



## Washington School Law Update

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

### Washington Court of Appeals

#### Washington Law Against Discrimination

*Alley v. University of Washington*

No. 87618-0-I (5/11/26) (unpublished)

The Washington Court of Appeals affirmed dismissal of a medical resident's claims that the University of Washington (University) failed to accommodate his recurrent major depressive disorder and attention deficit hyperactivity disorder. Michael Alley entered the University's Orthopaedic Surgery Residency Program after graduating from medical school. Alley successfully completed his first year; however, at the beginning of his second year, his supervisors reported that he was performing significantly below his peers. As a result of Alley's poor performance, the University issued him a Focus of Concern (FOC) letter, which listed items Alley was required to complete to improve his performance and noted that failure to do so could result in dismissal. Around that time, Alley disclosed his recurrent major depressive disorder to his supervisor. The FOC letter specifically advised Alley that if a medical condition was affecting his work, he could request accommodation. Alley did not request accommodation and his performance continued to be

poor. Alley's supervisors referred him to an independent organization charged with determining physicians' fitness to practice, and after Alley failed to attend a mandatory intake appointment, the University suspended him from clinical and patient care activities. Following his suspension, Alley requested accommodation for his disabilities for the first time. After being sent information to begin the process, Alley failed to complete any of the forms or submit any requests to the University's Disability Services Office. Alley was eventually cleared to return to work, but his performance issues continued. Although Alley continued to express a desire for accommodations, he never made a formal request and continued to blame others for his lack of accommodations. The University eventually suspended and then terminated his residency. Alley then sued the University under a disparate treatment cause of action. The superior court dismissed the lawsuit on summary judgment, and the Court of Appeals affirmed. The Court noted that employees with disabilities have a duty to cooperate with the employer's accommodation efforts by providing information about their disability, which Alley failed to do despite being prompted and provided with information by his supervisors. The Court rejected Alley's argument that his informal email accommodation proposals were sufficient, holding he had a duty to comply with the University's accommodations process. As a result, the Court upheld the dismissal of Alley's claims.

## Washington Law Against Discrimination

*Danielson v. Seattle Children's Hospital*

No. 87793-3-I (5/26/26) (unpublished)

The Washington Court of Appeals affirmed a jury verdict awarding a former medical director at Seattle Children's Hospital (SCH) \$21 million in damages under the Washington Law Against Discrimination (WLAD), holding that the verdict was supported by substantial evidence. Benjamin Danielson, a Black doctor, was employed as the medical director of SCH's Odessa Brown Children's Clinic (OBCC) from 1999 to 2020. Danielson alleged that other employees doubted his intelligence and competence in his role as medical director and that he was not welcome in the OBCC during the entirety of his tenure. In addition, another employee witnessed the president of an affiliated research institute refer to Danielson using racial slurs, which Danielson alleged SCH never investigated. Danielson also expressed concern at a meeting of the board of directors that the OBCC was not prioritizing funding that would serve the Black community, after which he was subjected to an investigation for misconduct and alleged leadership failures. Danielson believed this investigation and subsequent leadership review were in retaliation for his comments at the board meeting, and he resigned from his position. Danielson then sued SCH under the WLAD, alleging that he was subjected to a hostile work environment during the 21 years he was employed by SCH because of his race. Danielson also claimed that he experienced retaliation for opposing racism at OBCC and bringing attention to SCH's alleged refusal to take steps to address the racism. Following a 16-day trial, the jury returned a \$21 million verdict for Danielson. SCH appealed the verdict, and the Court of Appeals affirmed. The Court first noted that a jury verdict should be overturned on review only if it is not supported by substantial evidence, which is evidence that, if believed, would support the verdict. With respect to the hostile work environment claim, the Court noted that such claims must demonstrate that the harassment (1) was unwelcome, (2) was because of a protected characteristic, (3) affected the terms and conditions of employment, and (4) was imputable to the employer. The Court held that Danielson's

testimony that hospital staff doubted his competence due to his race and that the hospital failed to address a racial slur aimed at him, either alone or together, could persuade a rational juror that Danielson experienced harassment that affected the terms and conditions of his employment. With respect to his retaliation claim, the Court held that Danielson engaged in a protected activity by expressing his concerns to the board regarding funding to serve the Black community, and held that a jury could conclude that Danielson suffered an adverse employment action when SCH expanded the scope of the investigation and demoted him following his comments to the board. As a result, the Court affirmed the verdict against SCH.

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### June Masthead Photo Credit



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