



DEPARTMENT OF THE ATTORNEY GENERAL

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FEDERAL JURY VINDICATES HAWAII DEPARTMENT OF EDUCATION

HONOLULU – A federal jury yesterday determined that the Hawaii Department of Education (DOE) did not violate the law by using a “Rifton chair” to help physically support a preschool special needs student during some of his classes. The Rifton Company makes chairs and other devices to assist people with physical disabilities. The chair in this case was a small wooden toddler chair with armrests and a belt, similar to a belt on a high chair or a child’s car seat.

The plaintiff alleged that the staff at Koko Head Elementary School excluded her four-year old son from participating in class and discriminated against him through use of the Rifton chair. The State presented evidence that the chair provided necessary support for the boy who sometimes arrived to school in a physically weakened condition, due to a variety of factors outside of the school’s control. Before the boy was provided the use of the chair, he was known to fall out of the other classroom chairs that lacked armrests. Working with the school’s occupational therapist, the boy’s teacher used the chair on a few occasions from April to June 2014 to assist him. In reaching its verdict, the jury found the boy was not excluded from participating in class and did not suffer any discrimination.

The case, *Maria Therese Ricks v. State of Hawaii Department of Education*, was tried before federal district court Judge Helen Gillmor. The plaintiff was represented by Eric Seitz. The State of Hawaii was represented by Deputy Attorneys General Kendall Moser and William Awong.

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