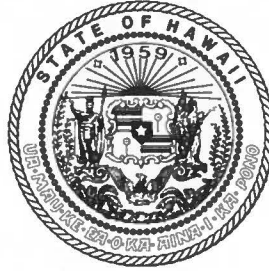


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OFFICE OF DISPUTE RESOLUTION
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAI'I

In the Matter of STUDENT, by and through
PETITIONER PARENT,¹

Petitioner(s),

vs.

DEPARTMENT OF EDUCATION, STATE
OF HAWAI'I,

Respondents.

DOE-SY2526-011

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION

Due Process Hearing:
January 20-23, 29, 2026

Hearings Officer: Chastity T. Imamura

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. INTRODUCTION

Petitioners Student, by and through Petitioner Parent, (hereinafter collectively referred to as "Petitioners") bring forth this case under the Individuals with Disabilities Education Act (hereinafter "IDEA") against Respondents Department of Education, State of Hawai'i (hereinafter referred to as "DOE" or "Respondents") to allege violations in the evaluation

¹ Personal identifiable information is contained in the Legend.

process, determination of eligibility, and development of Student's Individualized Education Programs (hereinafter "IEP").

II. JURISDICTION

This proceeding was invoked in accordance with the IDEA, as amended in 2004, codified at 20 U.S.C. §1400, *et seq.*; the federal regulations implementing the IDEA, 34 C.F.R. §300.1, *et seq.*; and the Hawai'i Administrative Rules (hereinafter "H.A.R.") §8-60-1, *et seq.*

III. ISSUES PRESENTED

Petitioners assert six issues in their Second Amended Due Process Complaint (hereinafter "Complaint") to be addressed at the Hearing regarding issues from the evaluation process, eligibility determination, and development of Student's IEP.

1. Whether the DOE denied Student a free appropriate public education ("FAPE") by failing to notify or include Petitioners Parent in the IEP evaluation and development process.
2. Whether the DOE denied Student a FAPE by failing to provide notice or obtain consents before evaluations.
3. Whether the DOE denied Student FAPE by failing to provide timely Prior Written Notices.
4. Whether the DOE denied Student a FAPE by refusing or delaying the provision of educational records.
5. Whether the DOE denied Student a FAPE by failing to provide information to Petitioner Parent that was already being provided to Student's other Parent.
6. Whether the DOE denied Student a FAPE by conducting or developing incomplete or inaccurate IEP(s) and evaluation(s) because only one household's input was considered, which resulted in Student not receiving appropriate services.

Petitioners requested the following remedies if a denial of FAPE is found:

1. A full redo of Student's IEP evaluation and development process from the beginning with both parents' participation.

2. Immediate correction of custody records in DOE's databases to reflect joint legal custody.
3. All future notices, evaluations, and IEP meetings must be noticed to Petitioner Parent directly.
4. Production of all outstanding educational records requested.
5. Implementation of a secured, shared documentation system accessible to both parents and team members.
6. Compensatory education and services for the period Petitioner Parent was excluded.
7. Any additional remedies deemed just and proper to restore Student's right to a FAPE.

IV. BACKGROUND

Petitioners submitted a Due Process Complaint on or about September 22, 2025. On September 24, 2025, Respondents submitted a Notice of Insufficiency, pursuant to H.A.R. §8-60-61(a) and §8-60-62(b-d),² wherein Respondents alleged that Petitioners' Complaint did not contain information required under the IDEA. On September 25, 2025, Petitioners submitted an Amended Due Process Complaint. On the same date, the undersigned Hearing Officer's Determination of Insufficiency of Complaint was issued. On September 26, 2025, Respondents submitted a Notice of Insufficiency regarding Petitioners' Amended Due Process Complaint.³ On the same date, Petitioners filed a Second Amended Complaint. On October 1, 2025, the Determination of Insufficiency of Petitioners Amended Complaint was issued, wherein this Hearings Officer found that Petitioners' Amended Complaint was insufficient, but that the Second Amended Complaint that was submitted would be sufficient in terms of complying with the requirements of H.A.R. §8-60-61(a) and §8-60-62(b-d).

² See also 34 C.F.R. §300.508(d)(1); 20 U.S.C. §1415(b)(7)(A)(ii)(III) and §1415(c)(2)(A).

³ Respondents also submitted a Notice of Insufficiency to Petitioners' Amended Complaint based on the failure of Petitioners to obtain leave from this Hearings Officer to file a complaint before submitting the Amended Due Process Complaint.

A prehearing conference was scheduled for October 21, 2025 and November 19, 2025, but both were continued to allow the parties to participate in mediation as a way to resolve the issues in this case.⁴ After a mediation attempt failed, a prehearing conference was held with the parties and this Hearings Officer on December 30, 2025. Present at the prehearing conference were this Hearings Officer, Petitioner Parent, Friend, District Educational Specialist (hereinafter “DES”), and District Resource Teacher (hereinafter “DRT”).

During the discussions at the prehearing conference, the parties were informed that some of the issues were not under the authority of this Hearings Officer and could not be addressed in the Decision. Hearing procedures, deadlines, and exhibit and witness lists were also discussed at the prehearing conference with the parties. The due process hearing (hereinafter “Hearing”) was scheduled for January 20-23, 2026, with January 29, 2026 as an additional date if necessary.

The parties stipulated to the Hearing being conducted via video conferencing pursuant to Hawai‘i Revised Statutes Section 91-9(c). Both parties agreed to the following: a court reporter would participate in the video conference hearing, swear in the witnesses, and transcribe the proceedings; all witnesses were required to participate in the Hearing using both the video and audio functions of the Zoom platform; and witnesses and parties would ensure confidentiality of the proceedings by participating in a private setting. An Order Regarding Videoconference Due Process Hearing was issued on December 30, 2025, which outlined the rules above.

Prior to the Hearing, the parties agreed that parties could question the witnesses during their scheduled times since some of Petitioners’ witnesses were DOE employees, so that the

⁴ Petitioners initially refused to participate in the resolution session and attempted to cancel the mediation session just days before it was scheduled, but participated in the mediation session after being informed that the rules require Petitioners to participate in the resolution session or the case may be dismissed by the Hearings Officer. H.A.R. §8-60-64(b)(4).

witnesses would not need to return to testify again during Respondents' case-in-chief. This Hearings Officer informed Petitioners that only Petitioner Parent would be allowed to represent Petitioners during the Hearing, and that Friend would not be allowed to participate except as a witness.

The Hearing began on January 20, 2026. Present at the Hearing were Petitioner Parent, on behalf of Petitioners; DES, on behalf of Respondents; this Hearings Officer; and the assigned court reporter. Friend was also present for the first day of the Hearing, and DRT was present throughout the Hearing. Petitioners began by calling Friend and Special Education Teacher (hereinafter "SPED") to testify. Petitioner Parent was allowed to provide written testimony by emailing the Office of Dispute Resolution and the DOE by a timed deadline. A recess was taken to allow Petitioner Parent to prepare the testimony and also to afford DES with time to review the testimony and prepare some cross-examination questions. The Hearing continued to January 21, 2026, where Petitioners called Student Services Coordinator (hereinafter "SSC") and Principal and rested their case. Respondents began their case by calling Behavioral Health Specialist (hereinafter "BHS") to testify. The Hearing continued to January 22, 2026, where Respondents called Psychologist to testify. On January 23, 2026, Respondents called General Education Teacher ("hereinafter "GET"). An issue arose regarding a [REDACTED] that could have affected the proceedings, so the Hearing was continued to January 29, 2026 for Respondents' last witness. On January 29, 2026, Respondents called Parent 2 to testify and rested their case. Petitioners did not present any rebuttal witnesses.

The five-business day disclosure deadline in this case was January 12, 2026 at 4:30 p.m. Respondents timely submitted their exhibits by the deadline; however, Petitioners did not submit their exhibits until January 12, 2026 after the 4:30 p.m. deadline, so they were not received by

Respondents or the Office of Dispute Resolution until January 13, 2026. Respondents objected to the admission of Petitioners' exhibits pursuant to H.A.R. §8-60-66(a)(3). This Hearings Officer queried whether any of the documents would have been in Respondents' possession prior to January 12, 2026, and those documents were allowed to be presented during the Hearing. Petitioners had only one document that was in their exhibits that did not meet that criteria and was excluded from use during the Hearing. The parties were informed that evidence would be received into the record if it is mentioned or discussed by the witnesses or parties during the Hearing.

Petitioners' exhibits that were received into evidence and considered as part of this Decision are as follows:⁵ Exhibit P-1, pages 001-005; Exhibit P-2, page 006; Exhibit P-3, page 007; Exhibit P-4, page 008; Exhibit P-5, pages 009-011; Exhibit P-6, pages 012-013; Exhibit P-7, page 014; Exhibit P-8, pages 015-016; Exhibit P-9, pages 017-021; Exhibit P-10, pages 022-023; Exhibit P-11, pages 024-025; Exhibit P-12, pages 026-027; Exhibit P-13, pages 028-029; Exhibit P-14, page 030; Exhibit P-15, page 031; Exhibit P-16, pages 032-033; Exhibit P-17, pages 034-102; Exhibit P-19, pages 133-135.

Respondents' exhibits that were received into evidence and considered as part of this Decision are as follows: Exhibit 1, pages 1-7; Exhibit 2, pages 8-9; Exhibit 3, page 10; Exhibit 4, page 11; Exhibit 5, pages 12-14; Exhibit 6, pages 15-16; Exhibit 7, pages 17-24; Exhibit 8, pages 25-26; Exhibit 9, page 27; Exhibit 10, page 28; Exhibit 11, pages 29-30; Exhibit 12, page 31; Exhibit 13, pages 32-33; Exhibit 14, pages 34-35; Exhibit 15, pages 36-38; Exhibit 16, pages 39-43; Exhibit 17, pages 44-45; Exhibit 18, page 46; Exhibit 19, page 47; Exhibit 20, page 48;

⁵ Petitioners failed to paginate their exhibits, so to expedite the hearing process, the Office of Dispute Resolution paginated Petitioners' exhibits and sent the paginated exhibits to both parties.

Exhibit 21, pages 49-70; Exhibit 22, pages 71-72; Exhibit 24, page 76; Exhibit 25, pages 77-81; Exhibit 26, page 82; Exhibit 27, page 83; Exhibit 28, pages 84-86; Exhibit 29, page 87; Exhibit 30, pages 88-90; Exhibit 32, pages 92-96; Exhibit 33, pages 97-98; Exhibit 34, pages 99-100; Exhibit 35, page 101; Exhibit 36, page 102; Exhibit 37, pages 103-132; Exhibit 38, page 133; Exhibit 39, page 134; Exhibit 40, pages 135-150; Exhibit 41, pages 151-152; Exhibit 42, pages 153-154; Exhibit 43, pages 155-157; Exhibit 44, page 158; Exhibit 45, pages 159-161; Exhibit 46, pages 162-163; Exhibit 47, page 164; Exhibit 48, pages 165-166; Exhibit 49, pages 167-169; Exhibit 50, page 170; Exhibit 51, page 171; Exhibit 52, pages 172-174; Exhibit 53, pages 175-179; Exhibit 54, pages 180-185; Exhibit 55, pages 186-187; Exhibit 57, pages 189-194; Exhibit 58, page 195; Exhibit 59, pages 196-199; Exhibit 60, pages 200-203; Exhibit 61, pages 204-208; Exhibit 62, pages 209-212; Exhibit 63, pages 213-216; Exhibit 64, pages 217-224; Exhibit 65, pages 225-226; Exhibit 66, pages 227-228; Exhibit 68, pages 232-251; Exhibit 69, pages 252-256; Exhibit 70, pages 257-259; Exhibit 71, pages 260-271; Exhibit 72, page 272; Exhibit 73, page 273; Exhibit 74, page 274; Exhibit 75, page 275; Exhibit 76, pages 276-282; Exhibit 77, pages 283-284; Exhibit 78, page 285; Exhibit 79, page 286; Exhibit 82, pages 292-293; Exhibit 83, page 294; Exhibit 84, page 295; Exhibit 85, page 296; Exhibit 86, page 297; Exhibit 88, page 299; Exhibit 89, page 300; Exhibit 90, page 301; Exhibit 91, page 302; Exhibit 92, page 303; Exhibit 93, page 304; Exhibit 94, page 305; Exhibit 95, page 306; Exhibit 102, pages 326-367; Exhibit 103, pages 368-373.

Both parties wanted the opportunity to submit written closing briefs regarding the legal issues to this Hearings Officer for review. The parties requested to provide a written closing brief with the use of the transcripts due to the length of the proceeding as well as the length of time between witness testimony. The deadline by which the briefs were to be submitted was

Wednesday, February 25, 2026. Both parties submitted their closing briefs by the deadline.

Having reviewed and considered the evidence and arguments presented, together with the entire record of this proceeding, the undersigned Hearings Officer renders the following findings of fact, conclusions of law and decision.⁶

V. FINDINGS OF FACT

1. Student is [REDACTED] years old and attends Home School [REDACTED]. Parent 2 enrolled Student at Home School and was the primary contact for Home School for Student. [REDACTED]. Testimony of Parent 2, Transcript of Proceedings, Volume 5, page 331, line 8, through page 336, line 17 (hereinafter referenced as “Tr.V5, 331:8-336:17”).
2. [REDACTED]
[REDACTED]
[REDACTED] Petitioners’ Exhibit 1, page 1-2 (hereinafter referenced as “P-Ex.P-1, p.1-2”); Respondents’ Exhibit 82, pages 292-293 (hereinafter referenced as “R-Ex.82, p.292-293”).
3. Parent 2 has been the primary contact for Student with Home School, has attended parent-teacher conferences, and has been in constant communication with Home School regarding Student’s education. Parent 2 has consistently participated in Student’s parent-teacher conferences and has been involved with Student’s teachers at Home School. *See* Testimony of Principal, Tr.V2, 136:11-137:2, 159:9-16; Testimony of GET, Tr.V4, 260:18-23, 266:17-267:17; Testimony of CC, Tr.V4, 288:21-289:1.

⁶ This Hearings Officer notes that while the entire record, including exhibits and transcripts of the witness testimony was reviewed in preparing this Decision, only the testimony and exhibits that were relevant to the issues in this case are included in this Decision.

4. Parent 2 had been in contact with Petitioner Parent about concerns regarding Student struggling in school and Parent 2's participation in the evaluation and IEP process with Home School for Student. Petitioner Parent did not express any concerns to Parent 2 or Home School about Student's progress or lack of progress in school or the evaluation and IEP process until August 12, 2025. Testimony of Parent 2, Tr.V5, 332:3-333:15, 341:19-22, 344:3-8, 345:2-16, 346:8-347:6, 357:4-15.
5. Petitioner Parent did not agree that Student struggled with any of the concerns raised by Parent 2 or Student's teachers regarding distractibility or Student's behavioral concerns in school because Student did not demonstrate any of those concerns or behaviors at Petitioner Parent's house. Petitioner Parent had not observed Student in school. Testimony of Petitioner Parent, Tr.V1, 30:19-34:8; Testimony of Principal, Tr.V2, 163:12-164:5, 165:18-166:24; Testimony of Parent 2, Tr.V5, 358:10-359:5, 359:17-24.
6. Based on Student's report cards for the 2022-2023 and 2023-2024 school years, Student began showing signs of struggle in the areas of English Language Arts (hereinafter "ELA"), math, science, and social studies. Testimony of GET, Tr.V4, 245:8-247:24; R-Ex.60-61, p.200-208.
7. In the 2024-2025 school year, Parent 2 had expressed concerns to Student's teachers regarding Student experiencing difficulties in school and Student's report card. Testimony of GET, Tr.V4, 248:18-250:20; R-Ex.62, p.209-212.
8. In September 2024, Parent 2 requested an initial evaluation of Student for special education and related services under the IDEA due to Student's struggle in school. Testimony of SSC, Tr.V2, 71:9-16; R-Ex.4, p.11; R-Ex.25, p.81; R-Ex.83, p.294.

9. Home School scheduled a student-focused team (hereinafter “SFT”) meeting to discuss whether an evaluation should be done to determine Student’s eligibility under the IDEA. R-Ex.2-3, p.8-10.
10. Parent 2 informed the Home School team that Parent 2 had been in contact with Petitioner Parent and was communicating with Petitioner Parent regarding what was going on in their meetings and discussions. Testimony of Parent 2, Tr.V5, 332:22-333:15.
11. The SFT determined that Student was not in need of an evaluation at that time for special education and related services and created a behavior plan for Student instead to see if that would be sufficient to allow Student to progress in school and a prior written notice (hereinafter “PWN”) was issued regarding the SFT’s decision. The PWN was provided to Parent 2. R-Ex.6, p.15-16.
12. Between October 2024 and March 2025, a behavioral support plan was in place for Student that included a behavior chart that was sent home daily to be signed by Student’s parents. During this time, Petitioner Parent signed off on the document, but did not contact Home School regarding any questions or concerns with Student’s behavioral chart or the need for the chart. Testimony of GET, Tr.V4, 254:1-25, 274:18-276:11; R-Ex.5, p.12-14.
13. During this time, Parent 2 was in consistent communication with Home School regarding concerns for Student in school and Student’s performance with the behavior support plan. R-Ex.84-86, p.295-297.
14. In February 2025, GET submitted another request for evaluation for Student for special education and related services based on Student’s performance in school even with the

- behavior plan that was in place. Testimony of SSC, Tr.V2, 73:16-74:24; Testimony of GET, Tr.V4, 250:21-255:4; R-Ex.5, p. 12-14; R-Ex.7, p.17-24; R-Ex.10, p.28.
15. On March 4, 2025, another SFT meeting was held regarding the need for an evaluation of Student for special education and related services. During the SFT meeting, the team considered multiple sources of data, including the academic and behavior support plans, Student's status report, Student's report card, and feedback from the members of the team, including Parent 2. Testimony of SSC, Tr.V2, 76:3-77:3, 79:23-80:18; R-Ex.8-9, p.25-27.
 16. The SFT determined that an initial evaluation of Student for special education and related services would be conducted based on the information provided by Parent 2 and GET. A PWN was issued regarding the SFT's decision to evaluate Student. The PWN was provided to Parent 2. R-Ex.11, p.29-30.
 17. Parent 2 provided consent for Home School to conduct the evaluation of Student that was determined by the SFT in March 2025. Parent 2 informed Home School that Parent 2 was in contact with Petitioner Parent and was keeping Petitioner Parent apprised of the process. Testimony of SSC, Tr.V2, 77:22-78:5, 80:19-81:2, 83:4-9; Testimony of Principal, Tr.V2, 131:11-132:2; R-Ex.12, p.31.
 18. The assessments for the initial evaluation of Student were completed before April 29, 2025, at which time a meeting was held to review the results of the evaluation of Student. R-Ex.13-14, p.32-34.
 19. During the assessment process, Petitioner Parent was not specifically contacted by any of the Home School evaluators or personnel regarding participation in the evaluation process. Testimony of SSC, Tr.V2, 66:1-68:9.

20. Psychologist contacted Parent 2 and asked Parent 2 to have Petitioner Parent contact the evaluator to participate in the assessment. Parent 2 informed Psychologist that Parent 2 contacted Petitioner Parent, but Psychologist did not receive any information from Petitioner Parent. Testimony of Psychologist, Tr.V3, 218:5-13, 228:4-19; R-Ex.35, p.101.
21. The SFT held a meeting on April 29, 2025 to review the results of the evaluation of Student, including the results of the assessments, observations, and other information that the team had gathered regarding Student's performance in school. Testimony of SSC, Tr.V2, 98:1-101:18; Testimony of Psychologist, Tr.V3, 214:19-215:23, 223:4-25, 231:22-232:11.
22. On April 29, 2025, the SFT, including Parent 2, determined that Student was eligible for special education and related services under the category of Other Health Disability. The team discussed Student's additional eligibility under Specific Learning Disability, but ultimately decided that Other Health Disability was more appropriate to address Student's current needs. Testimony of SSC, Tr.V2, 101:19-104:1; Testimony of GET, Tr.V4, 257:10-258:9; R-Ex.15-16, p.36-43; R-Ex.17, p.44-45.
23. Petitioner Parent was not in attendance at the SFT meeting on April 29, 2025. Home School did not question whether Petitioner Parent had been informed of the meeting because Parent 2 informed the team that Parent 2 was in contact with Petitioner Parent, who had expressed disagreement with the need for special education and related services for Student. Testimony of Parent 2, Tr.V5, 332:22-333:19.
24. On May 8, 2025, Parent 2 provided written consent for Home School to provide special education and related services for Student. Petitioner Parent was not sent and did not sign off on any consent forms. R-Ex.18, p.46.

25. On May 22, 2025, an IEP team meeting was held at Home School. In attendance were Parent 2, an administrator, GET, and CC. Petitioner Parent was not notified of the meeting from Home School, but was informed of the meeting by Parent 2. Testimony of Parent 2, Tr.V5, 332:22-333:19; R-Ex.19-20, p.47-48.
26. An IEP, dated May 22, 2025 (hereinafter "IEP-05/22/2025"), was developed for Student. P-Ex.P-17, p.34-54; R-Ex.21, p.49-70.
27. The IEP-05/22/2025 addressed Student's present levels of academic achievement and functional performance; included goals and objectives for Student to reach to make progress on Student's education; provided Student with seven hundred fifty minutes per week of special education; provided supplementary aids and supports to assist Student in achieving Student's annual goals and objectives; and placed Student in the special education setting for academic subjects like ELA and math, and the general education setting for all other subjects and non-academic activities. Testimony of GET, Tr.V4, 258:12-260:17; Testimony of CC, Tr.V4, 289:17-299:23; R-Ex., p.49-70; R-Ex.22, p.71-72.
28. On August 12, 2025, Petitioner Parent, through an email sent by Friend to the school's parent-teacher organization, informed Home School that Petitioner Parent had not been informed of the IEP development process for Student. In that email, Petitioner Parent's P.O. box address and email address were provided to Home School. Testimony of Principal, Tr.V2, 135:8-13; P-Ex.P-3, p.7; R-Ex.42, p.153-154.
29. Immediately after receiving the information from Petitioner Parent, Home School reached out to Petitioner Parent to try to schedule an IEP and records review to address

the concerns listed in Petitioner Parent's August 12, 2025 email. Testimony of Principal, Tr.V2, 135:14-23; R-Ex.44, p.158; R-Ex.87-88, p.298-299.

30. Principal met with Petitioner Parent on August 13, 2025 to review some of the documents that were contained in Student's educational record, and proposed that they meet to conduct a longer IEP review to go over the evaluation and IEP development process with Petitioner Parent now that Home School had been made aware that Petitioner Parent had not been informed of the proceedings. Testimony of SSC, Tr.V2, 83:10-85:3, 88:23-90:9; 104:5-22; Testimony of Principal, Tr.V2, 123:17-124:9, 137:3-9, 139:6-140:13; *see also* P-Ex.P-3, p.8; R-Ex.46, p.162-163; R-Ex.89-90, p.300-301.

31.

[REDACTED]

Petitioner Parent wanted to participate in all future meetings and decisions made regarding Student's education. Testimony of SSC, Tr.V2, 85:4-87:2; Testimony of Principal, Tr.V2, 137:5-12, 137:20-138:9, 163:12-165:3.

32. Rather than cooperating with Home School for scheduling a records and IEP review, Petitioner Parent instead sent an email on August 14, 2025, proposing violations of the IDEA that Home School had committed and asserting that Home School must suspend all IEP proceedings until Petitioner Parent agrees "in writing that I am ready." P-Ex.P-5, p.9-11; R-Ex.45, p.159-161.

33. Petitioner Parent took issue with the specific titles of school personnel contacting Petitioner Parent as well as the salutation that was used in the emails that were sent to Petitioner Parent. Testimony of SPED, Tr.V1, 47:19-48:14; R-Ex.44, p.158.

34. Petitioner Parent also took issue with the fact that Petitioner Parent's parent-teacher conference took place in the office conference room rather than Student's classroom. The parent-teacher conference with Petitioner Parent took place in the office conference room because Petitioner Parent did not timely respond to the request for scheduling of the parent-teacher conference sent out by Home School. Testimony of SPED, Tr.V1, 50:16-51:2; 55:21-56:2; Testimony of Principal, Tr.V2, 156:17-159:8.
35. Principal responded to Petitioner Parent's email on August 28, 2025, due primarily to Petitioner Parent sending the email to an incorrect email address. In the response, Principal acknowledged all of Petitioner Parent's requests and allegations and listed all the documents that had been provided to Petitioner Parent on August 13, 2025. Testimony of Principal, Tr.V2, 124:10-125:16; P-Ex.P-9, p.17-21; R-Ex.46, p.162-163.
36. Petitioner Parent's primary complaint and focus is that Petitioner Parent was not notified of the evaluation process, meetings, and the development of Student's IEP. Petitioner Parent does not have substantive disagreement with the evaluation of Student, the determination of eligibility of Student for special education, or the IEP that was developed for Student. *See* Testimony of Petitioner Parent, Tr.V1, 25:15-36:25. Testimony of SPED, Tr.V1, 41:9-47:1; Testimony of SSC, Tr.V2, 79:11-22, 85:16-20; Testimony of Principal, Tr.V2, 137:13-19, 138:10-25.
37. Since being informed of Petitioner Parent's desire to be provided with educational records, notices, and being part of Student's educational team, Home School has consistently provided information to Petitioner Parent and has made attempts to set up a meeting for Petitioner Parent to provide input for Student's IEP. Petitioner Parent has

refused to participate in any meetings proposed by the school. Testimony of Principal, Tr.V2, 141:25-147:12, 175:8-176:19, 180:19-182:14.

38. Petitioner Parent refused to participate in the resolution session but agreed to mediation instead. This case was continued to allow the parties to participate in mediation. Despite the mediation session being set several weeks in advance, Petitioner Parent attempted to cancel the mediation the day before and only participated based on this Hearings Officer's information to both parties that the case could be dismissed since Petitioners refused to participate in the resolution session. At the mediation session, Petitioner Parent did not make any fruitful attempts to participate in the mediation session. Testimony of Principal, Tr.V2, 159:17-162:2, 180:2-18; R-Ex.52, 172-174; R-Ex.53, p.175-179; R-Ex.54, p.180-185.
39. Petitioner Parent attempted to introduce a medical evaluation as an exhibit but had not provided Respondents with the evaluation prior to the disclosure deadline, despite the document being obtained by Petitioners prior to the disclosure deadline.

Student's evaluation/assessments

40. As part of the initial evaluation for Student, SSC conducted an academic assessment with Student. SSC utilized the WIAT-4 academic assessment tool that SSC had been trained to conduct and had experience in conducting that assessment. The WIAT-4 is commonly recognized as a valid and reliable academic assessment to gather information on a student's academic capabilities. Testimony of SSC, Tr.V2, 91:10-93:4; R-Ex.103, p.368-373.

41. Parent input is not considered as part of the WIAT-4 assessment results. The results of the assessment are solely based on the student's performance on the different portions of the tests. Testimony of SSC, Tr.V2, 93:17-94:2.
42. Student's results on the WIAT-4 overall was in the very low range, which was a combination of Student's scores in reading, written expression, and mathematics. The various scores demonstrated areas of need for Student in academics. Testimony of SSC, Tr.V2, 94:3-97:7; R-Ex.69, p.252-256.
43. Part of Student's evaluation was a classroom observation, which was conducted by BHS. BHS observed Student in class at Home School. BHS completed a report of the classroom observation that observed that Student was having difficulty in math class and had trouble focusing on Student's assignments and work during class. Testimony of BHS, Tr.V2, 190:7-193:19; R-Ex.70, p.257-259.
44. A cognitive assessment was completed with Student by Psychologist as part of Student's evaluation. Psychologist has had training and experience in conducting cognitive assessments over the course of Psychologist's twelve years of being a clinical psychologist for the DOE. Testimony of Psychologist, Tr.V3, 205:8-207:7.
45. Psychologist used the WISC-5 cognitive assessment for Student's evaluation, which is relied upon by experts in Psychologist's field as being a reliable and accurate assessment of a person's cognitive abilities. Testimony of Psychologist, Tr.V3, 207:9-208:15; R-Ex.102, p.347-348.
46. The WISC-5 is a standardized assessment given just to the subject of the assessment, in this case just to Student. The results of the assessment are unaffected by people other than

Student, such as Parent 2 or Student's teachers. Testimony of Psychologist, Tr.V3, 208:16-210:3.

47. Student's results on the WISC-5 showed that Student had an overall score that was in the low average range, which supported the SFT's belief that Student may be in need of special education and related services. Testimony of Psychologist, Tr.V3, 210:7-214:18; R-Ex.68, p.232-251.
48. Psychologist also conducted a behavioral assessment with Student as part of Student's initial evaluation. The behavioral assessment tools used by Psychologist was the BASC-3 and the Connors-4. These assessment tools are commonly used and relied upon by other experts in Psychologist's field and believed to be reliable and valid assessments of a student's behavior. Testimony of Psychologist, Tr.V3, 216:2-19; R-Ex.68, p.232-251.
49. As part of the behavioral assessments, Psychologist did attempt to get information from Parent 2 regarding Student's behaviors and also attempted to get Petitioner Parent's email from Parent 2 to have Petitioner Parent complete part of the assessment. Parent 2 did not provide Psychologist with Petitioner Parent's email information. Testimony of Psychologist, Tr.V3, 218:1-13; R-Ex.35, p.101.
50. Student also provided a self-assessment as part of the behavioral assessments that were conducted by Psychologist. Student's self-assessment was consistent with the ratings done by Parent 2 and GET. Testimony of Psychologist, Tr.V3, 218:15-221:25, 234:9-25.3; R-Ex.68, p.232-251.
51. Since the implementation of the IEP-05/22/2025, Student's performance in school has improved. Testimony of Principal, Tr.V2, 147:13-151:17; Testimony of Parent 2, Tr.V5, 333:20-335:17; R-Ex.63, p.213-216; R-Ex.64, p.217-224.

VI. CONCLUSIONS OF LAW

Burden of Proof

As the party seeking relief in an administrative hearing challenging an IEP under IDEA, Petitioners have the burden of proving the allegations of a denial of FAPE. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62, 126 S.Ct. 528, 537, 163 L.Ed.2d 387 (2005); *Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 819-820 (9th Cir. 2007). The IDEA's procedural safeguards have addressed the DOE's natural advantage in information and expertise in IDEA cases and, as such, do not require a burden-shifting provision in administrative proceedings for the school districts to prove that the IEPs designed for students are appropriate. *Schaffer*, 546 U.S. at 60-61, 126 S.Ct. at 536-537, 163 L.Ed.2d 387.

IDEA framework

The purpose of the IDEA is to “ensure that all children with disabilities have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs.” *Bd. of Educ. v. Rowley*, 458 U.S. 176, 179-91, 102 S.Ct. 3034, 3037-3043 (1982); *Hinson v. Merritt Educ. Ctr.*, 579 F.Supp.2d 89, 98 (D. D.C. 2008) (citing 20 U.S.C. §1400(d)(1)(A)). A FAPE includes both special education and related services. H.A.R. §8-60-2; 20 U.S.C. §1401(9); 34 C.F.R §300.34; 34 C.F.R §300.39.

Special education means “specially designed instruction to meet the unique needs of a child with a disability” and related services are the supportive services required to assist a student to benefit from their special education. *Id.* To provide a FAPE in compliance with the IDEA, the state educational agency receiving federal funds must “evaluate a student, determine whether that student is eligible for special education, and formulate and implement an IEP.” *Dep't of Educ. of Hawai'i v. Leo W. by & through Veronica W.*, 226 F.Supp.3d 1081, 1093 (D.

Hawai`i 2016).

The IEP is used as the “centerpiece of the statute’s education delivery system for disabled children.” *Honig v. Doe*, 484 U.S. 305, 311, 108 S.Ct. 592, 598, 98 L.Ed.2d 686 (1988). It is “a written statement for each child with a disability that is developed, reviewed, and revised” according to specific detailed procedures contained in the statute. H.A.R. §8-60-2; 20 U.S.C. §1401(14); 34 C.F.R §300.22. The IEP is a collaborative education plan created by parents and educators who carefully consider the child’s unique circumstances and needs. H.A.R. §8-60-45; 20 U.S.C. §1414; 34 C.F.R §300.321-300.322.

The DOE is not required to “maximize the potential” of each student; rather, the DOE is required to provide a “basic floor of opportunity” consisting of access to specialized instruction and related services which are individually designed to provide “some educational benefit.” *Rowley*, 458 U.S. at 200-201, 102 S.Ct. at 3047-3048. However, the United States Supreme Court, in *Endrew F. v. Douglas County School Dist.*, held that the educational benefit must be more than *de minimus*. 137 S.Ct. 988, 197 L.Ed.2d 335 (2017). The Court held that the IDEA requires “an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F.*, 137 S.Ct. at 1001, 197 L.Ed.2d 335; *see also, Blake C. ex rel. Tina F. v. Hawai`i Dept. of Educ.*, 593 F.Supp.2d 1199, 1206 (D. Hawai`i 2009).

In deciding if a student was provided a FAPE, the two-prong inquiry is limited to (a) whether the DOE complied with the procedures set forth in IDEA; and (b) whether the student’s IEP is reasonably calculated to enable the student to receive educational benefit. *Rowley*, 458 U.S. at 206-7; 102 S.Ct. at 3050-3051. “A state must meet both requirements to comply with the obligations of the IDEA.” *Doug C. v. Hawai`i Dept. of Educ.*, 720 F.3d 1038, 1043 (9th Cir.

2013); *see also*, *Amanda J. ex rel. Annette J. v. Clark County Sch. Dist.*, 267 F.3d 877, 892 (9th Cir. 2001).

Procedural violations do not necessarily constitute a denial of FAPE. *Amanda J.*, 267 F.3d at 892. If procedural violations are found, a further inquiry must be made to determine whether the violations: 1) resulted in a loss of educational opportunity for Student; 2) significantly impeded Parent's opportunity to participate in the decision-making process regarding the provision of FAPE to the Student; or 3) caused Student a deprivation of educational benefits. *Id.*

A. Petitioners have not proven that the DOE denied Student a FAPE by failing to notify or include Petitioner Parent in the IEP evaluation and development process

Petitioners' first argument in this case is that the DOE failed to notify or include Petitioner Parent in the IEP evaluation and development process.

The IDEA provides that the public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate. 34 C.F.R. §300.322(a); H.A.R. §8-60-46(a). The IDEA is silent, for the most part, on what school districts' responsibilities are regarding divorced or separated parents and their participation in the evaluation and development of an IEP for a child with a disability.

The Seventh Circuit Court in *Navin v. Park Ridge School Dist.* 64, 270 F.3d 1147 at 1149-1150 (7th Cir. 2001), noted that a court or administrative body should look to the divorce decree and determine what, if any, rights are still retained by the noncustodial parent to determine whether a noncustodial parent has standing to bring a claim under the IDEA. In the *Navin* case, the noncustodial parent brought the claim against the school district and the appellate court found that since the divorce decree did not strip the noncustodial parent of all their rights

regarding the education of their child, the noncustodial parent had standing to bring the claim. The Court did note, however, that if the interests of the noncustodial parent and custodial parent were at odds with each other regarding the best interests of the child, then the reviewing body would need to examine the extent of the authority the custodial parent has over the child's education.

In this case, Respondents were placed in the middle of a unique situation [REDACTED] [REDACTED] Home School was repeatedly informed by Parent 2, who was the primary contact for Home School regarding Student's education, that Parent 2 was providing all the information about Student's evaluation and IEP development process to Petitioner Parent, but that Petitioner Parent was choosing not to participate because Petitioner Parent did not agree that Student needed an IEP. *FOF 4-5, 10*. Home School's SFT and the evaluators for Student's evaluation agreed that Student was in need of special education and related services due to Student's challenges in school. *FOF 15-16*. In order for Petitioners to prevail, this Hearings Officer would have to make findings that despite being assured by the primary contact parent that the school could proceed, the DOE would have to jump to extraordinary measures to ensure that both parents were informed of the meetings and decisions made by the team. This Hearings Officer declines to do this.

The IDEA does envision that sometimes parents may not be in agreement or available for schools to contact to start procedures to provide special education and related services. Indeed, the IDEA provides that school districts need only ensure that one parent of a child with a disability is present at the IEP development meetings. *See* 34 C.F.R. §300.300(a) (requiring that only consent from "the parent" of a child be obtained); 34 C.F.R. §300.322(a) (requiring that the public agency must take steps to ensure that one or both parents ... are present). The IDEA

further provides that neither parent needs to consent for assessments for a child who's teachers believe are in need of a special education evaluation. *See* 34 C.F.R. §300.300(a)(3).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

While the record is clear that Petitioner Parent was not notified specifically by Home School of the initial evaluation and IEP development process for Student, Parent 2 was an active participant in the process and provided sufficient consent for Home School to proceed with the evaluation and provision of special education and related services to Student. *FOF 3-4, 7-8, 10, 13.* Home School reasonably relied upon the information from Parent 2 that Petitioner Parent was informed of the evaluation and IEP development process by Parent 2. *FOF 23.* Parent 2 also provided information both to Petitioner Parent, who chose not to participate or request any information from Home School. *FOF 4, 23, 25.*

Additionally, what is of concern to this Hearings Officer is that once Home School was notified of the error by Petitioner Parent, Home School actively tried to remedy the situation by meeting with Petitioner Parent, providing the records requested by Petitioner Parent, and attempting to schedule meetings with Petitioner Parent to review Student's IEP and, if necessary, make any changes or adjustments that the team deemed necessary. *FOF 28-33.* Petitioner Parent, on the other hand, refused to cooperate at all with Home School and instead continued sending lists of demands to the school without any basis for those demands. *FOF 32-34.* Petitioner Parent further refused to cooperate with the resolution or mediation process until informed by this

Hearings Officer that the complaint could be dismissed based on a refusal to participate in the resolution process. *FOF 38*. Based on the evidence presented at the Hearing, it appears that Petitioner Parent engaged in this due process hearing with only litigious intent on proving that Petitioner Parent's rights were violated, and not because Petitioner Parent believed that Student's needs were not being addressed by either the evaluation or IEP development process.

Based on the evidence presented at the Hearing, this Hearings Officer finds that Petitioners have failed to prove that the DOE denied Student a FAPE by failing to notify Petitioner Parent of Student's evaluation and IEP development process. Parent 2 was an active participant in the process and informed Home School that Petitioner Parent had been informed of the process.

B. Petitioners have not proven that the DOE denied Student a FAPE by failing to provide notice or obtain consents before evaluations

Petitioners' next argument is that the DOE denied Student a FAPE by failing to provide notice or obtain consents from Student's parents prior to conducting evaluations. The IDEA only requires schools to obtain the consent from "the parent" of a child with a disability. 34 C.F.R. §300.300(a). Based on the credible evidence presented in this case, Parent 2 provided all necessary consents, participated in all meetings and consultations with Home School regarding Student's evaluation and IEP development process, and was provided appropriate notices by Home School regarding Student's evaluation and IEP development process. *FOF 17, 22, 24*. While the evidence is clear that Petitioner Parent did not provide written consent, nor was provided notices until after August 12, 2025, no credible evidence has been presented that Petitioner Parent was not informed of the process by Parent 2 or that Parent 2 did not have the authority to sign off on the consent forms.

Petitioners have failed to meet their burden of proof on this issue, as Parent 2 was provided appropriate notices and provided Home School with sufficient consent for the evaluations and IEP development to proceed for Student.

C. Petitioners have not proven that the DOE denied Student a FAPE by failing to provide timely Prior Written Notices

Petitioners raise the issue of whether the DOE failed to provide timely prior written notices. As discussed, *supra*, Home School provided timely prior notice to Parent 2 and obtained consents from Parent 2 for the evaluation and IEP development process for Student. Petitioners have not presented any credible evidence that Home School would have or should have known that Petitioner Parent was not being informed of the consents and process by Parent 2.

Additionally, Petitioner Parent was immediately provided with all the appropriate prior written notices upon being informed that Petitioner Parent had not been informed of the process. *See FOF 16, 22, 24.*

Furthermore, Petitioners have not proven that the failure of Home School to provide the prior written notices directly to Petitioner Parent denied Student a FAPE. As discussed above, Parent 2 was an active participant in the evaluation and IEP development process for Student and was provided the timely prior written notices.

D. Petitioners have not proven that the DOE denied Student a FAPE by refusing or delaying the provision of educational records

Petitioners argue that the DOE denied Student a FAPE by refusing or delaying the provision of educational records. Petitioners have put forth no evidence that Home School failed to provide educational records to Petitioners upon being informed that Petitioner Parent had not been informed or not received any of the documents. The only evidence presented in this case is that Home School provided Student's educational records to Petitioner Parent on August 13,

2025, upon being informed that Petitioner Parent had not been receiving the documents. *FOF 30*.

Petitioners have failed to meet their burden on this issue.

- E. Petitioners have failed to prove that the DOE denied Student a FAPE by failing to provide information to Petitioner Parent that was already being provided to Student's other Parent

Petitioners argue that the DOE denied Student a FAPE by failing to provide information to Petitioner Parent that was being provided to Parent 2. While it is undisputed that Home School did not provide information to Petitioner Parent, it is also undisputed that Home School reasonably relied upon information provided by Parent 2 that Parent 2 was in contact with Petitioner Parent about the process. *See Section A, B, and C, above*. Parent 2 also provided credible information that Parent 2 did communicate with Petitioner Parent about Student's struggles, as well as the request for evaluation and special education and related services for Student. *FOF 4-5*. Home School also immediately provided all the information regarding the evaluation and IEP development process to Petitioner Parent upon being informed by Petitioners that Petitioner Parent wanted to be involved and had not been up until August 12, 2025. *FOF 30*. Petitioners have failed to meet their burden on this issue.

- F. Petitioners have failed to prove that the DOE denied Student a FAPE by conducting or developing incomplete or inaccurate IEP(s) and evaluation(s) because only one household's input was considered, which resulted in Student not receiving appropriate services

Petitioners argue that Student's IEP was incomplete or inaccurate based on the information that the IEP team had not including Petitioner Parent's information.

An IEP is determined to be appropriate if it is designed to address the needs of the student to afford the student the opportunity to make progress in light of the student's unique needs and convey a meaningful benefit to the student. *Los Angeles Unified School District v. A.O. by and through Owens*, 92 F.4th 1159, 1172 (9th Cir. 2024) (*citing Adams v. State of*

Oregon, 195 F.3d 1141, 1149 (9th Cir. 1999)). The Court in *Adams* noted that “[w]e do not judge an [IEP] in hindsight; rather we look to the [IEP’s] goals and goal achieving methods at the time the plan was implemented and ask whether these methods were reasonably calculated to confer [the student] with a meaningful benefit.” 195 F.3d at 1149.

The IDEA does not require school districts to draft or develop IEPs in strict compliance with what is requested or offered by parents. *Doe by Gonzales v. Maher*, 793 F.2d 1470, 1490 (9th Cir. 1986). The school district’s responsibility is to formulate the plan to the best of its ability in accordance with the information developed at the IEP meetings, but must afford parents a due process hearing in regard to that plan. *Id.*

The IEP-05/22/2025 for Student was developed based on the academic, cognitive, and behavioral assessments conducted during Student’s evaluation; the classroom observation that was included in the initial evaluation; along with input from Student’s current teacher, GET, regarding Student’s performance in school. *FOF 26-27, 40-50*. The only assessment that could have also included input from Petitioner Parent was the behavioral assessment, which included a section of self-assessment completed by Student. The behavioral assessment results were consistent in that Student’s self-assessment report was consistent with the results from both GET’s and Parent 2’s results. *FOF 50*. Even if Petitioner Parent’s assessment might have varied from the three other reporters, it is unlikely that it would have affected the outcome of both the assessment and the subsequent IEP considerations. Further, the IEP team used multiple sources of information, including Student’s current performance in the classroom, which showed a need for special education and related services. *FOF 21-22, 27*. The IEP-05/22/2025 accurately reflected what Student’s demonstrated needs were from the evaluation, observations of Student, and Student’s performance in class.

Petitioners have not presented any evidence or basis to believe that Student's IEP-05/22/2025 would have been different based on any information that Petitioner Parent could have provided. In fact, the evidence presented at the Hearing in this case, shows that Student's performance in school has improved since the IEP-05/22/2025 has been implemented. *FOF 51*. Petitioners have failed to meet their burden on this issue.

VII. DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the undersigned Hearings Officer finds that Petitioners have not met their burden of proving the allegations in the Complaint by a preponderance of the evidence. The DOE complied with the initial evaluation process and the IEP development process for Student. This Hearings Officer further concludes that Petitioner Parent had little to no involvement in Student's education nor did Petitioner Parent contact, communicate, or express any concerns with Home School regarding Student's education. It is clear to this Hearings Officer based on the evidence presented, including Petitioners' communications related to this Hearing, that Petitioners raise this due process complaint as a way to argue Petitioner Parent's rights that may be in contradiction to the current Family Court order and not based on any concerns with Student's education.

This Hearings Officer hereby dismisses the allegations in the Petitioners' Complaint and denies the relief sought by Petitioners.

RIGHT TO APPEAL

The decision issued by this Hearings Officer is a final determination on the merits. Any party aggrieved by the findings and decision of the Hearings Officer shall have 30 days from the date of the decision of the hearings officer to file a civil action, with respect to the issues presented at the due process hearing, in a district court of the United States or a State court of competent jurisdiction, as provided in 20 U.S.C. §1415(i)(2) and §8-60-70(b).

DATED: Honolulu, Hawai'i, March 12, 2026.



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