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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

E.R.K., by his legal guardian
R.K.; R.T.D., through his
parents R.D. and M.D.; HAWAII
DISABILITY RIGHTS CENTER,
in a representative capacity on
behalf of its clients and all
others similarly situated,

Plaintiffs,

Case No. 10-00436 SOM-KSC

**PLAINTIFFS' STATUS
REPORT; APPENDIX A;
CERTIFICATE OF SERVICE**

DATE: August 20, 2015

TIME: 10:15 a.m.

JUDGE: Kevin S. C. Chang

vs.

DEPARTMENT OF EDUCATION,
State of Hawai'i,

Defendant.

**PLAINTIFFS' STATUS REPORT FOR AUGUST 20, 2015
STATUS CONFERENCE**

Plaintiffs submit the following status report in advance of the August 20, 2015, status conference.

I. DELIVERY OF SERVICES TO CLASS MEMBERS

At the last status conference, the parties and the Court discussed the need to set up the groundwork so that service providers can be prepared to deliver services without significant delay to the class members. The DOE has already reported that it had the resources and contracts to implement compensatory education services. ECF No. 227 (May 5, 2015). As of the date of this Status Report, however, no details about implementation have been provided by the DOE. Plaintiffs request that the DOE come to the status conference prepared to discuss the DOE's plan to ramp up with its current providers (as well as others who will be needed

to provide services), including concrete timeframes and milestones to move these contracts forward without further delay.

In an effort to investigate what would be necessary if the class is serviced by community based providers, Class counsel has asked Easter Seals what that organization would need to ramp up in order to provide services to an additional 300-400 people.

According to the representative, Easter Seals would have to know—at least in general terms:

- How many people want to participate in each type of program (its primary offerings to the Class would likely include employment services, personal habilitation (“PAB”) services, and behavioral services); and
- The funding available to cover the services, so that proper staff could be hired or contracted.

This process of hiring staff would likely take at least three months. Easter Seals would have to have to hire significant additional staff or contractors because the services discussed above are provided on a 1:1 basis. Additionally, to meet the hiring needs associated with this project, the organization would need to offer salary in a range higher than its current rate of approximately

\$12/hour and so would have to factor that cost in as well. A contract would not necessarily be required, but at a minimum Easter Seals would need a memorandum of understanding (MOU) in place that would serve as a commitment for the organization to rely on the promised funding and understand how it would be paid for its services. Negotiation of this MOU would likely take time as well.

Using the above example as a guide, Plaintiffs estimate that community service providers would require at least four months' lead time to prepare to provide services on the level contemplated by Judge Mollway's order.

II. LOCATIONS OF CLASS MEMBERS

Plaintiffs have compiled, for discussion purposes, a location-based chart of the location of the 300+ class members who have already responded that they would like to receive services. Plaintiffs will update this mapping once updated contact information is obtained for the remainder of the class.

Roughly speaking, approximately 70% of the class members live on O`ahu, with the remainder on the neighbor islands (and a handful on the mainland). Class members predominantly live in

Honolulu (24%), Central Oahu (20%), and the Leeward Coast (16%), with 14% on the Big Island (majority of those in the Hilo area), 11% on Maui, 4% on Kaua`i, and <1% on Moloka`i. The chart is attached as Appendix A.

III. OUTREACH TO REMAINING CLASS MEMBERS

The parties are discussing the call script in preparation for the Ward Research calling set to begin in September. The DOE will provide Plaintiffs the parent/guardian contact information by Thursday, August 20, 2015.

IV. "HELP DESKS" FOR CONSENT FORMS

At the last status conference, defense counsel stated that the DOE is still working on staffing of the help desks and had not determined the dates, times, or locations of the help desks. Counsel stated that the DOE would provide a status report on the progress of this item at the next status conference.

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V. SUPPLEMENTAL ASSESSMENT REPORTS FOR PILOT GROUP

Defense counsel represented that the DOE will provide supplemental assessment reports for the pilot group by August 24, 2015.

DATED: Honolulu, Hawai`i, August 18, 2015.

/s/ Michelle N. Comeau

PAUL ALSTON

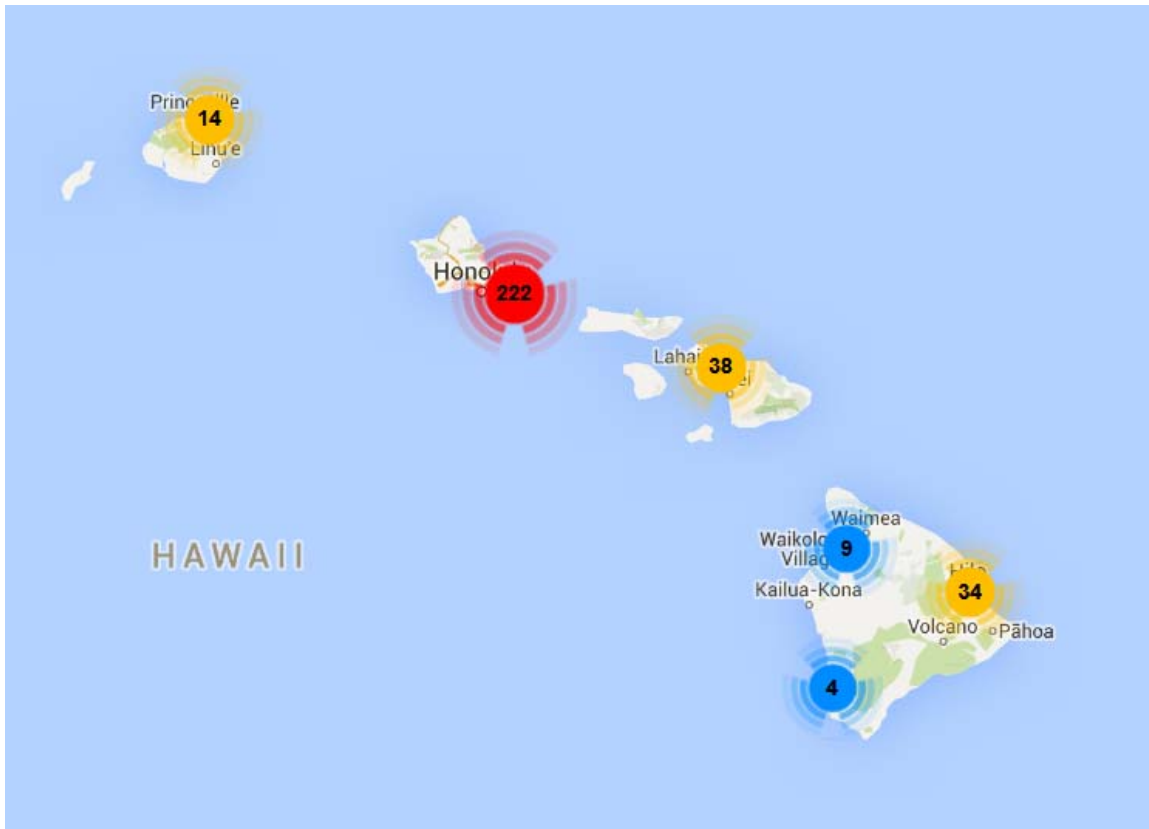
KRISTIN L. HOLLAND

MICHELLE N. COMEAU

Attorneys for Plaintiffs

ERK v. DOE – Projected Class Member Locations

STATEWIDE

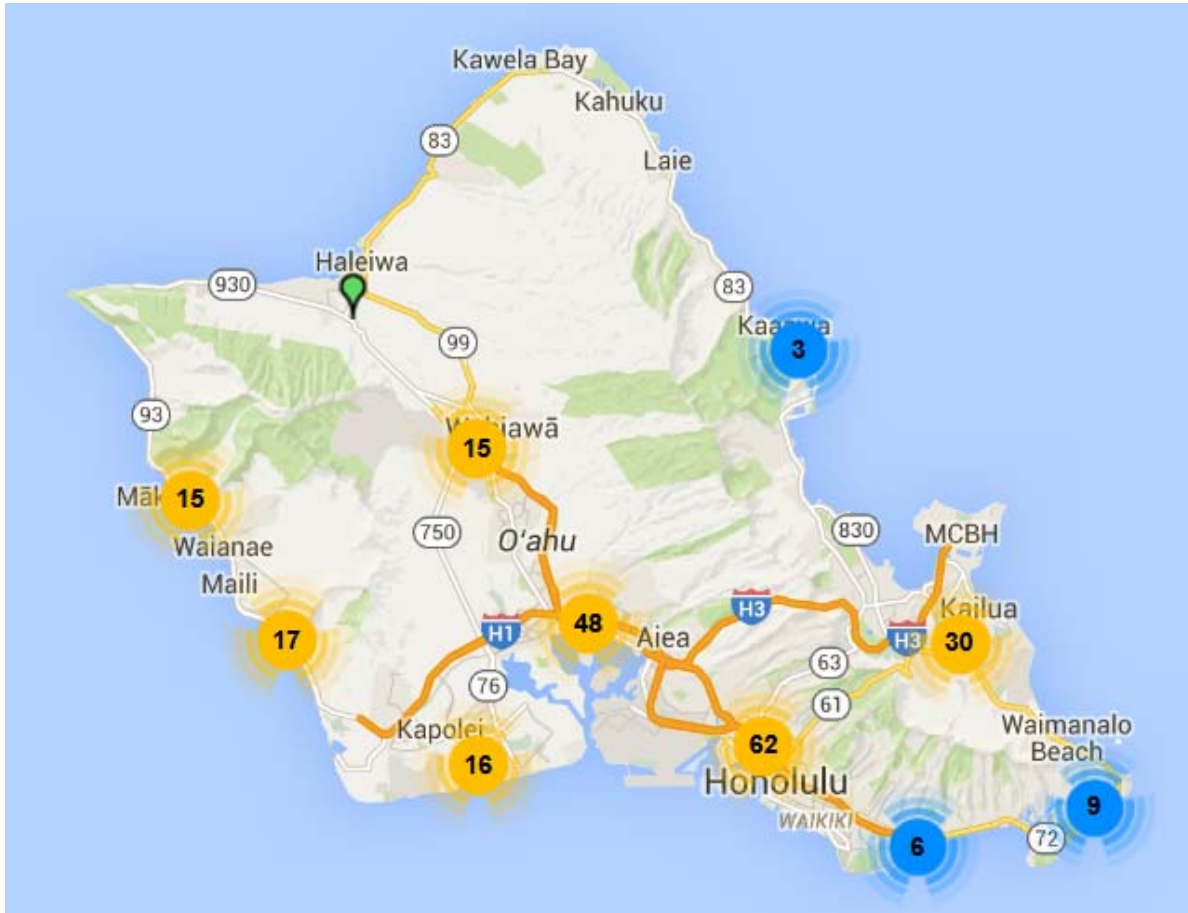


* This chart is based on the sampling of those class members who have responded affirmatively that they want to receive services. It does not include a handful of addresses on the mainland, nor those who may have moved in the past few months and so Plaintiffs' address information is out of date. **It does not include the class members who have not yet been reached.**

APPENDIX A

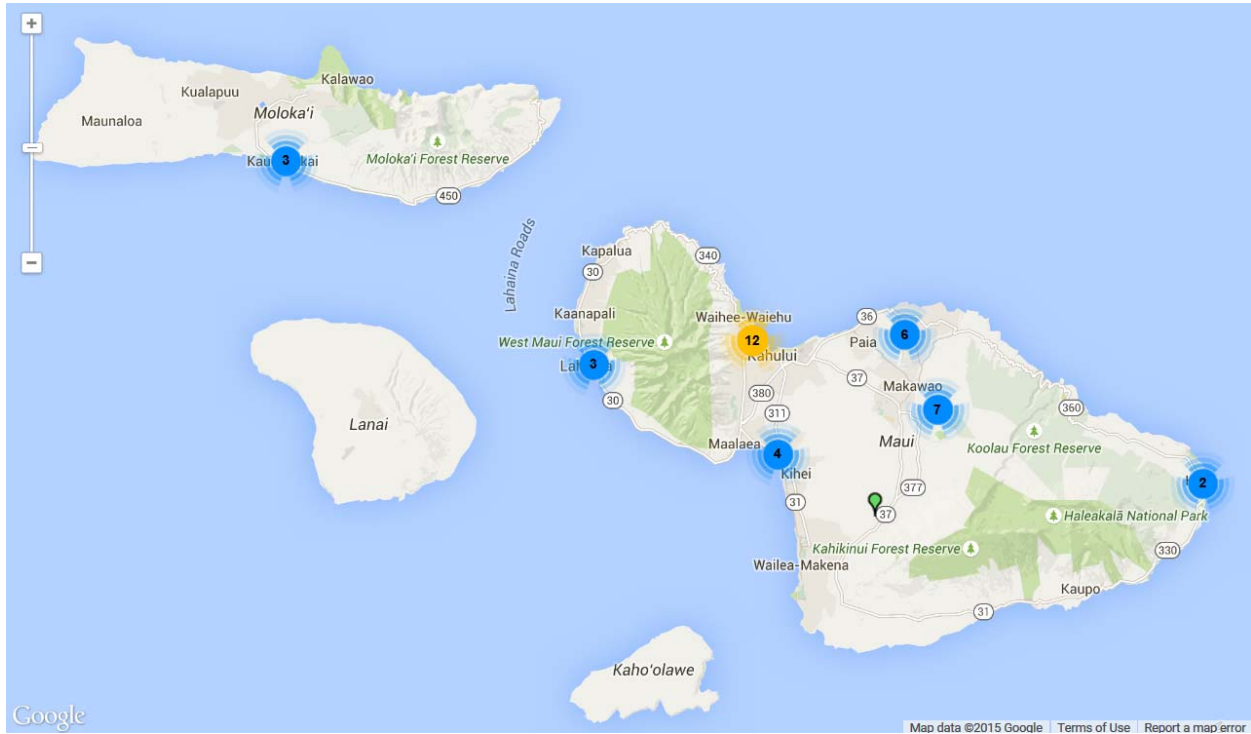
ERK v. DOE – Projected Class Member Locations

O`AHU



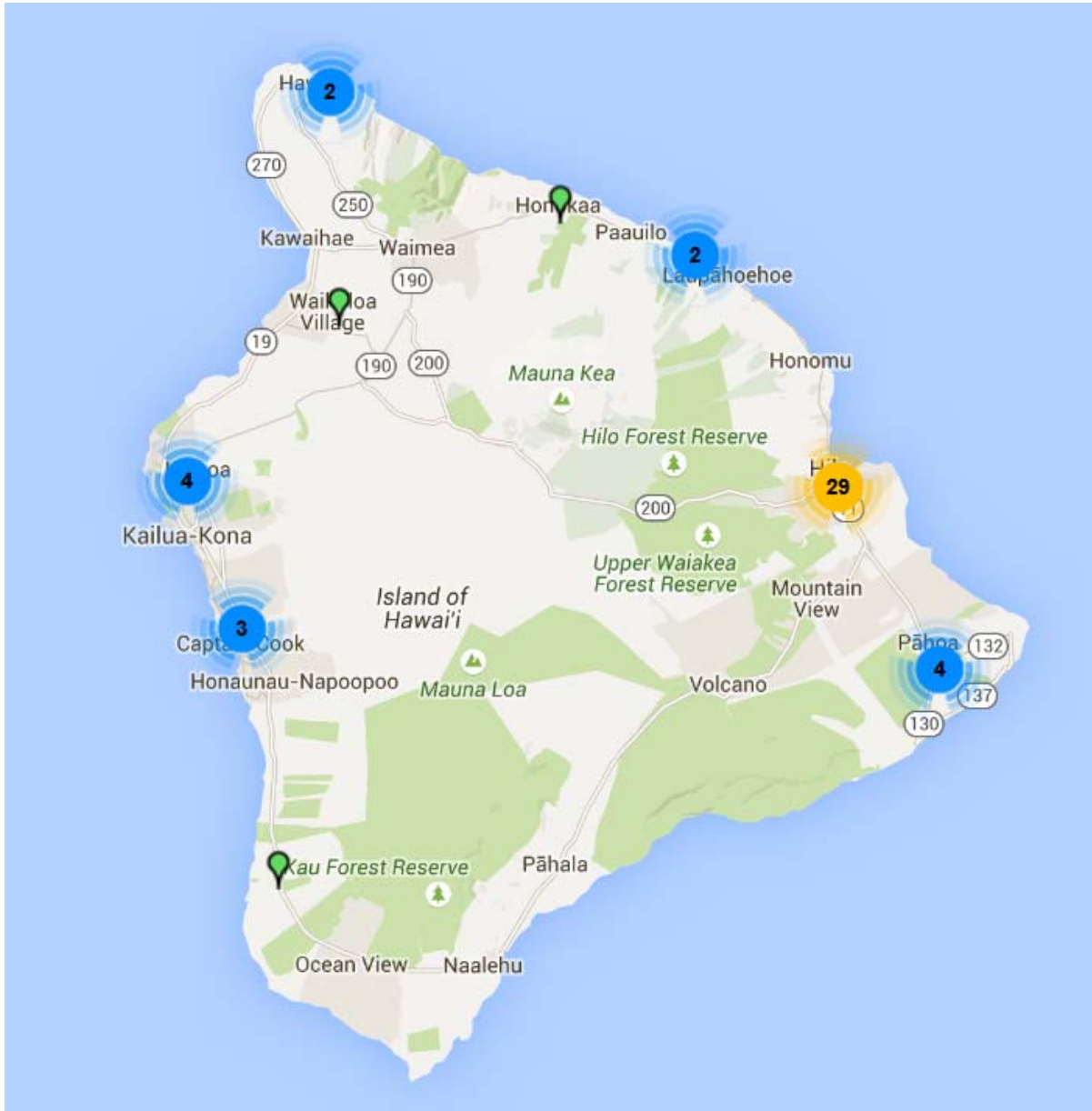
ERK v. DOE – Projected Class Member Locations

MAUI COUNTY



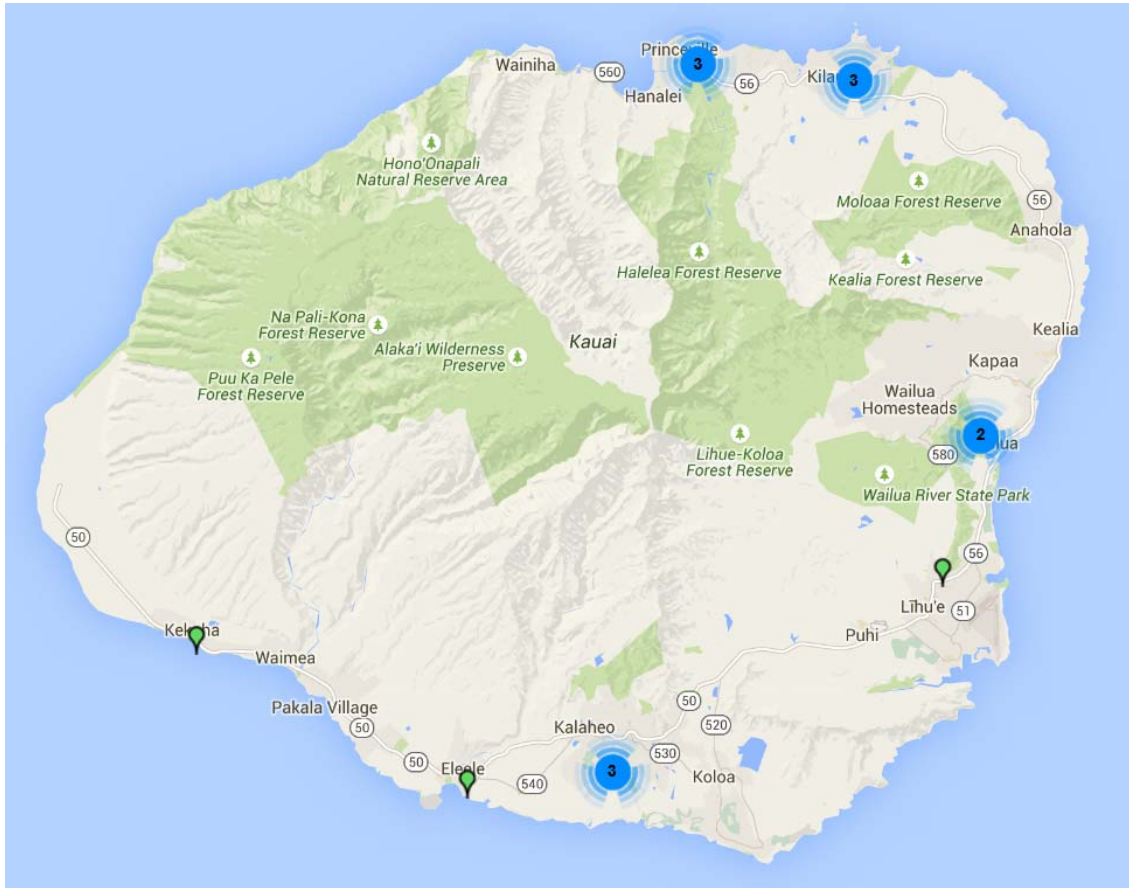
ERK v. DOE – Projected Class Member Locations

BIG ISLAND



ERK v. DOE – Projected Class Member Locations

KAUA'I



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date and method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served electronically through CM/ECF on August 18, 2015:

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Attorneys for Defendant
DEPARTMENT OF EDUCATION

DATED: Honolulu, Hawai`i, August 18, 2015.

/s/ Michelle N. Comeau
PAUL ALSTON
KRISTIN L. HOLLAND
MICHELLE N. COMEAU
Attorneys for Plaintiffs

DONNA AHUNA - Activity in Case 1:10-cv-00436-SOM-KSC P.-K. et al v. Department of Education, State of Hawai'i Status Report

From: <hid_resp@hid.uscourts.gov>
To: <hawaii_cmecf@hid.uscourts.gov>
Date: 8/18/2015 9:51 AM
Subject: Activity in Case 1:10-cv-00436-SOM-KSC P.-K. et al v. Department of Education, State of Hawai'i Status Report
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U.S. District Court

District of Hawaii

Notice of Electronic Filing

The following transaction was entered by Comeau, Michelle on 8/18/2015 at 9:55 AM HST and filed on 8/18/2015

Case Name: P.-K. et al v. Department of Education, State of Hawai'i
Case Number: [1:10-cv-00436-SOM-KSC](#)
Filer: M. D.
R. T. D.
Hawaii Disability Rights Center
E.R. K.

Document Number: [257](#)

Docket Text:

STATUS REPORT by M. D., R. T. D. (through his parents R.D. and M.D., for themselves and on behalf of a class of those similarly situated,), R. D., Hawaii Disability Rights Center, E.R. K.. (Attachments: # (1) Appendix A - Projected Class Member Locations, # (2) Certificate of Service)(Comeau, Michelle)

1:10-cv-00436-SOM-KSC Notice has been electronically mailed to:

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1:10-cv-00436-SOM-KSC Notice will not be electronically mailed to:

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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Document description:Appendix A - Projected Class Member Locations

Original filename:n/a

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Document description:Certificate of Service

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