obtain from the copyright owner. The material I posted did not violated any copyright.

I’ve not been informed of what policy I violated by posting information to my web site that “was not approved by an administrator.” No such rule exists. The administration has not supported an accusation of wrongdoing with any reasonable explanation as to what rule or regulation was violated.

I feel I should be commended for creating a web site instead of being subjected to attack for content that is clearly educational. I feel the Principal should have intelligently explained to the anonymous parent the educational nature of the posting. If the administration feels that content is not appropriate, a reasonable explanation should be provided to justify the accusation. I feel that the true, yet unspoken objection, to the posting of my Disability Accommodations Agreement Request (which includes the pictures of my MRIs) is but another step in the administration’s attempts to put barriers in the way of educating the students, the staff, the parents, and the public about my disability, with the intent of perpetuating misunderstanding and prejudice contrary to the intent of the Americans With Disabilities Act.

I also feel that the Principal has violated BOE Policy #2170 by restricting the free flow of educational information by removing my web site. In addition, the agreement made with the APC and Principal during school year ’08-’09 to use the 6-step conflict resolution method (now available online at:) has not been honored. Launching an expensive investigation in which a substitute has had be hired for four weeks, before attempting resolution using less formal and less expensive methods, is an inappropriate use of DOE funds.

I continue to assert that DOE employees using internet technologies need better training, and the DOE should create better policies that do not restrict free speech rights and sharing information.

The concept of due process essentially means fairness throughout the proceedings. Therefore, I expect another hearing with my UniServ Director and the investigator *after* I am supplied with all the evidence being used against me. I am shocked that DOE Investigation policies and procedures allow such breeches of due process, but since my repeated attempts to actually see these written policies have been unsuccessful, I’m not sure whether the breach is a DOE policy or merely a misinterpretation of such policies by the investigator.

Sincerely,

Vanessa Ott

[¹] See the document titled “HIDOE Email and Internet Acceptable Use Policies” (file name: EmailAndInternetUse_HIDOEPolicy.doc) now available online at:

www.freespeech4us.com/MsOtt/ForTeachers/Business/EmailAndInternetUse_HIDOEPolicy.doc

This is a compilation of all HIDOE and BOE policies on email and internet usage that I could find during SY08-09.

Ott statement re: 3/18/10 meeting. [see following 4 pages]

Statement of Teacher Vanessa Ott at Initial Investigation Meeting

Date: March 18, 2010

Location: Hawaii State Teacher's Association conference room

Present: Teacher Vanessa Ott, HSTA UniServ Director (Hilo) Rae Yamanaka, Investigator Ann Paulino

Teacher Vanessa Ott was interviewed and the following information was acquired. She started teaching at Na`alehu Elementary (NES) in school year 2007-2008. Prior to her tenure at NES, she taught at Kealakehe Elementary as a 0.5 Gifted and Talented Teacher and 0.5 Technical Support Assistant. Teacher Ott described her job as providing education for students, and communicating students' progress to their parents.

Teacher Ott was asked about her work experience in technical support. Before teaching, Teacher Ott worked as telephone technical support agent for two different internet service providers. She also worked for a manufacturing company as a computer support technician, as well as the software trainer for the staff. Her last corporate, job before entering the teaching profession, was as a software trainer and curriculum developer for the Education Department of Genesys Telecommunications Laboratories, an international telecommunications software manufacturer. Teacher Ott also provided information that, prior to embarking on her computer technology career, she had been the Senior Editor of an audio-technology monthly periodical for six years.

Ms. Ott's Bachelors Degree from the University of Illinois (1983) is in Audio Engineering & Music, and as part of her subsequent professional development there are about 30 semester hours of computer software and hardware training at San Francisco City College in the late 1990s. She also received a certificate of completion for a Microsoft Excel training from a private training company many years ago.

Teacher Ott was asked for her understanding of the Board of Education (BOE) policy #2170, which is the Internet Access Policy. The policy was provided to her. She said that it was her understanding this BOE Policy was created to support the sharing of information using internet technologies. In this process, employees are to follow all laws, rules and regulations regarding the use of internet. Finally, she commented that the DOE should be developing better standards and practices for the use of internet. policies that support open communication and information sharing, since there seemed to be a fear within the DOE of using internet technologies, which is contrary to BOE Policy #2170, and contrary to the open-flow-of-information, internet-based business culture she had experienced for two decades in the Silicon Valley/San Francisco Bay Area.

Teacher Ott informed the investigator that she had thoroughly researched the BOE and DOE policies on behalf of NES in the school year 2008-2009. To be helpful, she made that information available everyone on the Staff Resources web site, and announced its presence over a year ago to all staff (including Administration). Ms. Ott stated that many teachers have come to her for computer support, and she has gladly offered her own time to assist them. During school year 2008-2009, she also was permitted to give a training in how to use keyboard shortcuts to increase efficiency; she received many compliments on her work.

With the administration's approval, and on her own time, Teacher Ott created an internal website for use by school personnel (<http://naalehuteacher.k12.hi.us/>). The website features useful tools for teachers use such

as committee reports, computer tips, and templates like a Purchase Order. The website idea was presented and approved in school year 2007-2008 by the administrators at the time who were, Ron Jarvis (Interim Principal), and Karen Pare (Vice Principal).

In addition, Ms. Ott pointed out that she is the only teacher at the school who bothered to take advantage of the DOE Makani Web Server site available for teachers by creating and maintaining a web site for the benefit of her students, their parents, and other teachers. Teacher Ott added that all the content on her website was appropriate, since there is no selling of a product and there is no posting of political campaigns, and it is all of an educational nature. Her website continued to be an educational work in progress (until it was removed) when time allowed, which made it a "live" site (updated and changed) rather than a "dead" one (where information rarely changes, if at all).

Teacher Ott was informed that posting her Magnetic Resonance Images (MRIs) on the website was deemed inappropriate by an anonymous parent in a phone complaint. She was asked the purpose of posting the MRIs to which she responded that it was posted for educational purposes.

Teacher Ott believes that parents, students and other personnel would learn how to have better spinal health with the help of this information. Teacher Ott believes that spinal health is important, and education on this topic is essential, especially in the formative years when a child's spine is taking the shape it will have for the rest of one's life. She also supports this educational goal with classroom training about spinal health, and reminders to "sit up straight so you don't wind up crippled like me." This model is effective in motivating youngsters to practice better posture, and graciously accept polite reminders. She also intended for the information on the web site to dispel the rumors amongst school staff that she's "not really disabled," and provide reasoning for coworkers so they may apply compassion and empathy when it comes to the administration providing reasonable disability accommodations for her.

Teacher Ott responded to the query about subjective information on her web site. She replied that most was objective information, but there was some "subjective" on her website. One subjective opinion is that if everyone followed the "Golden Rule," the world would be a better place; the philosophy of the golden rule was posted on her web site and included statements from the world's major religions as well as the U.S. Constitution in support of this ideal, which are objective pieces of information. Another subjective posting is the quote from President John F. Kennedy's 1961 inaugural address, "'Ask not what your country can do for you. Ask what you can do for your country,'" followed by Ms. Ott's subjective opinion that the quotation is, "Almost half a century old, yet still holds true today."

One objective part of Teacher Ott's website is a travel log of her 2008 summer trip across the Big Island, to the East Coast, and on to Mexico. She posted pictures of herself in Mexico and at the nation's capital because she wants to share with students information about different places of the world, and it is appropriate, as an education professional, to personalize the information. There is a section where she posts pictures of solar energy since it is of interest for kids in Hawai'i. There are pictures of flowers in the Smithsonian botanical gardens (in Washington D.C.) with a comment about being different, but how it's okay to be different (a subjective opinion). All of these images are posted because they are educational, they make a personal connection to geography and other cultures showing Teacher Ott in a different context outside of the classroom, and every picture was accompanied by educational information about these locations. Learning about other cultures and places in the world is part of the Grade 3 Social Studies content standards.

Teacher Ott went on to explain that each year, she has provided students and parents with her email and web site addresses to encourage communication and advance education. Students have responded that they have visited Teacher Ott's website, as have their parents. She has received, and responded to, students' emails which promote writing competency. The parental comments she has received are that the website is interesting. She has had no negative comments from either students nor parents of her students until this recent complaint from an anonymous entity who claims to be a parent, but cannot be confirmed without identification.

Teacher Ott was informed that colleagues provided information about her misuse of e-mail and a slanderous comment towards the administration. She was asked about her use of e-mail to her colleagues, specifically those using Lotus Notes. She responded that the emails she has sent using the Lotus Notes' Na`alehu teacher mailing list have mostly been to share information, and sometimes to ask for information. Teacher Ott added that the internet culture in which she "grew up" professionally encourages the free flow of information and fosters open communication. Her understanding of netiquette for using mailing list is that recipients who do not want to receive information from the listserve can either unsubscribe or let the sender know they don't want to receive any more email from the sender. Recipients can also simply delete incoming messages they don't want to read. This is standard practice. She sent information via group mailing lists to colleagues when the information was related to the job. Teacher Ott could not recall any slanderous or insubordinate email, and asked to see a copy of the alleged email and what policy it supposedly violated. The Vice Principal said she would send a copy.^[1]

Teacher Ott explained that better training for faculty and staff on netiquette regarding email and mailing lists would be helpful for improving communication. She recounted the reason why she had compiled all the HDOE and BOE internet policies into one document^[2], and posted it on the Staff Resources web site she maintained for the school on her own time. Ms. May, a fellow APC member, had adamantly opposed the use of email whatsoever (which Teacher Ott feels is a regressive opinion for a professional educator in the 21st century). Ms. May also refused to consider Teacher Ott's idea to create a Yahoo! Group for teachers at the school so they could communicate with each other more effectively, in their own time without having to attend prescheduled, physical meetings. Ms. May also prevented Teacher Ott from presenting her proposal to the faculty. Then, Ms. May sent a threatening email to Teacher Ott warning her that according to the HSTA, if Teacher Ott continued to support this proposal, Ms. Ott could be charged with an "ineffective teacher" violation. However, after following up with UniServ Director, Rae Yamanaka, Ms. Ott was informed that Ms. May's assumptions were not true.

Note: In the written rendition of Ms. Ott's statement provided by the investigator, the retelling of this incident with Ms. May is very different from Ms. Ott's recollection of past events. For example, this excerpt, "Several teachers were unhappy with Ms. May's handling of the incident and they came to see Teacher Ott. Teacher Ott requested a resolution to the problem by meeting with the principal and two teachers. The request was sent to the entire faculty of NES and Principal Burgess.," This does not coincide with any of Ms. Ott's memories (of her life or what she said at the 3/18/10 meeting). This miscommunication/representation of oral recollection a good reason why these type of meetings should be tape recorded.

This was but one example why Ms. Ott feels that the staff, faculty, and administration at Na`alehu School needs better netiquette training. Another reason for this opinion is that open communication is actively discouraged rather than encouraged by the administration, and she feels this is due to a lack of education and understanding about how to use the internet properly and effectively.

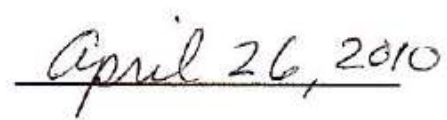
When asked about receiving direction or guidance about the use of blanket e-mails, Teacher Ott responded that she had trained herself on HIDOE and BOE internet policy when she compiled the afore-mentioned document^[2] after Ms. May had threatened her. She acknowledged that Principal Burgess had reprimanded her for sending messages using the teachers' mailing list on Lotus Notes, but Ms. Ott had explained to the principal, and continues to maintain, that his attitudes contradict BOE Policy #2170 (which encourages information sharing using the internet) and the reprimands were inappropriate; his attitudes are also contrary to the basic open communication policies to which she'd become accustomed to in professional business environments, outside of public education, for over 25 years. Teacher Ott explained that she'd been a facilitator for mailing lists as far back as the early '90s when she presented her proposal to create a majordomo mailing list for "women in audio" at the Audio Engineering Society's International Conference in New York City that year.^[3] Since then, she had facilitated and managed many mailing lists, and probably had more experience than anyone at Na`alehu School regarding commonly-understood netiquette rules regarding these types of transactions. Teacher Ott reiterated that, in her opinion, there are no well-written HIDOE policies which explain what is, and what is not appropriate within the DOE regarding open communication and teacher mailing lists on Lotus Notes. Fear and avoidance of the technology is far too pervasive in a technologically-uneducated environment like the DOE.

Teacher Ott was asked if she had additional comments to make. She requested a copy of the alleged slanderous and insubordinate email that she was accused of sending. Investigator Paulino informed Teacher Ott that a copy would be forthcoming.^[1]

The HSTA (Hawai'i State Teacher's Association) UniServ Director, Rae Yamanaka, then asked for an opportunity to speak. She referred to Article X, Section D of the teacher contract. This section states that, "*Any teacher against whom a serious complaint has been filed will have the opportunity to meet with the complainant(s).*" Both Teacher Ott and Uniserv Director Yamanaka were told that an opportunity to meet with the complainant can be arranged by the principal. One complainant, as noted earlier, is a parent of someone at the school (not specifically a parent of one of Teacher Ott's students) who preferred to remain anonymous.^[4]

The above is a true and accurate summary of my conversation with the investigator on the date referenced above.


Vanessa Ott


Date

[1] Teacher Ott again requested a copy of the alleged inappropriate email on 3/23, and was denied 3/24. This is an outrageous breach of due process.

From: msott_teacher@yahoo.com
Date: 03/23/2010 12:43 PM
To: ann_paulino@notes.k12.hi.us
cc: Bertha_Mundon@notes.k12.hi.us, larry_kaliloa@notes.k12.hi.us, Mary_Correa@notes.k12.hi.us, ryamanaka@hsta.org, teddy_burgess@notes.k12.hi.us
Subject: Please forward a copy of the email you promised to send re: Investigation

Dear Mrs. Paulino,

In our 3/18/10 meeting regarding the current investigation, I referred to the letter Mary Correa wrote (dated 3/4/10) stating, "The basis for this action is for the Department to conduct an investigation into allegations that: (1) You used the Department of Education technology inappropriately and that you were insubordinate and slanderous towards your supervisor in an email which you sent during your Leave of Absence from your teaching position at Na'alehu Elementary School."

During the meeting, you agreed to send me a copy of this alleged email. I have not received it yet. Have you sent it? You or Mr. Burgess can simply forward a copy to me via email. If you are going to print a copy and mail it to me instead, please let me know when that has been done so I will know to look for it in my post office box.

Thank you,

Vanessa Ott

From: Ann_Paulino@notes.k12.hi.us
To: "Ms. Ott" <msott_teacher@yahoo.com>
Date: Wednesday, March 24, 2010, 8:23 AM

This will be part of the investigation packet once it is done.

[2] This compilation of DOE and BOE policies is available online at:

www.freespeech4us.com/MsOtt/ForTeachers/Business/EmailAndInternetUse_HIDOEPolicy.doc

[3] Teacher Ott's work with the Technet mailing list for women in audio is recognized (under her maiden name) in the book, *Women composers and music technology in the United States: crossing the line* by Elizabeth Hinkle-Turner, p. 227

All of the composers discussed in this chapter have been featured because of their complete creative and technical involvement in their work. Wendy Carlos and Laurie Anderson have also benefited from close associations with female engineers and record producers early in their careers while others like Suzanne Ciani and Emily Bezar have much to do with the final mixing of their works.³⁰ In spite of the efforts of organizations like AES **Women in Audio**, however, the amount of women holding prominent positions in the engineering and producing areas of the classical and commercial music industry remains small. A 1994 survey conducted by Technet (an online discussion group about women and audio created and maintained by **Vanessa Else**) and *EQ* magazine revealed that of the many recording studios located in the United States, the majority of them only employ women in underpaid administrative and support positions and not in the more prestigious and visible engineering jobs. Over 33 percent of these studios reported that the majority of their low-paying low-skilled jobs are filled by women with less than 20 percent of technical positions in most firms going to female engineers. Most of these employers agreed that changes need to be made in college recruiting and hiring practices, secondary level education, and music-marketing techniques before the

[4] Ms. Ott finds it an outrageous breach of due process and the HSTA/BOE contract that an anonymous complaint by an uneducated parent can lead to an expensive investigation. The the real world of U.S. Justice, testimony cannot be entered into evidence if the witness, or complainant, is not willing to come forward.

4/27/10 – UniServ Director to Ott

Your statement is a true rendition of what took place at the meeting.

FW: Ott Statement

Tuesday, April 27, 2010 8:28 AM

From:
"ryamanaka@hsta.org" <ryamanaka@hsta.org>
To:
msott_teacher@yahoo.com

Vanessa,

I received all of your emails regarding your statement yesterday. Unfortunately, I was just about to leave for my school visits so I could not review your statement before I left. I did read it yesterday afternoon and thought that it was a true rendition of what took place at the meeting.

rae

Rae A. Yamanaka
HSTA Hilo UniServ
80 Pauahi St., Ste.101
Hilo, HI 96720
808-935-9301, 808-969-7492fax
email: ryamanaka@hsta.org

04/28/10 – Ott to Superintendent Correa and Principal Burgess

My DDL is supposed to end 4/29/10. Are you expecting me to return to work on Monday?

From: Ms. Ott <msott_teacher@yahoo.com>
Subject: Are you expecting me to return to work on Monday?
To: "Mary Correa" <Mary_Correa@notes.k12.hi.us>, "Teddy Burgess" <teddy_burgess@notes.k12.hi.us>
Cc: "Larry Kaliloa" <larry_kaliloa@notes.k12.hi.us>, "Rae Yamanaka" <ryamanaka@hsta.org>
Date: Wednesday, April 28, 2010, 7:48 AM

Dear Superintendent Correa and Principal Burgess,

The latest round of Department Directed Leave specified that it was extended to April 29, 2010. That is tomorrow. Are you expecting me to return to work next Monday?

That is less than two days away. Are you expecting me to return to work unprepared? I have no idea where my students are in their studies and no access to the curriculum manuals.

Please respond,

Vanessa Ott
808-854-1018

04/29/10 – Ott to Principal Burgess

Unless I hear otherwise, I will report to work on Monday 5/3/10.

From: "Ms. Ott" <msott_teacher@yahoo.com>

Date: 04/29/2010 03:54 PM

To: Teddy Burgess <teddy_burgess@notes.k12.hi.us>

cc: Larry Kaliloa <larry_kaliloa@notes.k12.hi.us>, Mary Correa <Mary_Correa@notes.k12.hi.us>, Rae Yamanaka <ryamanaka@hsta.org>

Subject: Unless I hear otherwise, I will report to work on Monday 5/3/10

Dear Mr. Burgess,

Unless I hear otherwise, I will report to work on Monday 5/3/10, since the last correspondence I received on this issue said that today was the last of the latest DDL.

Thank you,

Vanessa Ott

04/29/10 – Principal Burgess to Ott

Your DDL is extended the rest of the school year (5/3/10 to 5/27/10).

Subject: Re: Unless I hear otherwise, I will report to work on Monday 5/3/10

Date: Thursday, April 29, 2010 4:45 PM

From: Teddy_Burgess/NAALEHU/HIDOE@notes.k12.hi.us

To: "Ms. Ott" <msott_teacher@yahoo.com>

Cc: "Larry Kaliloa" <larry_kaliloa@notes.k12.hi.us>, "Mary Correa" <Mary_Correa@notes.k12.hi.us>, "Rae Yamanaka" <ryamanaka@hsta.org>

Ms. Ott,

I just received verbal notification that the Supt. has extended your DDL through the rest of the school year, effective dates are May 3, 2010 through May 27, 2010. Official notification should be forthcoming via US Mail.

Thank You,

Teddy

03/02/11 – Ott to Superintendent Correa

Investigation has been going on for over a year. Please attend to this matter.

Subject: Investigation has been ongoing for a year -- please complete

Wednesday, March 2, 2011 5:26 AM

From:

"Ms. Ott" <msott_teacher@yahoo.com>

To:

"Mary Correa" <Mary_Correa@notes.k12.hi.us>

Cc:

"Teddy Burgess" <teddy_burgess@notes.k12.hi.us>, "Larry Kaliloo" <larry_kaliloo@notes.k12.hi.us>, "Rae Yamanaka" <ryamanaka@hsta.org>

attachment: [Notice of Investigation from Burgess 25Feb2010.pdf](#)

Dear Superintendent Correa,

It has been a year since I was placed under investigation for allegations about my use of DOE email and web space (see attachment). UniServ Director Rae Yamanaka has contacted Larry Kaliloo on a monthly basis to enquire about the status. I think it's well past an appropriate length of time for the DOE to finish its investigation. Please attend to this matter. I request a response within a week.

Thank you,

Vanessa Ott
808-854-1018

03/05/11 – Principal to Ott

Ott receives letter dated 3/3/11 that investigation is being withdrawn

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSH
SUPERINTENDENT

March 3, 2011

STATE OF HAWAII
DEPARTMENT OF EDUCATION
NAALEHU SCHOOL
P.O. Box 170
Naalehu, Hawaii 96772

Ms. Vanessa Ott
P.O. Box 825
Naalehu, Hawaii 96772

Dear Ms. Ott:

RE: Final Letter Concerning Investigation

Dear Ms. Ott:

In a letter dated February 25, 2010 you were informed of a complaint and investigation into the following allegations, that you:

1. Used the Department of Education technology inappropriately and that you were insubordinate and slanderous towards your supervisor in an email which you sent during your Leave of Absence from your teaching position at Na'alehu Elementary School.
2. Posted personal information, not related to education, and without permission on a Department of Education website, which has generated an anonymous complaint from someone identifying themselves simply as "a parent of a student at Na'alehu Elementary School." In which he stated "you have a teacher named Ms. Ott who has put propaganda on the website and pictures of her insides. I thought you should know because I don't think you would approve." Additionally you had that information linked to Na'alehu School's website.

This letter is to inform you that the investigation is being withdrawn. Thank you for your cooperation during this process. No further action will be taken in this matter and I consider the matter closed. Should you have any questions, please feel free to contact me at 939-2413.

Sincerely,

A handwritten signature in black ink that reads "Teddy Burgess".

Teddy Burgess
Principal
Na'alehu Elementary School

cc: Mary Correa, Complex Area Superintendent
Kalei Rapoza, Labor Relations
Rae Yamanaka, HSTA