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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; CERTIFICATE OF
SERVICE**

DATE: September 30, 2015

TIME: 11:00 a.m.

JUDGE: Kevin S. C. Chang

vs.

DEPARTMENT OF EDUCATION,
State of Hawai'i,

Defendant.

**PLAINTIFFS' STATUS REPORT FOR SEPTEMBER 30, 2015
STATUS CONFERENCE**

Plaintiffs submit the following status report in advance of the September 30, 2015, status conference.

I. SERVICES FOR PILOT GROUP

Plaintiffs are developing counterproposals to the DOE's service offers with input from parents and case managers. This process has been delayed because the Attorney General's office, through its counsel for the Department of Health, has refused to allow any case managers to talk with Plaintiffs' counsel (even in the presence of the family/class member) without prior written consent.

Plaintiffs' counterproposals for V.C., K.C., J.C.C., and K.S. will be delivered to the Court today.¹ These proposals incorporate:

(1) the services each Class Member was receiving at the time of her

¹ These individuals do not have case managers.

exit from school, (2) the DOE's proposed "Post-Secondary Outcomes and Recommendations" provided to each Class Member at the time of her exit from school; (3) existing services being provided to the Class Member; (4) the Class Member's goals; (5) experts' feedback; and (6) parents' feedback.

II. "HELP DESKS" FOR CONSENT FORMS

Approximately 25 individuals attended help desks in person to date, with the final help desk scheduled for September 29 at Moanalua Community School. No assessments were scheduled at the help desks, there was simply a consent form provided by the DOE. Class counsel also met with the Class Members and families to answer questions and gather information about the Class Members' current services and goals.

Because the turnout at the help desks was not high (due largely, it appears, to the inability of the parents to appear at the appointed times), Plaintiffs have sent the consent form to the remainder of the "undisputed" class members and have begun to receive those back. Plaintiffs will continue to turn over the form requested by the DOE for this group as they are received.

III. OUTREACH TO REMAINING CLASS MEMBERS

Ward Research has advised that it will be ready to provide data regarding its calls this week. There were approximately 570 individuals with updated contact information.

In addition, after a month and a half, the DOE eventually provided guardians' contact information from its files for a small number of individuals (approximately 40 people), but they did not provide any parents' contact information. Plaintiffs' understanding (as set forth repeatedly in Plaintiffs' status reports in August and September) was that parent *and* guardian information would be provided, with the goal of making a reasonable effort to reach as many people as possible. See Pls.' Status Reports dated 8/18/15 (ECF No. 257) at 5, 8/25/15 (ECF No. 260) at 5-6, 9/1/15 (ECF No. 263) at 8, 9/8/15 (ECF No. 266) at 3. Plaintiffs were also under the impression that the reason the search had taken seven weeks was because there was a significant amount of information being gathered.

To the extent the missing Class Members are similar to the known Class Members, many are being cared for by their parents. Therefore, obtaining updated contact information for missing Class

Members' parents should significantly increase the chances of locating the Class Member—even if the DOE file does not reflect that the parent had executed a guardianship at the time of that student's exit. Indeed, it appears that the DOE files reflect very little guardian information. Plaintiffs request this issue be discussed and resolved at the status conference.

IV. STIPULATION RE IDENTITY OF CLASS MEMBERS

Plaintiffs are conferring with the DOE to reach a stipulation concerning Class Members' identity.

DATED: Honolulu, Hawai`i, September 28, 2015.

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

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 September 28, 2015:

Carter K. Siu, Esq.	Carter.K.Siu@hawaii.gov
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Attorneys for Defendant
DEPARTMENT OF EDUCATION

DATED: Honolulu, Hawai`i, September 28, 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: 9/28/2015 10:59 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
Bc: DONNA AHUNA

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U.S. District Court

District of Hawaii

Notice of Electronic Filing

The following transaction was entered by Comeau, Michelle on 9/28/2015 at 10:58 AM HST and filed on 9/28/2015

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: [270](#)

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) 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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Document description:Main Document

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