



## Lynette M. Baisch

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Lynette Baisch advises and defends school districts on a broad range of legal issues with a particular emphasis on special education law. She frequently works with IEP teams to develop defensible and appropriate programming, and has extensive experience defending school districts in due process hearings and court appeals.

### PROFESSIONAL POSITIONS

Attorney, Porter Foster Rorick, 2006-present

Judicial Clerk, Illinois Supreme Court (Justice Rita Garman), 2005-06

Reporter, *The Sun* (Bremerton, Washington), 1999-2002

### EDUCATION

University of Washington School of Law, Seattle, Washington, J.D., with honors, 2005  
Managing Editor, *Washington Law Review*

University of Missouri, Columbia, Missouri, Bachelor of Journalism, 1999

### PROFESSIONAL AFFILIATIONS

Washington Council of School Attorneys, Past President

### AREAS OF EXPERTISE

- Special education
- School administration
- Section 504
- Public records and open government

### PRACTICE HIGHLIGHTS

- *In re Tahoma Sch. Dist.*, 2023-SE-0188 (OAH 2024). Prevailed on all claims in hearing regarding appropriateness of student's educational programming, defeating parent request for private placement.
- *In re Yelm Community Schs.*, 2023-SE-0185X (OAH 2024). Prevailed on all claims and obtained ruling establishing that school district's revocation of nonresident transfer did not constitute a change in educational placement.

- *In re Shoreline Sch. Dist.*, 2024-SE-0022 (OAH 2024). Successfully defended appropriateness of special education evaluation, defeating parental request for an independent educational evaluation at public expense.
- *C.M.E. v. Shoreline School District* (W.D. Wash. 2022) (affirmed on appeal, Ninth Circuit Court of Appeals 2024). Obtained successful judgment on the pleadings and dismissal of civil suit alleging violations of Section 504 and the ADA, and prevailed on appeal.
- *E. v. Shoreline School District* (King County Superior Court 2022). Obtained dismissal on summary judgment of civil suit alleging violations of homeschooling and part-time enrollment requirements.
- *In re Tahoma School District*, 2022-SE-0109 (OAH 2022) (affirmed on appeal, W.D. Wash. 2023). Obtained dismissal of due process hearing via summary judgment motion regarding student's residency; prevailed in subsequent appeal.
- *In re Bellevue School District*, 2020-SE-0133 (OAH 2021). Defeated parent request for prospective private placement in hearing raising multiple issues regarding student's programming, including issues pertaining to services during school closures due to COVID-19.
- *In re Bellingham School District*, 2021-SE-0009, -0113 (OAH 2021). Successfully defended appropriateness of school district's reevaluation and defeated parent request for 1:1 ABA services.
- *In re Kelso School District*, 2020-SE-0198 (OAH 2021). Successfully defended appropriateness of program offered to student during hybrid reopening of schools following closure due to COVID-19.
- *In re Shoreline School District*, 2020-SE-0042 (OAH 2020). Prevailed on all issues in defense of school district's decision to address student's social-emotional issues from a therapeutic perspective rather than by attempted separation from other students.
- *In re Shoreline School District*, 2019-SE-0090 (OAH 2019). Prevailed on all issues in defense of school district's offer of transition programming to adult student.
- *In re Shoreline School District*, 2019-SE-0157 (OAH 2019) (affirmed on appeal, W.D. Wash. 2021; Ninth Circuit Court of Appeals 2023). Successfully obtained summary judgment order overriding parent's refusal to consent to special education evaluation, and prevailed on appeal at all levels.
- *In re Lake Washington School District*, 2018-SE-0042 (OAH 2019). Prevailed on all issues in special education due process hearing, successfully defending appropriateness of district's educational program.
- *In re Lake Washington School District*, 2016-SE-0109, -0110 (OAH 2018) (affirmed on appeal, W.D. Wash. 2020). Successfully obtained dismissal of two due process hearing requests following contested hearing regarding statute of limitations.
- *In re Port Townsend School District*, 2017-SE-0070 (OAH 2017). Successfully defended appropriateness of district's special education evaluation, defeating parent request for an independent educational evaluation at public expense.
- *In re North Kitsap School District*, 2016-SE-0018, -0021, -0034 (OAH 2016). Won favorable result in hearing raising multiple issues regarding the appropriateness of district's educational program and special education evaluation.

- *A.M. v. Shoreline School District* (King County Superior Court 2015). Successfully defended appeal of district's expulsion of student.
- *In re Orting School District*, 2015-SE-0025 (OAH 2015). Won favorable result in hearing raising multiple issues regarding student's educational program, defeating parent request for private placement.
- *In re Lake Washington School District*, 2012-SE-0062, -0099 (OAH 2013). Prevailed on 40 of 43 issues in special education due process hearing, defeating parent request for private placement.
- *In re Lake Washington School District*, 2013-SE-0004 (OAH 2013). Successfully briefed and argued summary judgment motion to obtain ruling preventing parents from using part-time enrollment as partial revocation of consent for special education services.
- *T.D. v. Tumwater School District* (Thurston County Superior Court 2016). Defeated student's motion for injunctive relief to reinstate athletic eligibility following violations of the district's athletic code.
- *Selah School District v. M.K.* (Yakima County Superior Court 2014). Obtained *Honig* injunction to override stay-put when student's return to school was substantially likely to result in injury.
- *J.L. v. Mercer Island School District*, 592 F.3d 938 (9th Cir. 2010). Drafted successful Ninth Circuit brief reversing U.S. District Court decision against school district regarding provision of special education to plaintiff.
- *B.B. v. Lake Washington School District*, No. C12-0574 (W.D. Wash. 2013). Won appeal of special education due process hearing decision overriding parent's refusal to consent to evaluation of student.
- *In re Renton School District*, 2012-SE-0053X (OAH 2012). Drafted motion for summary judgment that prompted withdrawal of due process hearing request by parent's attorney.
- *In re Lake Washington School District*, 2012-SE-0023, -0031 (OAH 2012). Won summary judgment victories in two due process hearings requested by parent regarding educational programming for interstate transfer student.
- *In re Hoquiam School District*, 2009-SE-0047, -0048 (OAH 2009). Obtained summary judgment victories in two due process hearings requested by school district to defend against parent requests for independent educational evaluations at public expense.
- *A.B., et al v. Bremerton School District*, No. 07-2-02359-1 (W.D. Wash. 2007-08). Drafted successful motion to dismiss lawsuit filed by families of multiple students challenging school district's relocation of educational program.
- *Brown v. Northshore School District* (W.D. Wash. 2011). In Section 504 lawsuit seeking damages and attorney's fees, prepared response to motion for injunction that prompted settlement and dismissal of case with no damages or fees paid by school district.
- *In the Matter of Recall Charges Against San Juan Island School District No. 149 Board of Directors* (San Juan County Superior Court 2010). Briefed and argued defense of recall action against five directors, resulting in dismissal of recall petition.

## SELECTED PRESENTATIONS AND PUBLICATIONS

- “Legal Update: Cases and Trends Affecting School Psychologists,” Washington State Association of School Psychologists, 2015-2024.
- “Parent Conflicts,” *2023 School Law Conference*, Washington School Personnel Association & Washington Schools Risk Management Pool, October 2023.
- “Special Education: Isolation and Restraint,” *2022 School Law Conference*, Washington School Personnel Association & Washington Schools Risk Management Pool, October 2022.
- “IEP Implementation,” Yakima School District, August 2022.
- “Special Education Errors to Fix Before You’re Sued,” *2019 School Law Conference*, Washington School Personnel Association & Washington Schools Risk Management Pool, October 2019.
- “Student Discipline Panel,” *2017 Law Conference*, Washington State School Directors Association, November 2017.
- “Special Education Legal Issues for Paraeducators,” Lake Washington School District, October 2017.
- “Recent Developments in Special Education Law,” Washington Council of School Attorneys, May 2017.
- “A Little ERP for Everyone: Isolation and Restraint for Novices and Experts,” Washington Council of School Attorneys, April 2016.
- “The IEP Life Cycle: From Evaluation to Progress Report,” “Hostess with the Most-est: How to Put on an IEP Meeting,” “Prior Written Notice Evangelism: Requirements and Best Practices,” “Isolation and Restraint: What’s Left after SHB 1240?” Selah School District, August 2015.
- “Accommodating Transgender Students and Employees,” *2014 School Law Conference*, Washington School Personnel Association & Washington Schools Risk Management Pool, October 2014.
- “Parenting Plans, Court Orders, and Subpoenas,” Puyallup School District, October 2012.
- “Successfully Handling Disciplinary Actions for Special Needs Students,” *Washington Special Education Law*, National Business Institute, June 2012; December 2014.
- “An Administrator’s Guide to Special Ed and Section 504,” EDAD 6589: Current Issues in Educational Leadership, Seattle Pacific University, May 2012; North Kitsap School District, August 2014.
- “Facebook and First Amendment Issues,” Washington Council of School Attorneys, October 2011.
- “Section 504 and Diabetic Students,” Bellingham School District, March 2011.
- “Tragedy in the Time-Out Room – State Regulations and Evolving Federal Law on Aversive Interventions,” Washington Council of School Attorneys, October 2010.
- *Private Rap Sheet or Public Record? Reconciling the Disclosure of Nonconviction Information under Washington’s Public Disclosure and Criminal Records Privacy Acts*, 79 Wash. L. Rev. 693 (2004). Cited with approval in *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wn.2d 398, 259 P.3d 190, 202 (Wash. 2011).