



Washington School Law Update

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

Ninth Circuit Court of Appeals

Religious Accommodation

Petersen v. Snohomish Regional Fire and Rescue
No. 24-1044 (9/2/25)

The Ninth Circuit Court of Appeals affirmed dismissal of a religious discrimination lawsuit filed by eight firefighters, holding that their employer, Snohomish Regional Fire and Rescue (SRFR), provided sufficient evidence that exempting them from the statewide COVID-19 vaccine mandate in August 2021 would have imposed an undue hardship. In August 2021, Washington's governor issued a proclamation requiring all healthcare providers to be vaccinated against COVID-19. In response, SRFR required its firefighters to be vaccinated, but allowed them to request accommodations based on sincerely held religious beliefs. Of SRFR's 192 firefighters, 46 requested exemptions, and SRFR met with each employee to discuss their request and possible accommodation. SRFR ultimately determined that it could not accommodate the unvaccinated firefighters' requests without imposing an undue hardship on its operations given that the firefighters' work required interfacing with the public. Eight of the firefighters

denied accommodation sued SRFR, alleging failure to accommodate their religious beliefs in violation of Title VII and the Washington Law Against Discrimination. The district court dismissed the plaintiffs' lawsuit on summary judgment, relying on the undisputed evidence that allowing unvaccinated firefighters to work would increase the risk of spreading COVID-19 to the public and within the fire station, which would impose an undue hardship on SRFR's operations. On appeal, the Ninth Circuit Court of Appeals applied the new test for determining undue hardship under the U.S. Supreme Court's recent opinion in *Groff v. DeJoy* and affirmed, holding that SRFR presented sufficient evidence that granting the accommodations would result in substantial increased operation costs. First, the Court agreed that the increased health and safety costs of allowing unvaccinated firefighters to continue in employment were significant given the risk of spreading COVID-19 throughout the fire station and the community, as firefighters enter public buildings and private residences and transport sick and injured people. Second, the Court agreed that there were sufficient operational burdens because nearly one quarter of SRFR's firefighter force requested an exemption and accommodation, which if granted, would significantly limit SRFR operations. Third, the Court agreed with SRFR that firefighter absences or a fire station COVID-19 outbreak could hamper SRFR's operations for weeks at a time, which posed a real and substantial cost to SRFR and threatened community

safety. Finally, the Court held that the Department of Corrections' threat to terminate its \$400,000 annual contract with SRFR if its firefighters were not vaccinated against COVID-19 posed a significant financial cost for SRFR. As a result, the Court held that the SRFR presented sufficient evidence to show the request posed an undue hardship as a matter of law, and it dismissed the lawsuit in its entirety.

First Amendment

Woodlard v. Thurmond

No. 24-4291 (9/11/25)

The Ninth Circuit Court of Appeals held that California did not violate parents' free exercise of religion when it rejected their requests to purchase and use sectarian curricular materials in California charter schools' independent study programs. Like traditional public schools, California charter schools can provide non-classroom-based instruction, including independent study programs, in which the parents provide home-based direct instruction approved by the school and supervised by state-certified teachers. To participate, the parents must enter into a contract with the school specifying educational objectives, and the school is required to provide curricular materials for parents to achieve those objectives. The parents of children enrolled at two California charter schools who participated in the schools' independent study programs requested the school purchase sectarian curricular materials for use in the programs, including curriculum teaching that "God is great, and God is good" and "the Bible is God's word." The schools rejected Parents' curriculum requests, and Parents filed a lawsuit in federal court against the two charter schools, their officials, and the California Superintendent of Public Instruction, alleging that they were being categorically excluded from a generally available public benefit due to their religious beliefs. The district court dismissed the lawsuit, holding that California's policy did not violate Parents' rights to free exercise of religion or free speech guaranteed by the First Amendment to the U.S. Constitution. The Ninth Circuit affirmed dismissal, reasoning that the U.S. Supreme Court had recently affirmed that the Free Exercise Clause does not prohibit the state from

providing a strictly secular education program in its public schools. The Court further held that the independent study programs at issue are substantively public education given that they are overseen by California charter schools, cannot charge tuition or discriminate, and the instruction must meet statewide instructional standards. The Court rejected Parents' claims that the independent study programs were really homeschooling, and therefore, the materials should be treated as a generally available public benefit in aid of homeschooling, given that the programs must be coordinated, evaluated and supervised by state-certified teachers. As a result, the Court held that the programs were sufficiently part of public education to defeat Parents' free exercise of religion claims. The Court further rejected Parents' free speech claims, reasoning that a public school's curriculum is an expression of its policy and therefore government speech not subject to scrutiny under the Free Speech Clause of the First Amendment. As a result, the Court affirmed dismissal of Parents' lawsuit in its entirety.

Washington Court of Appeals

Public Records Act

Rodriguez v. Walla Walla Police Department

No. 40504-4-III (9/23/25) (unpublished)

The Washington Court of Appeals reversed dismissal of a public records lawsuit filed against the Walla Walla Police Department (WWPD), holding that the agency improperly narrowed the scope of a request by only providing certain pages from responsive records. In September 2022, Jose Rodriguez submitted a public records request to WWPD seeking all records mentioning him, including incident reports. WWPD identified multiple incident reports that were responsive, and Rodriguez confirmed that he wanted copies of those reports in response to his request. In October 2022, WWPD's records custodian informed Rodriguez that she required additional time to prepare the reports for disclosure given that there were already 450 pages. In November 2022, the WWPD provided Rodriguez with redacted pages from the responsive police reports, and did not provide a redaction log explaining the redactions for some of those pages.

WWPD only provided those pages that contained Rodriguez's name. Rodriguez sued WWPD, arguing that the agency violated the Public Records Act by only disclosing the pages of the investigation reports that listed Rodriguez's name, arguing that his request clearly encompassed the entire reports. The trial court dismissed the lawsuit, agreeing with WWPD's interpretation of the request. The Court of Appeals reversed, holding that the request encompassed the entire reports, not just those pages mentioning Rodriguez. The Court reasoned that the agency had correctly initially understood the request as encompassing the full reports given the prior communication from the records custodian stating she needed time to prepare the report because it already contained 450 pages. The Court remanded, instructing the agency to provide an exemption log that identifies the records not disclosed and the reasons supporting nondisclosure, and for the trial court to determine whether there was wrongful withholding.

PFR Announcements

Public Records Disclosure: A Practical Workshop

November 6, 9:00 am to 3:30 pm

Two Union Square Conference Center, Seattle

Join Jay Schulkin and Olivia Hagel 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 workshop will be held at the Two Union Square Conference Center in downtown Seattle. The cost is \$300 per person and includes lunch. Registration is currently full; you can join the waitlist by sending an email with your name, school district, and purchase order information to info@pfrwa.com. Any questions can be directed to info@pfrwa.com or by calling us at (206) 622-0203.

PFR Welcomes Two Attorneys

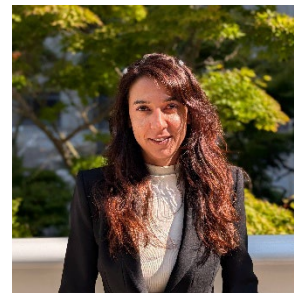
Porter Foster Rorick is pleased to welcome Reid Roberts and Kalina Spasovska to our team of attorneys

providing responsive, bold, and practical general counsel to Washington public school districts.



Reid Roberts

Reid Roberts is a 2022 honors graduate of the University of Texas and a 2025 graduate of the University of Washington School of Law. During law school, Reid served as the Associate Editor-in-Chief for the Washington Journal of Social and Environmental Justice, and interned with a judge at the King County Superior Court and at the Natural Resources Defense Council. Prior to law school, Reid advised English Language Learners and other students on undergraduate academic writing at the University of Texas.



Kalina Spasovska

Kalina Spasovska is a 2025 graduate of Seattle University School of Law where she served as an Associate Editor of the Seattle University of Law Review and externed with the Seattle City Attorney's Office. Prior to law school, Kalina completed a Master of Arts degree in Human Rights Practice at three universities in Europe, and worked on policy matters for the European Union. She earned her Bachelor of Arts degree from the University of Washington, and worked at multiple technology companies in the Puget

Sound region as well as the Human Resources department at the Washington State Bar Association. Kalina is fluent in five languages: Bosnian, Croatian, English, Macedonian, and Serbian.

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