

WASHINGTON SCHOOL LAW UPDATE



May 2019

PORTER FOSTER RORICK
LLP

A brief summary of legal developments relevant to Washington public school districts from the previous calendar month.

PFR Announcements

Public Records Disclosure Training

May 8, 9 am to 3 pm

Two Union Square Conference Center, Seattle

Join Valerie Walker and Jay Schulkin for a full day of hands-on training in processing public records requests and avoiding mistakes that lead to liability. This workshop will satisfy the legally-mandated training for district officials and public records officers. The cost is \$150 per person and includes lunch. Register by sending an e-mail with the names of attendees to info@pfrwa.com.

Student Discipline Memo

Chapter 392-400 WAC

The Office of Superintendent of Public Instruction (OSPI) has adopted permanent revised student discipline regulations which will become effective in their entirety on July 1, 2019. These new regulations are a marked departure from the student discipline structure that has been in place since 1977, and will require changes in student discipline practices, policies, procedures, and

student handbooks prior to the start of the 2019-20 school year. A memo summarizing the changes is available on the PFR website under the “Resources” tab.

Student Discipline Law Trainings

Porter Foster Rorick will be holding five regional trainings on the new student discipline regulations. These three-hour trainings will be held at our office in downtown Seattle (**sold out**), Burlington-Edison School District (August 1, 9:00 am to noon), Bremerton School District (**sold out**), ESD 105 (Yakima) (August 8, 9:00 am to noon), and Ridgefield School District (August 9, 9:00 am to noon). Registration is \$175 per person. Reserve a space by sending an email with the names of attendees to info@pfrwa.com.

Washington Court of Appeals

Provisional Nonrenewal

Frazier v. Quick

No. 35586-1-III (4/9/19) (unpublished)

The Washington Court of Appeals held that because Oroville School District followed the statutory process for the nonrenewal of a provisional teacher’s contract, the teacher’s tort and constitutional claims against the District fail. Ryan Frazier was a provisional teacher with the

Oroville School District. Frazier received a final evaluative grade of Basic and his building principal recommended that Frazier be retained. Nevertheless, the superintendent recommended that Frazier's contract be nonrenewed on the grounds that he failed to create lesson plans, failed to attend staff meetings, and had a cynical and defiant attitude. The Board voted to not renew Frazier's contract. Frazier sued the superintendent individually and the District, alleging various tort claims and seeking a constitutional writ of certiorari. Following partial summary judgment and a bench trial, the trial court dismissed all claims and denied the writ. Frazier appealed. The Court of Appeals held that the District properly followed the process set forth in the provisional nonrenewal statute, and that there were tenable reasons for the nonrenewal decision. As a result, the Court affirmed the trial judge's denial of the writ on the grounds that the District's action was not arbitrary or capricious.

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This information is intended for educational purposes only and not as legal advice regarding any specific set of facts. Feel free to contact any of the attorneys at Porter Foster Rorick with questions about these or other legal developments relevant to Washington public schools.

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