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No.66908-7-I (Consolidated w/No. 66909-5-1)

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON
One Union Square 600 University Street
Seattle, WA 98101-4170

GRAZYNA PROUTY, Appellant or Petitioner

v.

TAHOMA SCHOOL DISTRICT BOARD, Respondent

PETITIONER'S/APPELLANT'S

BRIEF

Grazyna Prouty, Appellant
ELL (English Language Learners' teacher
Certified and Endorsed in the State of Washington
Professional Continuing Teaching Certificate)
Filing the Brief

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The following representation in the consolidated cases: No.66908-7-1
(Consolidated w/No. 66909-5-1):

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Table of Cases

1. Da-Zanne Porter, Martha McClaren, and Clifford Mass, Respondents v. Seattle School District, No. 65036-0-I – March 28,

2011 had committees RCW 28A.320.230 (1) (c):

“more than half the committee must be professional staff; the remaining members may include parents.”

“The Board can only approve or disapprove recommendation of the instructional materials committee. The adoption committee creates textbook selection criteria, reviews textbooks and community input, and recommends a set of textbooks for adoption.”

In Seattle:

“According to the certified record of the Board proceedings in this matter, the Seattle School District last adopted high school math books in 1992. By 2008, many of the books were damaged and there were not enough for students.”

It is clear that the Seattle School District followed the RCW 28A.645.020:

Within twenty days of service of the notice of appeal, the school board, at its expense, or the school official, at such official’s expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct.”

2. Engrossed Second Substitute Senate Bill 6696 passed

Legislature – 2010 (the law).

3. Kuldeep Nagi v. Seattle School District, Decision 5237

(EDUC, 1995)

Collateral estoppel Inapplicable [40]

“The burden of proof that collateral estoppel applies in a given situation is on the party urging that it should. McDaniels v. Carlson, 108 Wn.2d 299, 303 (1987). Collateral estoppel prevents relitigation of an issue or factual determination. Numerous preconditions must exist before the theory is applied. The party to be estopped must have had a full and fair opportunity to have presented her or his case in the first proceeding; the first proceeding must have been finally decided; the issues in the two proceeding must have been identical; the issue or factual finding must have been important in the prior proceeding, and application of collateral estoppel in the second proceeding cannot work an injustice. Lutheran Day Care v. Snohomish County, 119 Wn.2d 91, 114-116 (1992), cert. den. ___US___, 113 Sct 1044, 122 Led 2d 353 (1993) [41]

It is evident that collateral estoppel does not apply in present circumstance.

The issue must be identical in both cases for collateral estoppel to govern the second proceeding (...)

“Identity of defenses does not translate automatically into identity of issues.”

“The employer must fully explain why it acted as it did.”

Tahoma must fully explain why it acted as it did.

“The facts of Barr and Cascade Nursing Services clearly indicate collateral estoppel would not determine this Chapter 41.59 proceeding even if its issues were identical to those of the Chapter 28A.405 proceeding. In Barr, a judge approved the structured settlement of a personal injury action as reasonable in all aspects, including the attorneys’ fee agreement. When the injured person died soon thereafter, his widow sued the attorneys for excessive fees, and failure to advise that the injured person fragile health made a lump sum settlement more beneficial for them than a settlement paid over a number of years. The attorneys relied on collateral estoppel and lost.

The Court reasoned the attorneys’ fee arrangement had been tangential to the propriety of the settlement agreement, while the

adequacy of their advice had been irrelevant. Therefore, the malpractice action was not precluded by the earlier approval of the personal injury settlement.

Cascade Nursing Services considered whether a nurse referral service was the employer of the nurses for unemployment compensation purposes. The referral service argues an earlier decision in an industrial insurance case should control through collateral estoppel. The industrial insurance case had held that the Referred nurses worked for the hospitals to which they were sent. The court rejected the argument because, though the same question arose in both cases, two different legal standards in the Chapter 28A.405 and Chapter 41.59 proceedings differ. The employer has not shown evidence of a discriminatory motivation would have prevented the Chapter 28A.405 hearing officer from finding that sufficient cause for non-renewal had been established, even though the probation had been properly conducted and the evidence confirmed the reasons in the nonrenewal notice. Accordingly, possible discriminatory motivation was legally irrelevant in the statutory hearing proceeding. [42]

Finally, there is a serious deficiency in the employer's case even if the Examiner were to conclude that the legal theory of collateral estoppel applied to the Chapter 41.59 proceeding. The employer introduced the Chapter 28A.405 hearing officer's decision, the superior court order affirming it, and the oral closing argument Nagi's attorney made [43] to the Chapter 28A.405 hearing officer. The Exhibits and transcript of the Chapter 28 A.405 hearing were not introduced in the Chapter 41.59 proceeding. This minimal record falls short of the legal requirement. Where collateral estoppel is argued, the entire record of the prior action must be made available to the court. Bunce Rental, Inc. v. Clark Equipment Co., 42 Wn. App. 644, 647-648 n. 4 (Div. II, 1986).

City of Yakima v. International Association of Fire Fighters, 117 Wn.2d 655 (1991), does grant jurisdiction over an unfair labor practice Complaint to the Superior Court or the Commission depending on which received the claim first.”

4. Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App. 766 (1974), 525.P2d278. (August 14, 1974)

“de novo” requirement supported by three courts of Appeals. Hattrick v. North Kitsap School District 402, 81 Wn.2d 668, 504 P.2d.302 (1972); Denton v. South Kitsap School District 402, 10 Wn. App. 69, 516 P.2d 1080 (1973); Reagan v. Board of Directors, 4 Wn. App. 279, 480 P. 2d 807 (1971).

The legislative intent is clear that the discharged teacher have a full de novo review on the merits in a new trial in a superior court.

5. Hill v. Dayton School District 10 Wn. App. 251, 517 P.2d 223:

Under RCW 28A.58.490 the court in its discretion may award to an employee a reasonable attorney’s fee, together with his taxable costs in the superior court.

6. Barnard v. Board of Education, 19 Wn. 8, 52P.317 (1898)

(In Randy Francisco, Respondent v. Board of Directors of the

Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.p. 772 (1974),

Demonstrate that “employment rights of schoolteachers have historically been “within the power of courts to protect,” and under that “test,” the school board performs a “judicial” function when it orders the discharge of the teacher for cause.

7. Second Substitute Senate Bill 5973 (the law).

(EDUC, 1995).

Constitutional Provisions

1. Constitution of the United States Article IV. Section 1
2. Bill of Rights in Preamble states:

(...) adopting the Constitution, expressed a desire, in order
misconstruction or abuse of its powers (...)"

The Bill of Rights is "a vital symbol of the freedoms and the as it
protects" fundamental principles of human liberty".

3. Constitution of the State of Washington (revised 01-12-11).

Article VII, Section 7 Annual Statement, relation to RCW 28 A.400.030

Article IX Section 5 addresses Mismanagement.

Statutes

1. RCW 28A250.210

"The goal of the basic education act for the schools of the state of
Washington set forth in this chapter shall be to provide the students with
the opportunity to become respectful global citizens, to contribute to their
economic well-being and that of their families and communities, to
explore and understand different perspectives, and to enjoy productive and
satisfying lives. (...)"

(1) Read with comprehension, write effectively, and communicate
successfully in a variety of ways and settings and with a variety of
audiences;

(2) Know and apply the core concepts and principles of mathematics,
social, physical, and life sciences, civics, and history, including different
cultures and participation in representative government, geography, arts;
and health and fitness;

(3) Think anatically, logically, and creatively, and to integrate different
experiences and knowledge to form reasoned judgments and solve
problems, and

(4) Understand the importance of work and finance and how performance,
effort, and decisions directly affect future career and educational
opportunities.

(...) To increase the student achievement, the legislature finds that the state of Washington needs to develop a public school system that focuses more on educational performance of students, that includes high expectations for all students, and that provides for school boards and educators in how instruction is provided.

The legislature further finds that improving student achievement will require:

- (1) Establishing what is expected of students, with standards set at internationally competitive levels;
- (2) Parents to be primary partners in the education of their children and to play a significantly greater role in local school decision making;
- (3) Students taking more responsibility for their education

2. RCW 28A.320.230 (1) (c)

“This committee shall consist of representative member’s of the district’s professional staff, including the representation from the district’s curriculum development committees (...), the committees may include parents at the board discretion (...) parent members shall make up less than one-half of the total membership of the committee.

“Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee’s expenses incidental to visits to observe other districts’ selection procedures may be reimbursed by the school district”

3. RCW 28A.400.030 (3)

Superintendent’s duties:

In addition to such duties as a district school board shall prescribe the school superintendent shall:

- (2) Keep such records (...) required by law (...) higher administrative agencies (...)

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. (...) record book of board proceedings for public inspection.

4. CHAPTER 28 A.405 RCWs

School district's ability to terminate a certificated teacher's employment is severely restricted:

"Conviction of serious crimes against children is the sole ground for terminating teacher's employment during the contract year."

5. RCW 28 A.405.120

"School district shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers to have training in evaluation procedures (measures)"

(That is in connection to Bills 6696 and 5973 (the law). must have diversity training related to changing world, no monoculture).

6. RCW 28 A.405.320

"any teacher, principal, supervisor, superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of the school board relating to the discharge or other actions adversely affecting his or her contract status, or failure to renew that employee's contract for the next ensuing term, within thirty days after his or her receipt of such decision or order may serve upon the chair of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth (...) the errors complained of".

7. RCW 28A.405.340

"Any appeal to the superior court by an employee shall be heard by the superior court without a jury. Such appeal shall be heard expeditiously".

8. RCW 28 A.405.340:

constitutional free speech rights (...) additional testimony (...) the court shall hear oral argument and receive written briefs”.

9. RCW 28 A. 645.010:

“Any person, or persons, (...) aggrieved by any decision or order of any school official, or board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same (...) filing with the clerk of the superior court the notice of appeal”.

10. RCW 28 A. 645.020

“Within twenty days of service of the notice of appeal, the school board, (...) shall file (...) the evidence and the papers and exhibits relating to the decision for which a complaint has been filed (...).

11. RCW 28 A.645.030

“Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously”.

12. .RCW 41.59.010 and Chapter 41.59

“It is the purpose of this chapter to prescribe certain rights and obligations of the educational employees of the school districts of the state of Washington and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment education.”

I. INTRODUCTION

As in the Statement to Verbatim Report one has to break apart how Hon. Monica Benton interacted with Tahoma counsel and the teacher - the fourth judge on the case after consolidation in November 30, 2010 that Grazyna Prouty opposed CP 335-341, and further in the documentation of CP 346 as these matters had varied relation concerning stakeholders (internal), and the related agencies (external), and different concerns.

The issues were not the same in these matters and not in the cases the copies of which Tahoma submitted.

The consolidation CP 335- Cp 341, Cp 345 and on should have not happened, yet erroneously it did – and with that as well as the distortion (deletions) in the court recording (CR) hearing of the 28th of January 2011 at the very source that the hearing of the injured party and genuine defendant in the cases took place that is in the Superior Court in Kent, Washington in the Regional Justice Center in Kent, County of King.

The Opinion of Michael Heavey dated this 2nd day of November, 2007 (Exhibit D p.1-12) was missing from the Superior Court public record, therefore, not in court papers on record so the injured party could not indicate it in the “clerk papers” CP of the documents to reproduce that are missing on the Superior Court in Kent record (filed after the ruling; this is Exhibit D p. 1-12).

This further connects how the judicial arrangements coincide what has been happening in education and how it relates to funding. Furthermore, for whom such funding is to be. The matters connect to the recent case of Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District. No. 65036-0-I and allowing the School Board actions as were done in the past leaving unfinished work, no accountability for results versus connecting these results to actions in ill faith if left unfinished, mistakes not corrected, left for internal mobbing versus the good faith that focuses on the students and teachers who deliver directly the education and until the desired work is not accomplished to satisfy the basic education RCW 28A.250.210 and related statutes, the work is to continue not cease. Otherwise, as in Tahoma internal bullying operates by that design and opposes RCW 28A.150.210.

Seeing the barriers on the basis of the judicial rationale in relation to court rulings in the above mentioned matters proves the intention and deliberate control without the controlling measures, therefore superficial and inapplicable of the judicial powers in the educational matters that do not serve teachers as the injured party, and not recognizing that the students are the focus and the school boards must work, and when they do not, the internal bullying and mobbing overtakes the education.

Taking the court rulings in the educational matters into consideration, this design has roots in the judicial decisions that disregarded teacher, students and a bottleneck that pays no attention to the measures of accountability that are paramount and cannot be ignored any longer.

The measures of working versus non-working school boards that make both judicial and non-judicial decisions require non-judgmental deliberations before final decisions. These processes versus the involvement as the Superior Court in these matters exhibited and introduced Res Judicata and collateral estoppel dismissing the matters with prejudice, the cases with different issues is demoralizing even to the Tahoma's counsel that was not fully understanding where Hon. Monica Benton who ruled 'under advisement' led – to help or to hurt the Tahoma's counsel (CR questions and answers as in the Statement to Verbatim Report and the CD recording).

The parties were not sworn in. Is it hardly in "a mistake" category rather than shallow and superficial position towards the ELL teacher, the perception that a teacher here as a profession is so low in the social structure in relation to a lawyer or a judge so whatever the teacher states has no value but the lawyer's reply even when misleads the court, weaves in distorted input as the judge on own behalf inflicts "res judicata,"

“collateral estoppel,” leaning for the Tahoma counsel to agree rather than disagree. Although Tahoma had a choice of answers, it hardly was Tahoma’s intention to talk on “res judicata” or “collateral estoppel” in the hearing on January 28, 2010.

Hon. Monica Benton continued despite the fact that the matters had different issues and guided Tahoma counsel’s agreement with the misguided assistance.

The consequences and not hearing the matters that were consolidated and to be heard since the injured party filed the motion to strike the motion to dismiss (dismiss with prejudice).

No “res judicata” or “collateral estoppel” is applicable, the matters should have continued when none was heard, especially the last case No. 10-2-34635-0 KNT.

The “collateral estoppel in Kuldeep Nagi v. Seattle Schools, Decision 5237 (EDUC, 1995) explains it does not apply and as it did not apply in Nagi’s case.

Hon. Monica Benton (1) mirrors the judicial pre-judgment against the injured party in the hearing the judge asked about, even the injured

1. Summary Judgment that none of the parties knew (the Court schedule with the Statement of Verbatim Report Proceedings) was announced (on courtroom’s door), and when Grazyna Prouty indicated it to the clerk it was disregarded.

party responded that Hon. Bruce Heller (1) “did nothing.”

It is essential to say, this blockage by the Superior Court poses also a strong social responsibility restricted access in relation of court proceedings when the judge leads one party to agreement when Tahoma does not ask for either one - it causes imbalance in the hearing of the parties as the injured party responded contrary to the judge’s pre-judgment and “res judicata” or “collateral estoppel” does not apply; with different issues to deliberate: mobbing, bullying, and – related agencies involvement and funding costs.

Hon. Monica Benton, the fourth judge disregarded mobbing although expressed the dissonance as “cacophony” Hon. Monica Benton contributed to the cases.

II. ASSIGNMENT OF ERROR

1. Not determining “preponderance of evidence” but allowing Tahoma Board to submit the copies of order that Hon. Bruce Heller dismissed the matters with prejudice using the Rule 2.3 (4) in the

1. The public records show that Bruce Heller used bias against women personnel Manuals, one being Progressive Discipline. Coaching and Terminating the Difficult Employee (Exhibit A p. 1): “An employee with a tremendous amount of knowledge is tremendously bitter and angry all the time. She is very good at her job. She also believes everyone is incompetent at theirs. This person used to have leadership position”

Exhibit A p. 2 relates to Hon. B. Heller positions in the public field (as emphasis on “tremendous.” within the inherent manipulation within the concepts, the manual and training maybe for revision as bias with emphasis on deficiencies explains the Achievement Gap in Washington State education and perception is against public view.

Superior Court No. 10-2-30916-1 KNT and No. 10-2-34635-0 KNT Tahoma School Board counsel submitted; error as not striking the motion to dismiss the cases with prejudice and continue the matters No. 10-2-30916-1 KNT and 10-2-34635-0 KNT.

A lack of hearing as it pertains to the appeals filed by the injured ELL (English Language Learners’) teacher were to be continued, and the motion to strike put forth versus Tahoma’s motion to dismiss.

2. Hon. Monica Benton should hear the case (or independent judge) as in RCW 28A.405.340 concerning the mobbing, bullying, and the other matter concerning the related agencies – the different issues of matters, and should not have been consolidated to induce Hon. Monica Benton’s “cacophony” (education proves to be a complex field) since Grazyna Prouty’s contract ended in Tahoma due to School Board’s inaction and counting that “Tahoma experts” (1) within Teaching and Learning and Nancy Skirritt take care (with the of Human Resources as Human Resources – Bruce Zahradnik, a former Special Education teacher oversaw the ELL from 2007 linking it to Special Education as ELL) of Destroying and resignation of ELL teacher, ELL students’ advocate so

1. the phrase used by Joe Vreeburg, the past Tahoma School Board President during the School Board meeting in 2009 as the Superintendent was asking “for direction” – former School Board President in 2008/2009 school year as Didem Pierson became the School Board President in 2009/2010 – she attended the training in October 2009 that was to pertain to ELL on the elementary but not the secondary level.

within the system the reductions in force and anticipated resignations (1) happen due to bullying, mobbing as forced resignations (1) of former ELL teacher, coordinator, and other happened due to the actions in those departments.

The evidence against the injured party and a genuine defendant as in RCW 28A.645.020, and included in Engrossed Second Substitute Senate Bill 6696, Second Substitute Senate Bill 5973 so the matters are heard: mobbing and related agencies versus the matters dismissed, and – dismissed with prejudice, and continued – bullying and mobbing.

The preponderance of evidence to end the contract is non-existent, instead instituted mobbing prevailing in the workplace that damages the injured ELL teacher, many stakeholders in the schools' environment and educational community as interrelated and cannot teach and learn (Tahoma School District mission) in unsafe settings.

Hon. Monica Benton failed to amend the ruling, reconsider, and the copies of dismissed with prejudice ruling of Hon. Bruce Heller (1) were of no importance here, the issues were different.

3. Hon. Monica Benton failed to address evidence and the

1. The connections concerning previous resignations of Thomas Potter, former ELL coordinator whom Nancy Skirritt hired, Judy Yasutake (transferred), Rona Popp, the ELL Coordinator also hired by Teaching and Learning before Thomas Potter, Jeannie Wilson, Special Education teacher who gave input through Grazyna Prouty concerning ELL when substituted for the ELL teacher Kathleen Kinney in ELL class.

discovery in the matter.

Instead of evidence Hon. Monica Benton questioned ELL certification (1), regarded the teacher as the “nothingness” in action to defend the teacher’s rights, versus allowing Tahoma School Board continued acting in ill-faith versus doing the key work of school board, and accountability as introduced in Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District.

4. Discrepancy between CR (CD recording) and some documents on record continues the concept of undefined during the hearing on January 18, 2011 by Hon. Monica Benton “cacophony” in the Superior Court.

5. The Superior Court – Hon. Monica Benton seconded Hon. Bruce Heller as Tahoma submitted dismissal with prejudice on different issues than to be heard: bullying, mobbing and related agencies (Hon. Bruce Heller’s interests versus hearing the teacher) and on own behalf and granted to Tahoma School Board more than Tahoma School Board expected as the bias of the Superior Court in Kent judges were layered.

It was waiting of the Tahoma School Board’s not to file the Administrative Agency Record – Tahoma failed it but lingered if the judge

1. The Judge exhibited a lack of basic knowledge that the teachers are certified to teach a given subject and in addition have to be endorsed – in case of Grazyna Prouty: the subject taught in Tahoma School District for six years – English Language Learners (new name related to the endorsement: English as a Second Language).

orders– it is for the public record; previously Hon. Andrea Darvas and Hon. Jay White did not as it was time for discovery, and so the fourth judge on the case did not – actions against the public interest.

CP 454 shows that Tahoma legal representation Lester “Buzz” Porter Jr. and Grant Wiens (Dionne & Rorick) wrote in the beginning that there is “sufficient time for the District to correct.”

“Even if there was an administrative record due to the Court, there is sufficient time for the District to correct any alleged failure to provide documentation and alleviate any prejudice to Ms. Prouty prior to the scheduled hearing on November 1, 2010.”

6. Evidence as in RCW 28A.645.020 was not ordered in the Superior Court by Hon. Jay White who never responded why the evidence against the injured party was not ordered as the statutes RCW 28A.645.020 states, referred to discovery Hon. Monica Benton subdued when reassigned similarly as Hon. Jay White in the order “denying plaintiff’s motion for reconsideration” on November 29, 2010, (Exhibit B p. 2) stated “no response is required ” for the public school teacher.

7. Hon. A. Darvas’ order (Exhibit B p. 1) filed in the Superior Court CP 331-332 differs from the order sent to Grazyna Prouty where no time is stated.

It is crucial as Hon. Andrea Darvas office claimed it did not have envelopes (Tahoma received the motions filed by the injured party but

failed to respond to both motions (Hon. J. White and Hon. A. Darvas).

Exhibit B p. 3 shows Hon. Jay White used court envelope.

Not only Grazyna Prouty was providing the envelopes, there are undoubtedly still envelopes (addressed and stamped) in judge's working files that the Superior Court has not used. None of the orders or documentation was ever sent from court in Dionne & Rorick's envelopes.

8. Hon. Jay White order to deny motion so Tahoma files the evidence had no time (Exhibit B p. 2) as A. Darvas ((Exhibit B p. 1) but after Tahoma School Board claimed did not know about the order (Tahoma knew about the petitioner's motion as it was timely delivered and did not respond as it has access to e-filing and records– therefore discrepancy in explanation as Tahoma failed to reply), and dissonance in the superior court not only regarding envelopes (J. White used: Exhibit B p.3) but the time the of the orders as in Exhibits B 1-3 and CP 331-332.

Issues pertaining to the assignment of error

1. Instead of introducing a plot by Hon. Monica Benton that one teacher versus a group of teachers cannot be heard and appeal when inactive Tahoma School Board non-renewed the injured party continuing contract, and relinquished the responsibilities, Hon. Monica Benton introducing a notion of “cacophony” as disharmony evident versus addressing it as dissonance determined contributes to further bullying.

This is against the public interest, appeals as in RCW 28A.405.320 RCW 28A.645.010, RCW 28 A.645.030, and against the responsibility concerning the basic education as in RCW 28A.150.210, and since there is a discrepancy between the judicial familiarity with the education - pejorative “cacophony,” and its goals what is expected from the students in the 21st century as in RCW 28 A.150.210, determining the preponderance of evidence and how mobbing and bullying deter it as it is critical since the mobbing and bullying towards the injured party who outlines for the Respondents to state how the School Board worked and protected administrators relinquishing own responsibilities , and when Grazyna Prouty – Language! Keystone, etc. failed to do anything with professional standards as questions and the Argument outlines, as it destructs and injures not only one person but students, other teachers, community, and is not intended by the legislature as the method of reduction in force, does not belong to goals of basic education as in RCW 28A.150.210, and connects to Chapter 41.59, Engrossed Second Substitute Senate Bill 6696, and Second Substitute Senate Bill 5973.

2. The documentation Grazyna Prouty submitted before January 28, 2011 hearing judged by Hon. Monica Benton as “cacophony” would be in harmony if the Hon. Monica Benton focused on different issues as it is against legislature’s intentions and public interest; such

accountability starts with the Superintendent's duties as spelled out in and particularly in RCW 28A.400.030 (3) concerning the receipts of trainings, curriculum committees as in RCW 28A.320.230 (1) and in Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District, as well as book purchases as CP 11 and CP12 as in RCW 28 A.400.030, CP 10 under the name S.I.O.P. (1).

The issue is that Hon. Monica Benton continued "cacophony" and failed to define what, why, and where. It is SIOP and non-SIOP Tahoma's reply in the Respondents' Brief: the receipts when purchased and conducted, what books and trainings, how distributes and what purpose so the harmony starts.

3. The concept of "cacophony" Hon. Monica Benton introduced and not clarified stating reasons relates to the judge's and Superior Court's application of that concept in the proceedings" (1) one teacher appealing versus a group, (2) res judicata, (3) collateral estoppel, (4) "compare and contrast" instilled the giving up – circles and sideways to accomplish nothing.

Such initiations by the judge as the disharmony is when the

1. Non- SIOP (Sheltered Instruction Observation Protocol) trained teachers conducted the training called SIOP; "cacophony" is in book purchases and trainings and certifying teachers as SIOP trained when not the case; deception and against the public interest as there was no SIOP at Tahoma on secondary level (the superintendent has duties to show the receipts not only opportunities to "recommend") start the harmony process versus mobbing.

Tahoma School District ends the Continued Teacher's – Grazyna Prouty, the teacher's continuing contract without evidence as in RCW 28A.645.020. If the School Board decides to non-renew the continuing (experienced) teacher's contract it has to have the evidence, and if not – the contract is to be reinstated with immediate effect.

4. It is in concord that the recording entities can distort (1) the record for the record's sake (as the missing documentation filed in the Superior Court cannot be requested as CP and since a pattern is being established; it is not "a mistake" but a part of the proceedings to introduce ambiguities and disharmony by the Superior Court.

5. The court does not act in a vacuum – it has the influence and disregards the other party and leads the other the Superior Court allows opposite to the court schedule, legislature's intent, and Constitutional Provisions – it demoralizes the School Board and sets precedence to disregards teachers. It corresponds to bullying in schools and awaiting the clients who drop off school in the judicial system.

Tahoma started able to "correct". It was the Superior Court (2)

1. The reference to meeting when Grazyna Prouty agreed to be recorded for public purposed (never received the tape) in WEA. The "transcript" contained missing or "inaudible" transcript

2. The Superior Court at the source maneuvers opposite to public interest– but as courts do not operate in vacuum and therefore accountability needed in schools must start with the accountability in the judicial system as it influences the education.

Hon Bruce Heller (presided) that damaged that (and Hon. Jay White, Andrea Darvas, Mary Roberts consolidating, Hon. Monica Benton “under advisement”). It is clear what Tahoma stated:

“Even if there was an administrative record due to the Court, there is sufficient time for the District to correct any alleged failure to provide documentation and alleviate any prejudice to Ms. Prouty prior to the scheduled hearing on November 1, 2010.”

As in Argument:

“You have to require from yourself, even if others did not require from you.” John Paul II

6. It corresponds to administrators behaviors: “No response is required” as Hon. Jay White who versus non-judgmental forwarding the documentation when the injured party asked the Court within the prescribed time what was her right to do so that the Presiding Judge Hon. Bruce Heller recuses himself and Tahoma had an opportunity to so as well. In fact, Tahoma Board could appear in the court but was working “on the process” how to force teachers’ resignation for no reason and protect administrators and not working on key School Board issues.

Example of actions – both like Hon. Jay White and Tahoma administrators are against the public interest and teachers’ rights as in Barnard v. Board of Education, 19 Wn. 8, 52P.317 (1898) Randy Francisco, Respondent v. Board of Directors of the

Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.p.772 (1974).

7. Assumptions and perceptions against the teacher and Pro Se party are clear from the beginning as Hon. Jay White refused the transfer of injured party's right to ask a judge to recuse himself as Hon. Bruce Heller could recuse himself (it was the time that Grazyna Prouty could also ask Hon. Jay White to recuse himself). The Superior Court had an issue who the case should be under after consolidation (per Jacqueline Ware, the bailiff of Hon. Andrea Darvas it was to be Hon. Jay White).

The familiarity of educational bills, diversity, and legislative intentions requires taught and learned awareness that is in short supply, and convenient as Achievement Gap widens as in CP 343 – the drop outs will be the Superior Court clients but – it is against public interest and what the legislature intended.

8. The issue is when the continuing contract will be reinstated as Tahoma has nothing against the injured teacher. On this basis, the question arises why for so long and continuously – Grazyna Prouty as the injured party is an example teachers; cases were not heard, the Superior Court in the Regional Justice Center faced the teacher's hearing de novo and failed. It correlates to bullying in Tahoma.

Hon. Monica Benton error of dismissal with prejudice versus striking the motion to dismissal with prejudice, and then hearing the matters or amending the order connects to blocking the ELL teacher to be heard, and one teacher versus a group is another idea damaging the teacher's rights.

III. STATEMENT OF THE CASE

The case connects to some degree to the case Kuldeep Nagi v. Seattle School District, Decision 5237 (EDUC, 1995) when the evidence is present and the conducive working environment versus mindless, costly errands of supervisors with no accountability are permitted. It is unclear what certification Kuldeep Nagi had. Teaching certification may differ and that teacher had new assignments that as stated was not "legally qualified to teach" as one of such can be Special Education Endorsement. In Tahoma it relates to eradicating ELL Program as only Special Education students in 2009/2010 - two students corresponding to Teaching and Learning with Human Resources supervising ELL in Tahoma. In Response Brief Tahoma Counsel will submit the Home Language Survey of Lewis, Angelina, Magot, Majok to identify students.

The two matters had different issues, consolidation was an error. The link to accountability states RCW 41.59.010:

“It is the purpose of this chapter to prescribe certain rights and obligations of the educational employees of the school districts of the state of Washington and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment education.”

It is accountability, obligations, following the law versus bullying, mobbing, and the School Board not being above the law, and that is in public interest.

Dismissing the matters with prejudice has no merit as the issues were different and as explained in Kuldeep Nagi v. Seattle School District Decision 5237 (EDUC, 1995) Hon. Monica Benton leading the scheme of res judicata and collateral estoppel does not apply.

The burden of proof is non-existent.

The lack of the preponderance of evidence as it connects to public interest and to Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District.

As the last decision for the School Board “for further proceedings” when “remanded “ was reversed and connects to accountability and further work of the board. When the focus on the students’ needs despite the fact that the court agrees “that an adequate number of meetings were held or that deliberation took a certain amount of time.” is not the measure, the fact that education is active versus static

process, and the board going back to work when the work is not done should happen and it connects to the Relief in this case.

It connects also that Seattle School District did have math adoption committees, curriculum committees, in opposition to Tahoma School Board, it is crucial that as “an adequate number of meetings that were held or that deliberation took a certain amount of time.” are not the measure, and school board if out of touch of the students needs or further needs must continue obligatorily to work.

This case is the opposite how Seattle School District Board worked on the curriculum versus Tahoma School Board.

Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District connects to the matter No. 10-2-34635-0 KNT as the related agencies and the funding targeted pre-planning and execution relates to Tahoma lack of such a process in regards to ELL on secondary level the injured party is a part of.

IV. SUMMARY OF THE ARGUMENT

The issues related to mobbing, bullying, and Tahoma’s work with related agencies, planning the curriculum, adoption committee did not match the standards Tahoma should outline in the Respondents’ Response Brief. Dismissing matters with prejudice with different issues further damages the injured party and the teacher’s rights.

The preponderance of evidence why the continuing teacher is no longer employed due to allowing internal bullying by the inactive Tahoma School Board and the role of associated agencies that either should monitor Tahoma School District (Tahoma School Board), and the teachers; union or to represent the teacher versus aiding the district for a prize of “The Educator of the Year” 2010.

In Response Brief Tahoma will respond why the union became “The Educator of the Year in 2010?”

How did Mike Maryanski, Tahoma Superintendent arrive at that decision, and how the union (1) is the “Educator of the Year” versus the teachers in Tahoma School District?

1. Administrators and Teaching and Learning learned that when the incidents are induced, the union will be involved so the inducing the incidents has become a part of strategy in Tahoma: summoning students to counselors, questioning about teacher so to demoralize and in self-interest and the student(s) experiencing dissonance that was to overwhelm a foreign born student would enter the class asking: “Ms. Prouty, is it true that you teach us what we already know/,” and other comments to make them feel secure as they were not

V. ARGUMENT AND AUTHORITY

“Leges sine moribus vanae” (1) The laws without morals are in vein. It connects to educational setting: preponderance of evidence if the teacher’s contract is non-renewed as the mobbing plays a role in hijacking professional integrity.

The concept fits the context and closely applies to education and influence by the judicial system: the meaning of law founded and supported by morals amidst the politics that penetrated the systems especially in relation to the case No. 10-2-34635-0 KNT that was not heard.

Why did Hon. Monica Benton ignore the matter No. 10-2-34635-0 KNT in the consolidated matters so Tahoma School Board shows the funding and costs in relation to relevancy and need?

Why were the parties not sworn in? Is the focus on hearsay versus the evidence? What was the reason that the logo of Dionne and Rorick was removed as the order written on January 31, 2011 as previous had the logo?

1. Adapted from Horace: “Of what avail are empty laws without (good) mores? As Horace said it to Augustus when he attempted to lead Roman people to the ways of life that kept them great (as Ennius reminded that the Roman state was founded on its ancient mores and its men – *Moribus Antiquis Res Stat Romana virisque*)

Values understood as obligations inherited from forefathers (On the traditions and heroes of ancient times stands firm the Roman state – the emphasis and attention has to be directed whether the laws are supported by ethics and morals.

What knowledge does Hon. Monica Benton have concerning the evidence against the injured ELL teacher, and the true defendant as the continuing contract was not renewed, and “full and fair hearing “ on different issues when related to Hon. Bruce Heller?

Hon. M. Benton introduced a belief and stated that Hon. Bruce Heller “decided on your employment.” How does the Judge know that (e-mails, conversations, read the whole case, a part (which part)? Why did the fourth judge dismiss matters with prejudice and failed to strike the motions especially when dissonance is obvious?

Has any of the counsel represented the Office of Superintendent of Public Instruction (OSPI is to monitor programs) as it relates to the second matter No. 10-2-34635-0 KNT?

Why did Tahoma reply that res judicata applies? How does it relate to the burden of proof Tahoma? Did Tahoma plan to use collateral estoppel or res judicata? What did Tahoma’s counsel learn?

Has the counsel work involved Washington State School Directors Association, evaluators’ representation, Teaching and Learning? (1) Why didn’t Tahoma file the evidence against the injured party, a true defendant? These questions connect to the matters and the Respondents’

1. Nancy Skirritt who hired Thomas Potter (ELL Coordinator at that time) did not evaluate Grazyna Prouty the year she was supervisor and after her successful visits with Carol Banks to Thomas Potter’s class forced him to resign proceeded to use this lack of accountability to evaluators who are under Teaching and Learning.

Brief to provide the answers; crucial to the case, and the judicial attachment and inferences is for the higher instance of court to decide.

Hon. M. Benton introduced to the opposing party both collateral estoppel and res judicata. What is Hon. M. Benton's burden of proof?

Why did Hon. M. Benton solely correspond with Grazyna Prouty returning the submitted Brief? What correspondence (hard copies) was in the cases Grazyna Prouty is a party with Tahoma counsel or others at any point that the injured teacher is unaware? Tahoma's response in the Respondents Response Brief concerns any communication (hard copies) as the injured party is only aware of filed documents.

The judicial approach upsets the educational system in the sense of opposite actions to what legislature's intent: filing the evidence as in RCW 28A.645.020 as the injured party contract was not renewed, the court prejudgment was premature, especially when the matters that have different issues and consolidated, yet different yet from Tahoma's submittal of dismissal with prejudice when Tahoma obtained without filing the evidence as in RCW 28A.645.020 and failed to act after receiving CP 1 in addition to the service of notices of appeal.

The removal of Hon. Michael Heavey's of November 2, 2007 from the Superior Court Record so the injured party could not include it in CP penetrates further in regards to the Superior Court in Kent that is

called Regional Justice Center in Kent, Washington in the trend of destroying certain documentation and the court inferences that pertain to educational matters and funding as is in the case No. 10-2-34635-0 KNT.

In Kuldeep Nagi v. Seattle Schools, Decision 5237 (EDUC, 1995).

Collateral estoppel Inapplicable [40]

“The burden of proof that collateral estoppel applies in a given situation is on the party urging that it should. McDaniels v. Carlson, 108 Wn.2d 299, 303 (1987). Collateral estoppel prevents relitigation of an issue or factual determination. Numerous preconditions must exist before the theory is applied. The party to be estopped must have had a full and fair opportunity to have presented her or his case in the first proceeding; the first proceeding must have been finally decided; the issues in the two proceeding must have been identical; the issue or factual finding must have been important in the prior proceeding, and application of collateral estoppel in the second proceeding cannot work an injustice. Lutheran Day Care v. Snohomish County, 119 Wn.2d 91, 114-116 (1992), cert. den. ___US___, 113 Sct 1044, 122 Led 2d 353 (1993) [41]

It is evident that collateral estoppel does not apply in present circumstance.

The issue must be identical in both cases for collateral estoppel to govern the second proceeding (...)

“Identity of defenses does not translate automatically into identity of issues.”

“The employer must fully explain why it acted as it did.”

Tahoma must fully explain why it acted as it did.

Why did Tahoma School Board allow that Teaching and Learning alienated the ELL teacher, and after Nancy Skirritt and Carol Banks forced resignation of Thomas Potter, moved on to Jeannie Wilson, then Grazyna

Prouty. The difference is that Grazyna Prouty had continuing contract and is the Continued Teacher, and was hired by solid, ethical educator.

The forced resignation of Special Education teacher in Tahoma Junior School links to other professionals like psychologist with diverse experience, and a number of support staff in Tahoma High School.

“The facts of Barr and Cascade Nursing Services clearly indicate collateral estoppel would not determine this Chapter 41.59 proceeding even if its issues were identical to those of the Chapter 28A.405 proceeding. In Barr, a judge approved the structured settlement of a personal injury action as reasonable in all aspects, including the attorneys’ fee agreement. When the injured person died soon thereafter, his widow sued the attorneys for excessive fees, and failure to advise that the injured person fragile health made a lump sum settlement more beneficial for them than a settlement paid over a number of years. The attorneys relied on collateral estoppel and lost.

The Court reasoned the attorneys’ fee arrangement had been tangential to the propriety of the settlement agreement, while the adequacy of their advice had been irrelevant. Therefore, the malpractice action was not precluded by the earlier approval of the personal injury settlement.

Cascade Nursing Services considered whether a nurse referral service was the employer of the nurses for unemployment compensation purposes. The referral service argues an earlier decision in an industrial insurance case should control through collateral estoppel. The industrial insurance case had held that the Referred nurses worked for the hospitals to which they were sent. The court rejected the argument because, though the same question arose in both cases, two different legal standards in the Chapter 28A.405 and Chapter 41.59 proceedings differ. The employer has not shown evidence of a discriminatory motivation would have prevented the Chapter 28A.405 hearing officer from finding that sufficient cause for non-renewal had been established, even though the probation had been properly conducted and the evidence

confirmed the reasons in the nonrenewal notice. Accordingly, possible discriminatory motivation was legally irrelevant in the statutory hearing proceeding. [42]

Finally, there is a serious deficiency in the employer's case even if the Examiner were to conclude that the legal theory of collateral estoppel applied to the Chapter 41.59 proceeding. The employer introduced the Chapter 28A.405 hearing officer's decision, the superior court order affirming it, and the oral closing argument Nagi's attorney made [43] to the Chapter 28A.405 hearing officer. The Exhibits and transcript of the Chapter 28 A.405 hearing were not introduced in the Chapter 41.59 proceeding. This minimal record falls short of the legal requirement. Where collateral estoppel is argued, the entire record of the prior action must be made available to the court. Bunce Rental, Inc. v. Clark Equipment Co., 42 Wn. App. 644, 647-648 n. 4 (Div. II, 1986).

Tahoma did not introduce or argued the collateral estoppel but the Superior Court did as the inference of Hon. Monica Benton "under advisement" referred to these notions, and the added assumptions are false as the injured party did not have "full and fair hearings" that is against the public interest and such inferences over the educational system damage.

"City of Yakima v. International Association of Fire Fighters, 117 Wn.2d 655 (1991), does grant jurisdiction over an unfair labor practice Complaint to the Superior Court or the Commission depending on which received the claim first."

Hon. Monica Benton questioning and introduction of res judicata and collateral estoppel is deliberate inference in degrading teacher and the teaching profession as it deserves no rights in that distorted view. It does.

1. In the case Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District, Board of Directors the fact that MBA (Master of Business Administration) educated School Board member "trying out one of the books with her own daughter" (limited scope of experience – "one book" should not be applicable as current programs the teacher learn have many components – and maybe, it should be just one book so (connects to funding) the Language! Program Grazyna Prouty taught the students and Keystone had many components, and they contain Student book, Student Workbook, Teachers' Manual, tests booklet (two or more), CD recordings. Tahoma should submit what the injured party failed to do as it is bullying and mobbing not any other reason that cased the non-renewal Grazyna Prouty's contract – the evidence against the injured party is crucial as the legislature intended.

Grazyna Prouty submitted the example of components in CP 211-246, and CP 707 and 840 and further on January 13, 2011, and in Exhibit E p.1-6 and Tahoma will respond how it correlates to basic education as in RCW 28A250.210 as

"The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide the students with the opportunity to become respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. (...)"

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics, social, physical, and life sciences, civics, and history, including different cultures and participation in representative government, geography, arts; and health and fitness;

(3) Think anatically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems, and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

(...) To increase the student achievement, the legislature finds that the state of Washington needs to develop a public school system that focuses more on educational performance of students, that includes high expectations for all students, and that provides for school boards and educators in how instruction is provided.

The legislature further finds that improving student achievement will require:

(1) Establishing what is expected of students, with standards set at internationally competitive levels;

(2) Parents to be primary partners in the education of their children and to play a significantly greater role in local school decision making;

(3) Students taking more responsibility for their education

In Da-Zanne Porter, Martha McLaren, and Clifford Mass v.

Seattle School District, Board of Directors the clear understanding is that students do not learn the concepts at school and most parents do not have masters' degrees and access to all the components the school district

purchases as the publisher sells – therefore the flexibility of publishers or e-books has to be taken under considerations.

The fact that the Court looked that the Seattle School Board member with master's degree was working with “own daughter” and translated it as “all” students is the inference that “all” students are like the “daughter.” Was she Special Education or ELL student? Moreover, the idea that the concept should be learned at school so when it was not learned at school and students are not mastering it as over the time was tried and adequate teachers' training was not in place, etc., the Board needed to work further but the assumption it acted “honestly” is a stretch and to thwart innovation.

If the school board authorized the purchases of “all components” and working on “one book” by the highly educated School Board member does not project the public in general and that it is a dissonance it includes a lot of information that the funds are misappropriated, there.

In Tahoma – the School Board is so remote from the needs and who “all” students are that the School Board has no idea how the components and ELL tie to RCW 28A250.210, and lacked the curriculum committee that the case of Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District, Board of Directors Tahoma School Board is the contrast of what the School Board in Seattle tried.

As in RCW 28A.320.230 (1) (c), the idea of ELL (English Language Learners) that is the subject and ELL curriculum committee is distant. Therefore, Tahoma counsel in the Respondents' Response Brief will discuss what curriculum and adoption committees Tahoma School Board had when it voted to non-renew the continuing contract of the injured party and how all the components of Language! Program and the taught Keystone relate to basic education as in RCW 28A250.210.

In regards to curriculum committee, RCW 28A.320.230 (1) (c) relates that:

“This committee shall consist of representative member’s of the district’s professional staff, including the representation from the district’s curriculum development committees (...), the committees may include parents at the board discretion (...) parent members shall make up less than one-half of the total membership of the committee.

“Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee’s expenses incidental to visits to observe other districts’ selection procedures may be reimbursed by the school district”

In regards to the above the Tahoma Respondents Brief shall include what Grazyna Prouty has not done as in CP 1-1159 and why Tahoma School Board has done nothing to hold administrators who supervised and evaluated ELL accountable, why did not have ELL curriculum committee in place, and did nothing to advance ELL secondary education as or done in key board work as in CP 1159 to ensure that

teaching and learning (Tahoma mission – “We all teach and learn from each other”) takes place in key school board work as in CP 1159 to ensure that bullying and mobbing is not a part of Tahoma.

Tahoma School Board knows that there is no expiration date on “union animus” and four grievances followed when Rhonda Ham, Tahoma Junior School vice principal and Tony Davis, one of three vice-principals in Tahoma High School and the Athletic Director started to supervise and evaluate ELL (three years). The aggressiveness happened soon after and they were allowed to continue bullying and mobbing ELL. Why?

A. CP 454 Dionne and Rorick statement:

“Even if there was an administrative record due to the Court, there is sufficient time for the District to correct any alleged failure to provide the documentation and alleviate any prejudice to Ms. Prouty prior to the scheduled hearing on November 1, 2010.

B. CP 422 why Reduction in Force failed to address seniority and the Tahoma School Board non-renewed the continuing contract

C. CP 430 - Reducing to 1 student 03/11/2008

D. CP 434 Tony Davis’ neighbor Cindy Reiss (the homework room, remedial) links to T. Davis summoning students without ELL teacher presence (the dynamics and “the curricula” CP and documentation of January 13, 2011).

Why the Athletic Director changed four times the ELL room for ELL students and what criteria for the ELL room were the focus?
CP 442, CP 443, CP 444-445?

E. How does it relate to CP 437 – what does it mean to “be a part of Tahoma?”

F. How does it relate to the Tahoma School Board work, Outcomes and Indicators (written from 1990 and updated in 2007) CP 446 and CP 447 that as in CP 440 – relatively in the beginning of the year in November 18, 2008 (that pertains to every year after that as nothing was done) teachers state: “Some people are at the breaking point.”

CP 441 relates to high stress “would this relieve stress?” as well as “it is hard to be yourself in Tahoma” as in CP 487.

G. Is English Language Learners’ Program of value? How is it documented in Tahoma on the secondary level in regards to brought for in-services “English as a Second F*cking Language’ CP 452- CP 453, CP 313 and how does it relate to Habits of Mind CP 319?

H. How Is Tahoma going to prevent hacking targeted teacher CP 451 that has been in place when communication with Nancy Skirritt (Teaching and Learning) Mike Maryanski, etc. happened? How the Technology Department will be separate from administrators and evaluators?

I. Why do some teachers and departments have funds for training versus ELL pertained trainings – as example Nancy Skirritt declined Grazyna Prouty’s participation in the training the World Language Department attended as of no value in CP 486 CP 488 in October 10, 2008 fall conference regarding teachers of foreign languages (COFLT/WAFLT) and then Stella Patrick putting the Classroom Theater Techniques CP 486 – CP 488 after the camera was removed from the hall in front of Ms. LeRoux class (forced resignation as too much knowledge concerning ELL), and – in relation: why did Teaching and Learning provide Judy Yasutake log in and password with the laptop that was used by Kristin Edlund in Teaching and Learning CP 30?

J. What does Tahoma know about “clear and effective system” of teachers’ evaluations as in CP 1155?

K. How does Tahoma School Board Barbara’s Kellerman research (Harvard on “Bad Leadership” and “Followership?”) as CP 657, CP 658 to apply in the board work to institute the accountability and determining qualifications administrators’ qualifications as the board does to coaches as in CP 660?

L. What resources has the Tahoma School Board approve on the secondary level (the ELL resources Grazyna Prouty and Tahoma High School librarian and former lab specialist compiled collaboratively when

Teaching and Learning and Human Resources took over ELL Program as in CP 464-CP 465, CP 466 – CP 469, as even later the Teaching and Learning failed to provide curriculum materials as in CP 479, CP 470?

M. Why was the decline in identifying ELL students as in CP 257-258, CP 259?

N. What has Tahoma School Board improve in placement and assessment CP 280, CP 276, CP 259?

O. As Tahoma submits the receipts for purchases in the Respondents Response Brief – books and trainings, when were the purchases made in relation to the state required SIOP (Sheltered Instruction Observation Protocol) CP 10, CP 11, CP 12 – CP 15, CP 16-CP19?

P. What ELL students' Home Language Surveys CP 159-160 (last names can be deleted" to show that ELL students were in ELL class – Lewis (CP 807), Angelina, Majok, Magot – how did the students progress?

R. How was the schedule for Grazyna Prouty CP 284 and Tahoma's need CP 282, CP 302 as well as "fossilization" of ELL student's relate to address the ELL students' need (classes: CP 285 – high school 18 students, Tahoma Junior School 14, Tahoma Middle School 3), and "the need for paper trail" as in CP 275, CP 282-283?

S. What application to secondary level had CP 293, 295-296, CP 297, CP 298, CP 299 and what third district evaluator Mary Pachek CP 312 knew about GLAD?

T. What did Grazyna Prouty fail in

(a) Bilingual Instruction? CP 80, CP 107, CP 109-116

(b) Washington State English Language Development Standards (ELD)? Reading Standards? CP 117- CP 156

Proficiency level and Essential Academic Language Requirements 9-12 enclosed: CP 117- CP 156.

(c) Transitional and Bilingual Program. Title III CP 157?

(d) CP 173 Coaching with SIOP Model

SIOP as in CP 192, CP 173-CP 174, CP 193-200.

How to select teachers CP 202.

SIOP Staff Development CP 202 CP 206: 30 features.

Who, when, and where introduced SIOP in Tahoma?

(e) Who, when, and where introduced Keystone in Tahoma?

CP 207 – CP 208, Exhibit and clerk papers on file. CP 211-246, and what components of Keystone and Language! Program did the Tahoma School Board approve as in CP 428 – 2/27/08 observation the Language? Manual must match it.

(f) Language! Program as in CP 629-CP 654, CP 707 – 755,

CP 760– 802, CP 809- CP 812, CP 814- to the end as on record
and delivered to Dionne and Rorick on January 13, 2011

What did Grazyna Prouty did wrong?” Where did she fail as the injured party, a true defendant’s contract was ended by the Tahoma School Board? Where did Grazyna Prouty “fail”?

Nowhere. Absolutely nowhere.

In the case Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District, Board of Directors the Court considered “personal experience” of highly educated board member (unclear how the education referred to “diversity” as the assumptions it happens would be misleading so the fact that “diverse” perspective were remotely considered as the Second Substitute Senate Bill 5973 (the law) are not in place).

The “personal” experience of Grazyna Prouty is that the courts have breaks and close at certain times as announced that is at 4:30 p.m. or 5 p.m. and when the court is closed the employees leave and the court matters are left in court.

On the other hand, teachers’ day does not end when classroom is closed. Moreover, when dysfunctional environments due to the lack of School Board’s work prevail, the teacher not only writes the curriculum, does lesson preparation, etc. but many teachers continue to work at programs the school buys like the Language! Program as a number of

books (not only one), similarly in Keystone! – five or more components that teachers master, and as the latter one with certainty have no equivalent of testing and assessments performed in the state of Washington. Tahoma School Board may call Keystone and report if otherwise. The school matters are not left in school.

Since both of the programs Tahoma School District used in ELL (Language! and Keystone – one of their programs as they have many – it is called “Building Bridges” – brown covers) with many components as these books have Teacher’s Manual – the lessons are scripted so the teacher clearly has the guidelines and Rhonda Ham and Tony Davis were coming to ELL class not only with laptop but Rhonda Ham was putting the Teacher’s Manual on her lap so the students were asking later: “Ms. Prouty what do they do?” - do they think you cannot teach us?” or students would ask: “Ms. Prouty why do you teach it to us? Do they think you cannot speak English?” The injured party gave the input for the Tahoma Superintendent so it was communicated long before Grazyna Prouty was further injured by Teaching and Learning. Nancy Skirritt was allowed to perform errands with Carol Banks – “in pairs” as Rhonda Ham and Tony Davis did, contrary to the law in the State of Washington that two evaluators are when one decides that a teacher does not perform, not “in pairs” to bully.

Education) succeeded in forcing the ELL Coordinator Thomas Potter to resign (elementary school level). Bruce Zahradnik (Human Resources, a former Special Education teacher oversaw ELL – the e-mails from 2007 concerning ELL were forwarded to Human Resources).

As soon as Rhonda Ham and Tony Davis became ELL supervisors, the students stated (what is on file in Tahoma as the students' demoralization has been profound): "Ms. Prouty, if they fire you, you will get your job back". It was when Mike Maryanski was introducing Ted McCains' book "Teaching for Tomorrow. "The student gave an example of an uncle who was the police officer and was reinstated and that was before Rhonda Ham, Tony Davis, and the Teaching of Learning injured Grazyna Prouty further. Nothing was done and allowed – no accountability at any point.

Not only there is no "Teaching for Tomorrow" in Tahoma, the inactive school board contributed to ELL eradication when Teaching and Learning – Nancy Skerrit and Human Resources – Bruce Zahradnik took over ELL as in CP 285 (class: Tahoma High School: 18, Tahoma Junior School: 14, Tahoma Middle School: 3 students), demoralization of students, and because of allowing the mobbing when ELL under Teaching and Learning "collaborating" with former elementary school principal and Special Education teacher Carol Banks as influence on ELL

blending Human Resources with Teaching and Learning, the two departments influenced also the identification and assessments (\$ 5.00 a booklet that are reproducible) that were too costly versus employing the lawyers against the teacher and continuing actions in ill-faith by the Tahoma School Board.

2. “You have to require from yourself, even if others did not require from you.” John Paul II

This argument leads to the Conclusion and Relief as Grazyna Prouty asks that Tahoma School Board works on the Action Plan and that part of genuine and authentic work of the School Board as connected to the case Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District, Board of Directors (it is unclear that the Court considered “honest” – authentic, responding to needs, as clearly it connects to the Achievement Gap as in CP 343, entangling students and teachers that is unnatural as not the purpose of education as in CP 481.

Therefore, “honest” when no result, mediocre is not in concord with basic education and above:

“You have to require from yourself, even if others did not require from you.” John Paul II

The mediocre replaces genuine and truly “honest” work with mobbing, abusing teachers, and students if not directly, certainly indirectly.

It connects to students’ bullying in the schools against each other or becoming angry when the environment is violent.

The Issaquah teachers (elementary school level of training) who do not implement GLAD in their district on the secondary level, after three days of introducing GLAD Program (previously rejected by Tahoma Teaching and Learning so the receipts when Judy Yasutake was the ELL Director clarify the “cacophony”) used Martin Luther King’s quote as observation matched: “If we all do not work together, we will perish like fools.” (October 2009, the first training when elements on diverse perspectives were introduced).

After abusing the injured party when Teaching and Learning supervised and evaluated ELL, and after this training in November 2009 Rhonda Ham and Tony Davis “recommended” a probation for Grazyna Prouty, a teacher with close to 15-year teaching experience in diverse settings as they completed the template and called it “Improvement Plan.”

3. Although Tahoma School District has nothing what Seattle School Board has had in the ELL curriculum development – ELL curriculum adoption committee, ELL “instructional materials committee”

RCW 28A.320.230 (1) members voted to adopt the materials, etc. the March 28, 2011 Published Opinion, the Tahoma School Board chose to further injure Grazyna Prouty as the Teaching and Learning (the Superintendent has had the updates) and chose the brutality (as doing the same thing by some has been convenient and secure) versus hearing the teacher.

It also applies to the Superior Court in Kent and – to the Achievement Gap as in CP 343 locking the Achievement Gap and securing it will not progress.

4. Neither Language! Program nor Keystone! Grazyna Prouty was required to teach on the secondary level was decided by the ELL curriculum or adoption committee – as in Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District case had such committees RCW 28A.320.230 (1) (c):

“more than half the committee must be professional staff; the remaining members may include parents.”

“The Board can only approve or disapprove recommendation of the instructional materials committee. The adoption committee creates textbook selection criteria, reviews textbooks and community input, and recommends a set of textbooks for adoption.”

When has Tahoma School Board approved the recommendations concerning ELL – Language! Program and “Keystone” – multi components sets Grazyna Prouty used in ELL class?

In Seattle:

“According to the certified record of the Board proceedings in this matter, the Seattle School District last adopted high school math books in 1992. By 2008, many of the books were damaged and there were not enough for students.”

It is clear that the Seattle School District followed the RCW 28A.645.020:

Within twenty days of service of the notice of appeal, the school board, at its expense, or the school official, at such official’s expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct.”

5. The judicial barriers in hearing the cases are in dissonance in the Superior Court in Kent and pose a question why Tahoma School Board although failed to renew the continuing contract of the teacher failed to file the evidence as in RCW 28A.645.020 – did Tahoma know that it needs to do nothing?

This question leads to connections of Tahoma legal representation to the representation of “related agencies” as the Superintendent of Public Instructions, educational bills, teachers’ evaluations proposals, Engrossed Second Substitute Senate Bill 6696, Second Substitute Senate Bill 5973, etc.

“Leges sine moribus vanae.” The laws without morals are in vein.

Again, this concept directly fits the context as it led res judicata

And collateral estoppel to violate ELL teacher and the injured party rights, discount teachers, and look for the connections how the school board can be helped, assisted, justified once the appeal is filed in the court.

It closely applies to education and the influence on it by the judicial system: the meaning of law supported by morals versus assisting the school board by blocking the matters to be heard, especially in relation to the case No. 10-2-34635-0 KNT that was not touched upon and dismissed with prejudice – different issues.

VI. CONCLUSION AND RELIEF

1. To make Grazyna Prouty whole again, the immediate and full reinstatement in the former position – ELL teacher on the secondary level in Tahoma High School and Tahoma Junior School with regards to benefits and back pay, unconditional in any way as the ELL teacher has the expertise and professional aptitude in the field of ELL, and Grazyna Prouty’s status is to be restored when and as Judy Yasutake was her ELL supervisor, before Rhonda Ham, the vice-principal in Tahoma Junior School and Tony Davis, the Athletic Director evaluated Grazyna Prouty, and together with Human Resources supervised ELL.

2. Cease and desist from non-renewing or otherwise discriminating against Grazyna Prouty and teachers she collaborates for students as in RCW 28A.150.210 and in any other manner – contrary to

the present time when employing the members of family and friends (system infiltration) so they stay during their planning periods in classes taught by ELL teacher, including the ones in post-retired employment, coaches, connected to Athletic department, etc.

Such engagements in the ELL class for the benefit of supervisors or evaluators, position those “emissaries “ in preferential situations, contribute to further proliferation and infiltration in the Tahoma School District, and block genuine collaboration, demoralize the education as the public entrusted field.

3. Post in conspicuous places on the employer’s premises where notices to all employees are usually posted, copies of the NOTICE CP 655-658 on record after Hon. Andrea Darrvas’ vacated the order so Tahoma files the evidence against the injured party, and will stay for 60 days, and will be on the Tahoma School District website.

Reasonable steps, including the court notification will be taken when the NOTICE CP 655-658 is removed, altered, defaced, or covered by other materials from the posted places or the website.

4. Notify the above named appellant, and the Court of Appeals in writing, within 20 days (day, month, and the year will be stated by the Court) following the date of the court order, as to what Action Plan and other steps have been taken to comply with the order, and at the same

time provide the above named appellant with a signed by Grazyna Prouty copy of the NOTICE as in CP 655-658 required in the preceding paragraph.

5. The accountability for all stakeholders, evidence versus fabrications (required coaching in schools but there are no ELL coaches), and providing teachers with their rights to appeal at every stage (e.g. imposed probation), also when an action (or inaction of the board) can affect the teacher's contract as the legislature spelled out and Grazyna Prouty included in this document are in the interest of individual (the teacher's rights) and - the public. School Boards must be active.

The Superior Court ruling dismissing the case with prejudice is damaging for the teacher but also against the public interest as it blocks teacher's rights, open collaboration, protects ill faith actions (where is the evidence?), protects administrators and evaluators and - should be reversed by the Court of Appeals immediately.

6. The Language! The Keystone included, and the Exhibits E of the latter –Teaching and Learning, Tahoma School Board without adoption and ELL curriculum committee want to accomplish – from Getting Started to Nomads, and in-between “A Food Chain” in life cycle – did Tahoma Board want to teach as the section Read, Use What You Know in Tahoma High School and Tahoma Junior High?

7. Grazyna Prouty's status must be restored: when Judy Yasutake - ELL Director was Grazyna Prouty's supervisor, professional development goals evaluations.

The renewal of continuing contracts 2010/2011 and 2011/2012 with all benefits, trainings paid, sick leave hours, back wages, and involvement in administering annual testing as done before R. Ham, HR, T. Davis supervised ELL as the restoration of Grazyna Prouty's status is crucial.

All back vacation' time as renewal of teacher's well-being is essential and the teachers and students have time off studying – for the summer time, all school's breaks and holidays' time days , all after March 5, 2010.

If the two-month vacation time passes (ordinarily, teachers have this time paid as the pay spreads over the summer), Grazyna Prouty will receive (the paid or out of school) time, the equivalent of the vacation and break time–Tahoma will find and pay for ELL substitute teacher (as it does during the staff absences -- Grazyna Prouty during six years in Tahoma was never sick – if absent: for trainings, required conferences).

Teachers have typically the vacation time from June 17 – September 8, breaks: winter, spring (that time varies in year-around schools).

8. Grazyna Prouty should be rewarded the monetary judgments as worked diligently after the injuries Tahoma School Board inflicted allowing the supervision and evaluation “in pairs”, and has not stopped the “groupthink” as attached to the Verbatim Statement when filed.

9. Grazyna Prouty asks the Court that all the costs in this matter (both parties) are published as the public information, including employee incurred costs matched as the reward with the Tahoma legal counsel (teachers and leaders are crucial in education to offset costly behaviors and that tendency only will lead to students’ accountable service, not by other means).

Publishing costs as accountability and exposing can lead to developing collaboration, healing - the published information and the amount of the costs incurred with the monetary judgment that matches the costs sustained in the so-called “teacher evaluation processes” to stop frivolous and scandalous acts in public education - therefore rewarded as the matching sum of the employer that hired the attorneys, third evaluator, any adviser, non- ELL coach, and “expert” in this matter as above did it solely to set a precedence to protect administrators and it is to deter any kind of such tendencies.

The ambiguities are a part of Tahoma’s culture and that is why it is

not a safe environment that must change as is against the public interest, devalues teachers and students, cannot be maintained and as “sustainability” is another “buzz” word in Tahoma – it is not sustainable in public education, the Achievement Gap in CP 697 ties to these non-sustainable actions, and a lack of quality control as in CP 696.

Therefore, the Action Plan that Tahoma Board will adopt according to the alignment of key principles of school board work, accountability of the principals, implementing diversity trainings and learning the culture of trust as the students are involved and affected as in the basic education goals that are sustainable if the school boards work, and Tahoma “experts” concept must be re-visited and updated.

The board members’ children in the same school district maybe a hindrance. Although the main difference in Da-Zanne case and Tahoma is that the board decision was non-judicial in Da-Zanne Porter, Martha McLaren, and Clifford Mass v. Seattle School District, Board of Directors but the so-called “personal experience” must relate to the issues of “all” students, including the Special Education or English Language Learner as the schools identify students (often wrongly) to be in a Special Program but there were mostly these students and the minorities who supposedly did not perform. A lot of ELL students do perform as well as the teachers - in this case it includes the ELL teacher, the injured party.

The conclusion is that for all the foregoing reasons this Court should completely reverse the ruling of the Superior Court so the case is not dismissed and not dismissed with prejudice but the Court of Appeals affirms the teacher's rights and as she was not heard "de novo" in the Superior Court when the injured party (non-renewal of contract as bullying and mobbing prevalent in Tahoma School District, disrespect to other perspectives, opposite to basic education, educational bills), and appealed directly to the Superior Court , the county of King in which the school district is located, and now grants the full relief as stated in the Appellant's Brief so the status of the injured party – ELL teacher is restored from the time prior to that Rhonda Ham and Tony Davis became ELL supervisors.

Reversing the ruling of the Superior Court in Kent is the first and ultimate by the Court of Appeals of the State of Washington, and is crucial for the school boards taking seriously their duties, accountability, actions in good versus ill faith. There is no res judicata or collateral estoppel in these cases.

RESPECTFULLY SUBMITTED this 2nd day of September, 2011.


GRAZYNA PROUTY, Appellant

N/A

Researched: *Procedural*

Progressive Disciplinary Action *Judge Heller's Training: Progressive Discipline, Coaching & noting*

Progressive discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists. Find out more about progressive discipline.

Progressive Discipline Description

Progressive discipline catches an employee's attention, and when effective, helps the employee improve some aspect of his or her work. Find out more about progressive discipline.

Progressive Discipline Warning Form: Counseling Record for Disciplinary Warning

Disciplinary action is sometimes necessary when an employee's behavior is negatively impacting his or her work, his or her coworkers' work, or the workplace. This disciplinary warning form documents the discipline warning. This disciplinary warning form also documents and records the coaching or counseling discussion that accompanied the discipline warning.

Performance Improvement Plan

Looking for a format that's a winner when you want to help an underperforming employee succeed? The purpose of a formal Performance Improvement Plan is to help an employee succeed. This format enables you to set goals, establish measures, conduct review sessions and chart progress. Not convinced of the need for this procedure? Check out my introduction to the form. You'll be happy you did.

"format" - a winner. If available and works can lead to... It is the form!

How to Fire an Employee

Assuming that you have taken all possible steps to help an employee improve their work performance, it may be time to fire the employee. These are the legal and the ethical steps in how to fire an employee. Ensure that the company's actions as you fire an employee are above reproach. How you fire an employee sends a powerful to your remaining staff - either positive or negative. So, always fire an employee as a last resort. How you fire an employee matters.

Where is the implementation of NEEDS?

How to Fire With Compassion and Class

Managers often firing employees as the job they most hate to do. Sometimes, terminating a staff person's employment is the best step to take for your organization. Sometimes terminating a person's employment is the kindest action you can take for the person. In some circumstances, firing an employee is an immediate necessity for the safety and well-being of the rest of your employees. Read more.

Communicating Following Disciplinary Action

When an employee receives progressive discipline, what can you tell his or her coworkers? After all, they're probably wondering what went on.

Counseling or Work Coaching

The first step in any effort to improve employee performance is counseling or coaching. Use effective counseling techniques to minimize the need for progressive discipline.

Documentation Is the Written and Verified Record of Employment Events

Documentation is the written record of employees actions, discussion, performance coaching, witnessed policy violations, disciplinary action, positive contributions, reward and recognition, employee contributions, and more. Documentation allows the employer or employee to preserve a written record of the happenings and discussions that occurred around a specific event. Learn more about documentation.

Employee Self-Discipline

Most supervisors dislike taking disciplinary action almost as much or more than they dislike doing traditional performance appraisals. Employees dislike disciplinary action even more than supervisors. Here's a guide to minimizing the need for disciplinary action.

How to Manage a Deadbeat Employee

A deadbeat employee is an employer's nightmare. You know the occasional employee I am talking about: he doesn't show up for work, calls in sick, and milks the time off policy, always walking on the edge, but never falling off. He walks the edge of the work policies and processes, too. He does just enough to stay employed but doesn't grow professionally nor contribute like your other employees. The deadbeat employee impacts your workplace and employees negatively, constantly, and insidiously.

This suits. When incompetent man is not accountable.

Is a Dispositive Attitude a Reason to Fire an Employee?

"An employee with a tremendous amount of knowledge is tremendously bitter and angry all the time. She is very good at her job. She also believes everyone else is incompetent as she. This person used to have a leadership position..."

Surfing the Web at Work

Employees spend between one and three hours a day surfing the Web on personal business at work, depending on the study reviewed. Since most studies depend on employee self-reported data, this productivity loss, combined with the concerns employers have for "where" their employees are surfing the Web at work, causes more employers to monitor employee use of the Internet. From the survey results, 65% of employers are monitoring Internet connections. Learn more.

Again, based on deficiencies. Procedural

Gloria Beck

German professor writes about this type of manipulation/prejudice

Bruce Heller's Biography

Bruce E. Heller, v-Card Owner, Seattle TEL (206) 464-3635 x1361, FAX (206) 464-0126 Assistant, Frieda Craner Practice Labor & Employment Law Class Action Litigation Arbitration & Mediation Bar Memberships and Special Admissions Alaska, 1977, California, 1976, Washington, 1982 U.S. District Court, Eastern & Western Districts of Washington, 1983, 9th Circuit Court of Appeals, 1994, Education Seat Hall, University of California at Berkeley, J.D., 1977, Associate Editor, Industrial Relations Law Journal, Stanford University, B.A., with distinction, 1972, Languages German Background Law Clerk, Hon. James M. Fitzgerald United States District Court of Alaska, 1977-1978, named by his peers as a "Super Lawyer" in Washington Law & Politics magazine, 2004-2005 Professional Activities Arbitrator, King County Superior Court, Faculty, National Institute of Trial Advocacy (NITA), Judge, U.W. Law School Honors Moot Court Competition Judge, Seattle University Law School Negotiations Competition, King County Bar Association, Labor Law Section, Pacific Coast Labor Law Conference Planning Committee, Community Activities Chair, Seattle Ethics and Elections Commission, 2001-present, Chair since January 2005, Commissioner Seattle Human Rights Commission, 1995-2000 (Chair, Appeals Committee), Citizen Member, Seattle City Council WTO Accountability Review Panel, 2000, King County Bar Association's Community Legal Services Program, Volunteer, Attorney, 2000-present, Board of Directors, Center for Human Services, Shoreline, Washington (Chair, Personnel Committee, Member of Executive Committee), 1995-2001, Mediator, EEOC Alternative Dispute Resolution Program, Presentations, Public Sector Employment Law Update 2000, Council on Education in Management, Bellevue, WA, January 11,

2006, "Anatomy of an Investigation," King County Bar Association, Investigating Workplace Complaints CLE, Seattle, WA, October 28, 2005, "Practical Tips for Complying With New Overtime Exemption Rules," Garvey Schubert Barer, Seattle, WA, September 28, 2004, "The Duty to Provide Information under PERC," Washington Public Employees Relations Association, March 27, 2003, "The Labor Management Relationship: How to Make this 'Married' Marriage Work," Washington Public Employer Relations Association, October 5, 2001, Recent Labor Relations Issues in the Public Sector," Lorman Educational Services July 25, 2001, "Progressive Discipline, Coaching and Terminating the Difficult Employee," Council on Education in Management, January 12, 2000, "The Americans with Disabilities Act and Collective Bargaining Issues," Masters, Mates & Pints, May 13, 1998, "The State Has Socken: The New DOL Overtime Rules and What They Mean for You," client seminar, September 2004, "The Problem with Aichaber Soup: The Conflicting Demands of Washington's Family Care Leave Act, FMLA, ADA, and the Workers Compensation Laws," Washington Employment Law Institute, March 7, 2003, "Tipping through the Minefield: An Overview of Wage and Hour Issues," client seminar, October 18-19, 2000, "Privacy in the Workplace," Personnel Update, January 29, 1999, "Domestic Violence and its Impact on the Workplace," Personnel Update, November 19, 1998, "How to Conduct a Proper Sexual Harassment Investigation," client seminar, January 24, 1997, Tags: Garvey Schubert Barer, WA, Legal services, People named Bruce Heller, Chair

Bruce Heller's Public Records and Other Information

KXHIBIT A p.2

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GRAZYNA PROUTY,
Petitioner,
vs.
TAHOMA SCHOOL BOARD,
Respondent.

NO. 10-2-30916-1 KNT
ORDER GRANTING PETITIONER'S
MOTION PURSUANT TO
RCW 28A.645.020

THIS MATTER came before the Court upon Petitioner's motion for an Order requiring the Respondent to file in court a complete transcript of the evidence and papers and exhibits relating to the decision for which the Complaint in this matter was filed, and the Court having reviewed the motion and declaration and having received no opposition pleadings in response, it is hereby

ORDERED that the Petitioner's motion is GRANTED.

DATED this 12th day of November, 2010.

JUDGE ANDREA DARVAS
s. JUDGE ANDREA DARVAS

EXHIBIT B p.1

JAY V. WHITE
JUDGE OF THE SUPERIOR COURT
REGIONAL JUSTICE CENTER
MS. RJC 203
401 4TH AVENUE NORTH
KENT, WASHINGTON 98032-4429



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Order dated
29th of November,
2010

Hon. J. White

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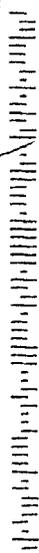
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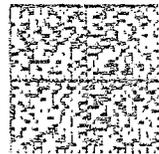
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MS. GRAZYNA PROUTY
12609 S.E. 212TH PLACE
KENT, WA 98031

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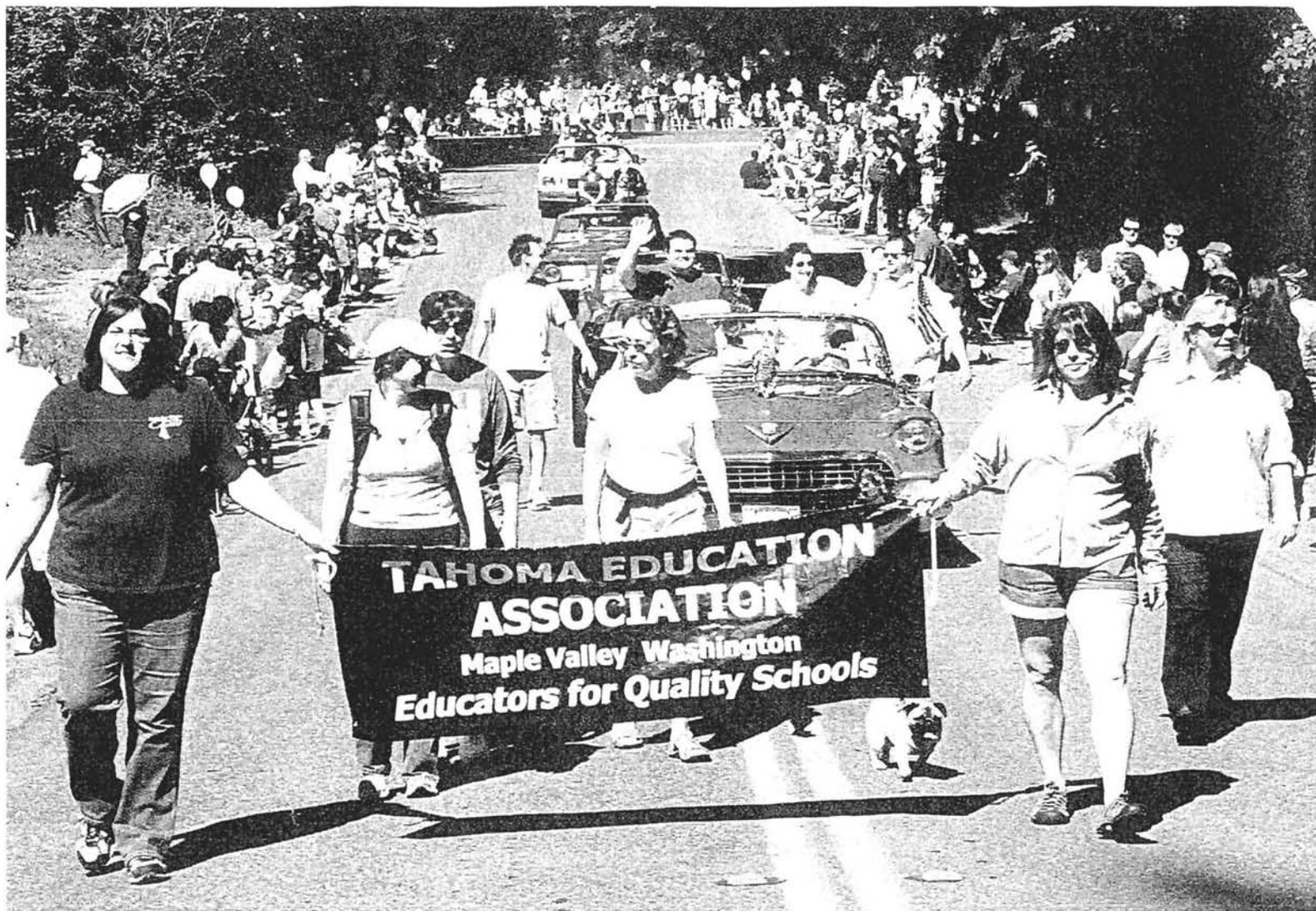


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EXHIBIT Bp.3



Tahoma's union, TEA, has been honored as "Teacher of the Year" and members led a June 12 community parade in Maple Valley. TEA President Scott Mitchell and Treasurer Martina Morgan are in the red car.

Honor: TEA is Maple Valley's Educator of the Year

In an unusual gesture of collaboration, the Tahoma School District has named its teachers union, the Tahoma Education Association, as the Maple Valley Educator of the Year. The honor — usually for a single teacher — comes as part of the community's Maple Valley Days, a local celebration held each June with music, carnival rides and a town parade.

As the district noted in its announcement of the TEA selection, "This year will be different."

"Instead of honoring one individual teacher," the announcement said, "Superintendent Mike Maryanski has submitted the names of all teachers, as represented by TEA, to recognize the contributions they make each day in the classroom and to acknowledge their support of the school district through volunteer service and donations to the Voice of Tahoma Education Committee in the February levy election campaign.

"At a time when state education funding is being reduced and our district has had to adjust its spending, Tahoma's

teachers and support staff continue to perform at the highest level to deliver quality learning to our students. That deserves community recognition."

Tahoma is a rural suburban district located in Maple Valley, about 10 miles southeast of Renton. TEA represents the district's 400 certificated staff.

"This is not something we usually see happen, but we're really happy about the relationship that we have with the school district and the collaborative efforts we can make," TEA President Scott Mitchell said.

"Tahoma is one of those places where we sit down and we problem solve ... We just work together to come to solutions that we can both agree on, and to make this a better place to teach and learn."

TEA members expressed their appreciation for the honor as well, Mitchell said.

"Lots of e-mails (after the announcement) said, 'This is great — it's nice to work in a community where we are appreciated by our district.'"

EXHIBIT C

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The Honorable Michael Heavey
Hearing Date: November 2, 2007, 9:00 a.m.

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

FEDERAL WAY SCHOOL DISTRICT
NO. 210, a municipal corporation; et
al.,

NO. 06-2-36840-1 KNT

~~ORDER DENYING~~ *Granting*
PLAINTIFFS' SUMMARY JUDGMENT MOTION *WPH*

Plaintiffs,

v.

THE STATE OF WASHINGTON,

Defendants.

THIS MATTER came on regularly for hearing before the undersigned judge of the above-entitled Court on Plaintiffs' motion for summary judgment, which was fully briefed by the parties and then argued on Friday, November 2, 2007. This Court has considered the pleadings and files in this case, including:

1. Plaintiffs' Motion for Summary Judgment;
2. The Declaration of Lester "Buzz" Porter, Jr., dated October 4, 2007, in Support of Plaintiffs' Motion for Summary Judgment, and the exhibits attached thereto;
3. The Declaration of Sally McLean, dated October 4, 2007, in Support of Plaintiffs' Motion for Summary Judgment, and the exhibits attached thereto;
4. Defendant's Opposition to Summary Judgment;

~~ORDER DENYING~~
PLAINTIFFS' SUMMARY JUDGMENT
MOTION

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

EXHIBIT ④ p. 1

1 5. The Declaration of David Stoler, dated October 22, 2007, in Support of
2 Defendant's Opposition to Summary Judgment, and the exhibits attached thereto;

3 6. The Declaration of Julie Salvi, dated October 19, 2007, in Support of
4 Defendant's Opposition to Summary Judgment, and the exhibits attached thereto;

5 7. The Declaration of Michael D.C. Mann, dated October 19, 2007, in Support of
6 Defendant's Opposition to Summary Judgment, and the exhibits attached thereto; and

7 8. Plaintiffs' Reply Brief ~~with supporting declarations, if any.~~ *mt*

8 Having reviewed these materials and having heard from the parties, and the Court being
9 fully informed,

10 IT IS HEREBY ORDERED that:

11 1. Plaintiffs' Motion for Summary Judgment is ~~DENIED~~ *Granted mt*

12 DONE IN OPEN COURT this 2nd day of November, 2007.

13
14 *Michael Heavey*
15 MICHAEL HEAVEY, JUDGE

16
17 Presented by:
18 ROBERT M. MCKENNA
19 Attorney General

20 *David Stoler*
21 DAVID STOLIER, WSBA No. 24071
22 DIERK J. MEIERBACHTOL, WSBA. No. 31010
23 Assistant Attorneys General
Attorneys for STATE OF WASHINGTON

24 Approved as to form and for entry;
25 Notice if presentation waived

26

ORDER DENYING
PLAINTIFFS' SUMMARY JUDGMENT
MOTION

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EXHIBIT D p.2

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DIONNE & RORICK


LESTER "BUZZ" PORTER, WSBA No. 23194
KATHLEEN HAGGARD, WSBA No. 29305
LYNETTE MEACHUM BAISCH, WSBA No. 37180
Attorneys for PLAINTIFFS

PROPOSED ORDER DENYING
PLAINTIFFS' SUMMARY JUDGMENT
MOTION

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EXHIBIT W p. 3

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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

FEDERAL WAY SCHOOL DISTRICT NO. 210, a
municipal corporation; ED BARNEY; CYNTHIA
BLACK; EVELYN CASTELLAR; GINGER
CORNWELL; CHARLES HOFF; DAVID
;ARSON, individually and as guardian for
ANDREW LARSON and JOSHUA LARSON;
THOMAS MADDEN, individually and as guardian
for BRYCE MADDEN; SHANNON
RASMUSSEN; SAANDRA RENGSTROFF,
individually and as guardian for TAYLOR
RENGSTORFF and KALI RENGSTORFF,
Plaintiffs,
V.
THE STATE OF WASHINGTON;
CHRISTINE GREGOIRE, in her capacity as
Governor of the State of Washington; TERRY
BERGESON, in her capacity as Superintendent
of Public Instruction; BRAD OWEN, in his
capacity as President of the Senate and principal
legislative authority of the State of Washington;
FRANK CHOPP, in his capacity as Speaker of
the House of Representatives and principal

NO. 06-2-36840-1 KNT
SUMMARY JUDGMENT OPINION

ORIGINAL

EXHIBIT D p. 4

1 legislative authority of the State of Washington

2 Defendants.

6 GENERALLY

7 First of all, this decision should in no way be construed to find or even suggest
8 that the legislature has not provided for full funding of education in the Federal Way School District.

9 This decision will only be temporary. The losing party on each issue, will appeal this
10 matter to the Washington State Supreme Court who will review this matter completely anew based
11 upon the record presented to this court. Their decision will be the final word. Normally, on a
12 summary judgment decision the judge lists the documents that he or she considered and then the
13 order reflects whether the motion was granted or denied. I am going outside the normal process in
14 attaching this opinion to the order because of the importance of the issue and for non-lawyers and
15 those not at the hearing to know why I decided the way I did.

16 If this decision is upheld by the Washington State Supreme Court it will be of little moment.
17 The State legislature has been moving closer to equalization over the years and getting there will
18 not require great effort. For example, the state currently pays the vast majority (271) of school
19 districts \$32,746 per teacher (before adjustments are made for staffing mix). There are 24 districts
20 who are paid from \$32,763 to \$34,612 (Everett).

21 In a way this court is particularly well suited to hear this matter. After 14 years in the
22 legislature, 1987 to 2000, I am aware of equalization attempts (e.g. 1987 levy equalizations) and
23 the politics that frustrate educating all of the States' students equally. I have great respect and
24 admiration for the legislators, past and present of both parties, who labor hard at providing for the
25 education of all our state's children.

1 Of particular note is State Representative Helen Sommers who is currently the chair of the
2 House Appropriations Committee. In 1978 representative Sommers filed a friend of the court brief
3 urging the Supreme Court to overturn prior case law and declare the then funding of state schools
4 unconstitutional. On a personal note I had the privilege to be seated next to Representative
5 Sommers on the House floor in the 1987 and 1988 legislative sessions.

6 In a way this court is *not* well suited to hear this matter. I am reminded of the wise saying
7 "You are never a prophet in your own land." Nevertheless, this decision has fallen to me for the
8 moment.

9

10 FACTS

11

12 The legislature essentially pays money to school districts based upon the number of
13 students in a school district. The number of students authorizes a specific staff allocation and then
14 the legislature allocates money for the payment of staff. Staff are divided into three categories: 1)
15 teachers, 2) administrators, and 3) classified staff. The amounts paid have ranges in each of the
16 three categories. Because of the "ranges" there are 258 different funding levels for the State's 295
17 school districts.

18 Classified staff salary allocated in the 2007-08 school year has a range from \$30,111
19 (shared by 171 districts) to a high of \$35,227 in the Seattle School District.

20 Administrative staff has the greatest disparity among the three. Four districts received the
21 top salary allocation for certified staff which was \$80,807 and 61 districts were at the bottom with
22 an allocation of \$54,405. The administrative staff allocations have no relationship to actual costs.
23 In 2006-07 Federal Way paid an average of \$94,486 per administrator, quite a bit more than the
24 \$54,405 the state funds for 2007-08.

25

~~EXHIBIT D p. 6~~

1 Teaching staff is the closest in equality. In 2007-08 the state will pay a base salary to
2 teachers in 272 districts the amount of \$32,746. Twenty-three districts receive more with the
3 Everett district receiving the high of \$34,612. From the base the state adds money for the staff
4 mix, the more education and experience a teacher has the more money the state pays out. State
5 law prohibits the school districts from paying their teachers an average salary that exceeds the
6 district's average salary allocation received from the state. Therefore teachers in Everett will
7 receive an average of \$1,866 more than the average teacher salary in Federal Way and 270 other
8 school districts.

9 Federal Way is at the bottom level in all three salary allocation ranges.

10 On a per student basis the following are the allocations received from the State for the
11 2007-08 school year:

12	Federal Way	\$ 3,005.31
13	Highline	\$ 3,075.47
14	Vashon	\$ 3,184.33
15	Tacoma	\$ 3,118.71
16	Shaw Island	\$ 3,707.20
17	Index	\$ 2,766.00
18	Skykomish	\$ 3,270.33
19	Everett	\$ 3,322.23

20
21 If Federal Way were paid the same per student as Tacoma they would have received an
22 average of \$114.40 more per student for a total of \$2,380,946.40 more to the district in the 2007 -
23 08 school year.

24 If Federal Way were paid the same per student as Everett they would have received an
25 average of \$316.92 more per student for a total of \$6,654,052.32 more to the district. The

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1. Article IX, Section 1 of the Washington State Constitution provides:

It is the paramount duty of the State to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, cast or sex.

The Plaintiffs have failed to prove beyond a reasonable doubt that they are not amply funded.

2. Article IX, Section 2 of the Washington State Constitution requires "The legislature shall provide for a general and uniform system of public schools."

In December of 1974 the Washington Supreme Court held –

"That the public schools are partly funded with local property taxes does not deprive the system, we think, of those constitutional qualities described as general and uniform...A general and uniform system, that is, a system which, within reasonable constitutional limits of equality, makes ample provision for the education of all children, cannot be based upon exact equality of funding per child because it takes more money in some districts per child to provide about the same level of educational opportunity than it does in others."

Northshore School District v. Kinnear, 84 Wn.2nd 685 at 727, 728(1974)

Thus within a "general and uniform system of public schools" the legislature could constitutionally and rationally create different funding levels that stem from differences in educational costs. However, the disparities in the current system are not based on the cost of providing educational opportunity in any district. Instead the disparities are bases upon historic

EXHIBIT P. 9

1 salary levels paid during the school year of 1976 -77 when according to the Supreme Court of
2 Washington, the State of Washington school funding system was not general and uniform. See
3 *Seattle School District v. State*, 90 Wn.2nd 476 at 519 (1978) where it held that Legislature "has not
4 fully implemented Const. Art. 9, Sections 1 and 2."

5 In *Brown v. State* 155 Wn.2nd 254, at 269(2005) the Supreme Court held "With every
6 passing year, the state's contribution to the budgets of districts... would increase in comparison to
7 those districts that did not. Thus some districts would receive more state funding than others,
8 quickly violating the constitutional command that the State provide a general and uniform
9 education." Thus, the current funding at disparate levels with no rationale for differences violates
10 the constitutional requirement of providing a general and uniform system.

11 To the extent the *Northshore School District v Kinnear* case holds the state can fund
12 school districts at unequal levels; this court believes it is no longer good law. Its precedent value is
13 suspect. Put in context with the general overruling of *Kinnear*, its finding regarding Article 9,
14 Section 2 has been overruled directly and by implication in *Seattle School District*. In the 1974
15 *Kinnear* case the minority opinion noted it was done in a "cavalier manner" and an opinion that
16 "may be short-lived." The dissent in *Kinnear* beginning on p. 731 of 84 Wn.2nd is quite an
17 interesting read. Not only interesting to read but prophetic. Less than four years later in *Seattle*
18 *School District v State*, 90 Wn.2nd 476 (1978) *Kinnear* was overruled extensively.

19 The State of Arizona 's Constitution Article XI, Section I is similar to our provision and
20 requires a general and uniform public education system. In *Hull v. Albrecht*, 960 P. 2nd 634 (Ariz.
21 1998) the Arizona Supreme Court held that the general and uniform public school system clause of
22 the Arizona Constitution, Art XI, Section I forbids "a state funding mechanism that itself causes
23 disparities between districts" and found also "the general and uniform requirement will not tolerate
24 a state funding mechanism that itself causes disparities between districts".

25

1 The plaintiffs have shown proof beyond a reasonable doubt that school districts are funded
2 at disparate levels; that the different levels are based upon a discredited and unconstitutionally
3 funded system of 30 years ago. There is no rational reason to continue this. This violates the
4 general and uniform requirement of our constitution.

5
6 3. The State Constitution in Article 1, Section 12 requires equal protection
7 under the law. To wit, that similarly situated individuals have the right to be treated equally under
8 the law. This court does not feel a suspect class or fundamental right is involved.

9 Disparate treatment of similarly situated individuals "will be upheld unless it rests on
10 grounds wholly irrelevant to the achievement of legitimate state objectives." *State v. Shawn P.*,
11 122 Wn. 2nd 553, 561 (1993).

12 The disparate levels of funding are based upon the salaries in existence in 1976-77. The
13 legislature has many times tried to equalize the salaries, an admission that there is no rational
14 reason to continue this inequality and that the State objective should be to equalize funding.
15 Because of the vested interests in the *status quo* these disparate, irrational and inequitable salary
16 allocations will continue for the next thirty years if not found unconstitutional. This court finds that
17 basing funding levels on salary levels of 30 years ago is arbitrary and wholly irrelevant to the
18 achievement of legitimate state objectives. Today's State funding has no basis in reality and is a
19 vestige from a discredited and unconstitutional system. It cannot stand. This is not to say that the
20 State cannot fund in the future at disparate levels, if it is done on a rational basis; e.g. cost of living
21 adjustments, staffing mix, English as a second language, small school districts, etc. This court
22 finds and concludes that the current funding levels are irrational and cannot stand, they violate the
23 equal protection rights of Federal Way's students, teachers and taxpayers.

24 The court declines to make further rulings on issues presented by the Plaintiffs.
25

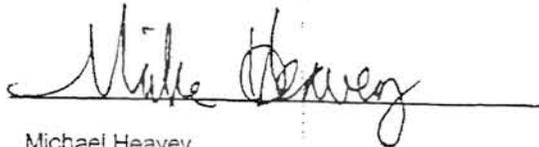
EXH 1 BIT Wp. 11

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CONCLUSION

In conclusion this court finds that the disparate funding to school districts violates the constitution of the State of Washington because it is not general and uniform. Further it finds that the disparate funding violates the constitutional equal protection rights of Federal Way's teachers, students and taxpayers.

DATED this 2nd day of November 2007.



Michael Heavey

Judge of the Superior Court

EXHIBIT D.P.12

READ

Examine the details in the picture with students. Ask them to identify the setting. What do they see in the background? Name the two animals with students. Ask questions such as, *What is the mouse doing? What is about to happen? Why is the hawk trying to catch the mouse? Look at the hawk's feet. Are they powerful enough to grab the mouse? What will the hawk do with the mouse?*

Write a summary of the picture's message on the board and read it aloud with students:

The plant is food for the mouse. The mouse is food for the hawk.

Read "A Food Chain" with students. Then ask them to dictate a summary of the text for you to write on the board.

USE WHAT YOU KNOW

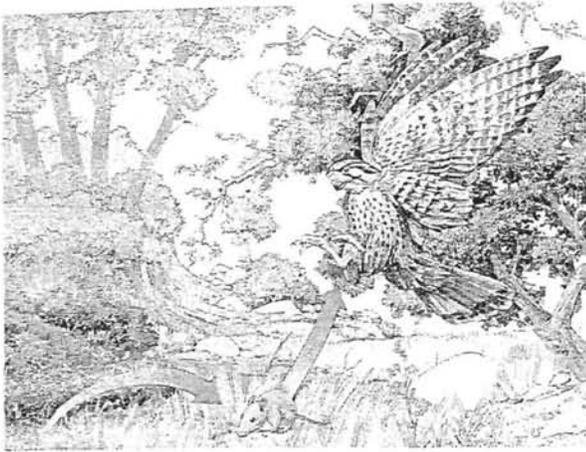
Check partners' sequence of food-chain events. Then ask how the decomposers may affect each living thing.

With the entire class, work backwards from an animal at the end of a food chain such as an owl, through to plants and the sun's energy.

WB

Do workbook pages 22 and 2 with students after you finish this page.

- C. Read about a food chain. Look at the drawing.



A Food Chain

The way food moves through an ecosystem is called a food chain. A food chain begins with a producer—a plant, such as grass. A small consumer, such as a mouse, eats the grass. Then a larger consumer, such as a hawk, eats the mouse. Decomposers, such as bacteria, break down the hawk when it dies. Its body becomes part of the soil.

- D. Work with a partner. Look at the pictures. In your notebook, number the pictures to make a food chain.



GRAMMAR MINILESSON

Pronouns

Explain to students that a *pronoun* is a word that takes the place of a noun. Write the following sentences on the board:

A food chain begins with a producer.

It begins with a producer.

Animals are consumers.

They are consumers.

Kim made a chart of an ecosystem.

He made a chart of an ecosystem.

Discuss which noun in the first sentence is replaced by a pronoun in the second sentence. Have volunteers come to the board and underline each pronoun. Then list the following possessive pronouns on the board: *my, your, our, her*. Help students use them by modeling pairs of sentences:

I have some food.

This is my food.

You have some food.

This is your food.

Mary has some food.

This is her food.

Ana and I have some food.

This is our food.

EXHIBIT E p. 1

Preview the Unit

UNIT CONTENT

Explain to students that this unit will introduce them to numbers, the alphabet, the names of the days in the week, the names of the months, shapes, colors, and the names of objects in their classroom environment.

Tell students that they will read a folktale. They will practice using maps, timelines, and other graphic organizers as preparation for their academic work. Basic math skills will also be introduced.

Viewpoint

Ask students to look at the pictures on the unit opener. Assist them as they identify what they see on the pages. Discuss which details suggest what will be covered in the unit. Point out the keyboard shown on page 2 and explain to students that it suggests that they will learn about learning tools in this unit. When you discuss the fruits and vegetables shown here, mention that this unit will teach students about basic food groups.

DISCUSS THE THEME

Read aloud the unit title, "Getting Started," with students. Ask if anyone has heard these words used together before. Have students discuss what these words might mean at the beginning of a unit.

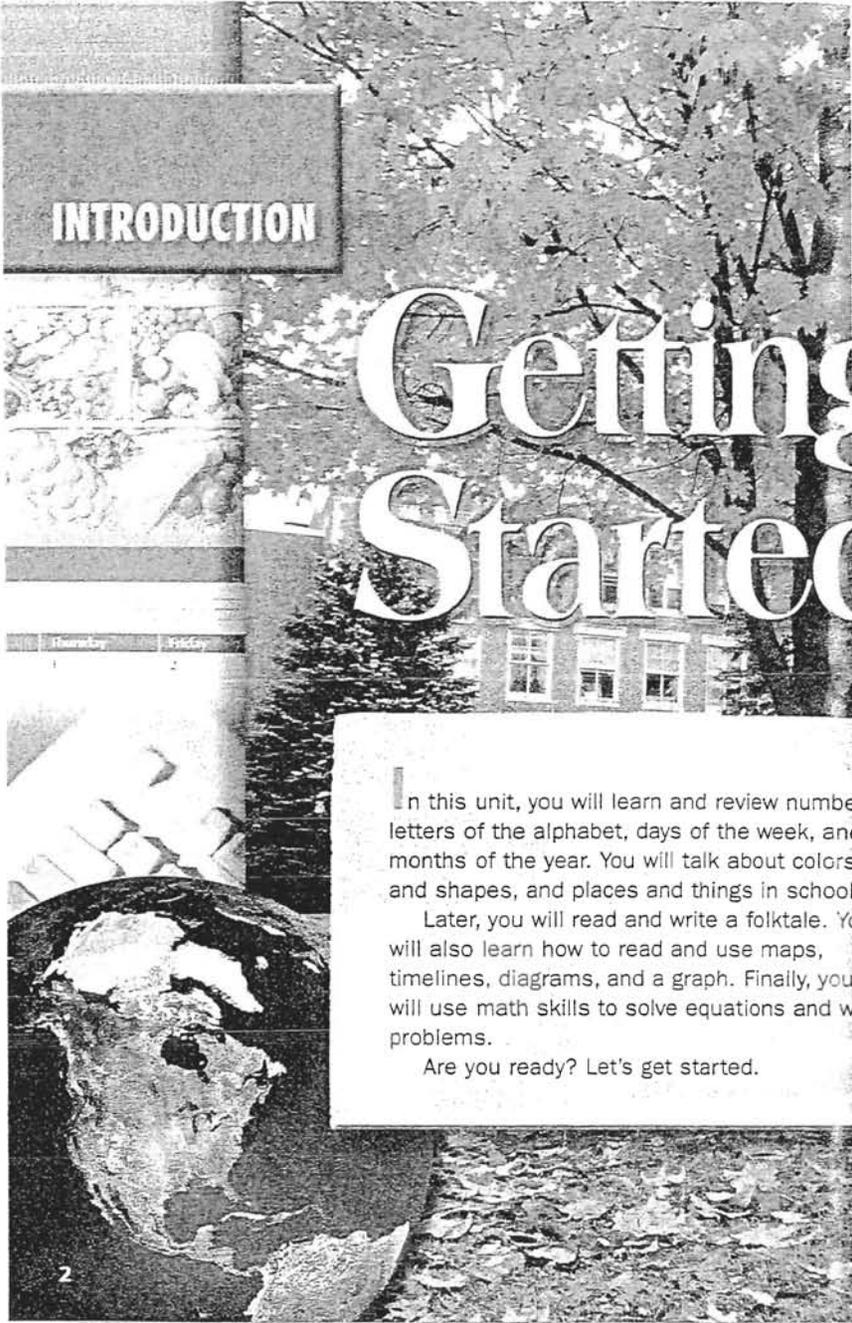
INTRODUCTION

Getting Started

In this unit, you will learn and review numbers, letters of the alphabet, days of the week, and months of the year. You will talk about colors and shapes, and places and things in school.

Later, you will read and write a folktale. You will also learn how to read and use maps, timelines, diagrams, and a graph. Finally, you will use math skills to solve equations and word problems.

Are you ready? Let's get started.



OBJECTIVES

LANGUAGE DEVELOPMENT

- Reading/Writing:
- Numbers and letters
 - Days and months
 - Colors and shapes
 - Places in school
 - Classroom objects

Listening/Speaking

- Greet and introduce
- Talk about daily activities
- Give directions
- Describe locations

ACADEMIC CONTENT

- Language arts vocabulary
- Social studies vocabulary
- Science vocabulary
- Mathematics vocabulary
- Health and fitness vocabulary

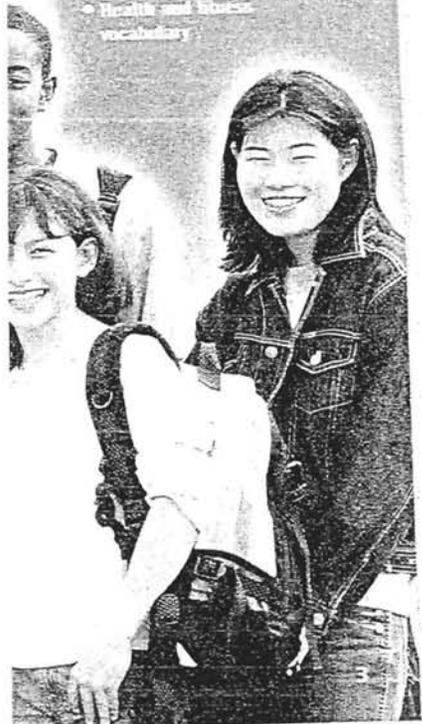
OBJECTIVES

Explain to students that the list of objectives shows the important things they will be learning or doing when they study this unit. Read the category head *Language Development* and the subject areas listed here. Next, read through the *Academic Content* list. Explain that this list tells what social studies ideas they will be learning about.

Additional practice activities for these objectives can be found in the **Workbook**.

EXTEND THE LESSON

Tell students a few things you think about as you start a new school year. List them on the board. Ask students what they expect to learn during the coming year. Write their ideas on chart paper. Tell them that, during the year, you will put a check next to each goal the class has achieved.



Colors and Shapes

Colors and Shapes

GETTING STARTED

Listen and read. Before you read the conversation in the book, initiate a conversation with students about the Japanese flag. Ask, *What color is the flag of Japan?* and *What shapes are in it?* Play the tape and model reading the conversation in the book. Have students read it aloud with you. Ask students to work with a partner to role-play Martin and Laura. Then have students switch roles and partners to gain fluency. Play the tape and have the class read aloud along with it to help develop tone and rhythm.



A. Listen and read.

Martin: What color is Japan's flag?

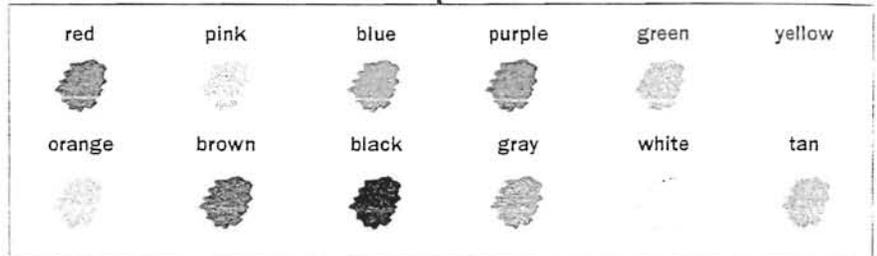
Laura: Japan's flag is red and white.

Martin: What shapes are in it?

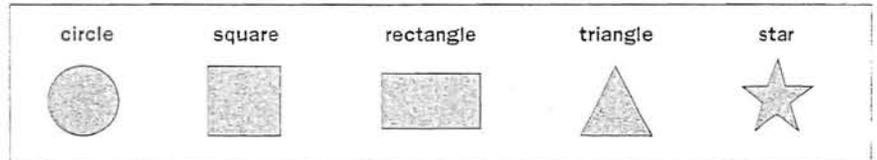
Nadia: It has a red circle inside a white rectangle.



B. Learn the colors.



C. Learn the shapes.



8

COLORS

Use items in the room to point out colors. Say, *The circle inside the Japanese flag is red. Where else do you see the color red?* *My shoes are [brown]. Where else do you see [brown]?*

Then help students use the chart to answer questions by pointing to the color words. Ask, *Which color words begin with the letter p?* Model saying *pink* and *purple* and have students say and spell each word aloud. Ask, *Which color word is the only one that begins with o?* Have students name and spell *orange* aloud. Note that the last sound in *orange* is spelled *ge*, so the sound it makes is /j/. Give sound-symbol hints about each color word to help students say them. You might also have students identify how many syllables each word contains, noting that most color words are just one syllable. Only three of the words have two syllables.

SHAPES

Model reading the shape names and have students repeat them aloud. Then give hints and have students identify individual shapes, such as, *I'm thinking of a shape that has three sides. Which shape is it? I'm thinking of a shape with only one side. Which shape is it?* Help students to include the words in your question in their answers. *A shape with three sides is a triangle. A shape with one side is a circle.*

EXHIBIT E p. 4

Preview the Unit

UNIT CONTENT

The first selection in this unit is entitled "Nomads." This nonfiction text discusses the meaning of the term *nomads* and describes how different groups of nomads live. The groups discussed are the Bedouins of the Middle East and northern Africa, Mongolian nomads, and the Sioux and the Inuit of North America.

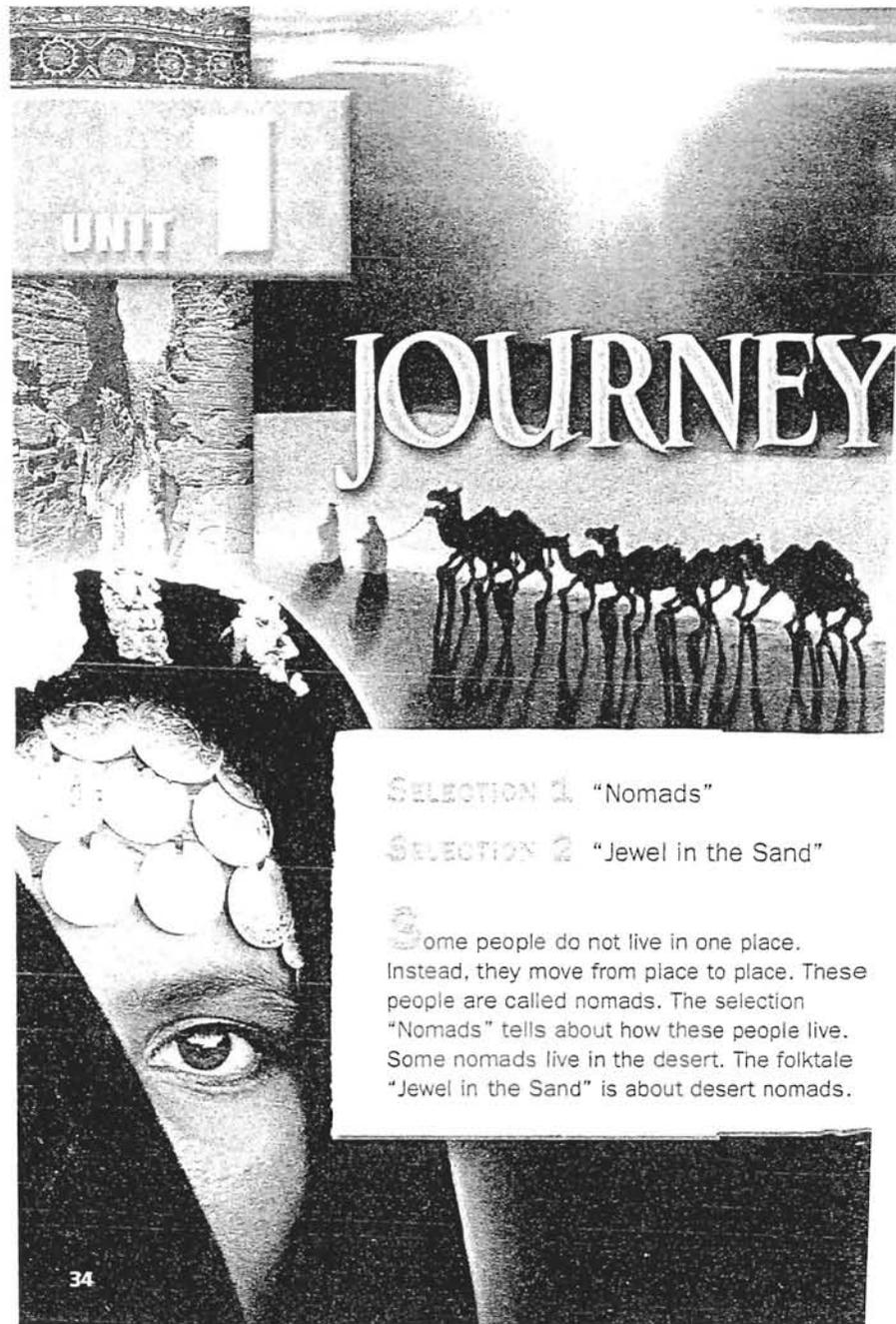
The second selection, "Jewel in the Sand," is a folktale about desert nomads set in the Middle East.

Viewpoint

Have students look carefully at the pictures on the unit opener. Help them to identify and describe what they see. Discuss and point out details that give clues about desert life. Have students share what they know about deserts and camels.

DISCUSSION QUESTIONS

Read aloud the unit title, "Journeys," several times with students. Then read aloud the title of the two selections and ask if anyone has heard the word *nomads* before. Explain to students that the word *nomads* is used to describe people who move from place to place, often taking their homes with them. Tell students that the main reason nomads move is to find food for themselves and for their animals. Then read aloud the introduction. Ask students what might be interesting about living the life of a nomad.



SELECTION 1 "Nomads"

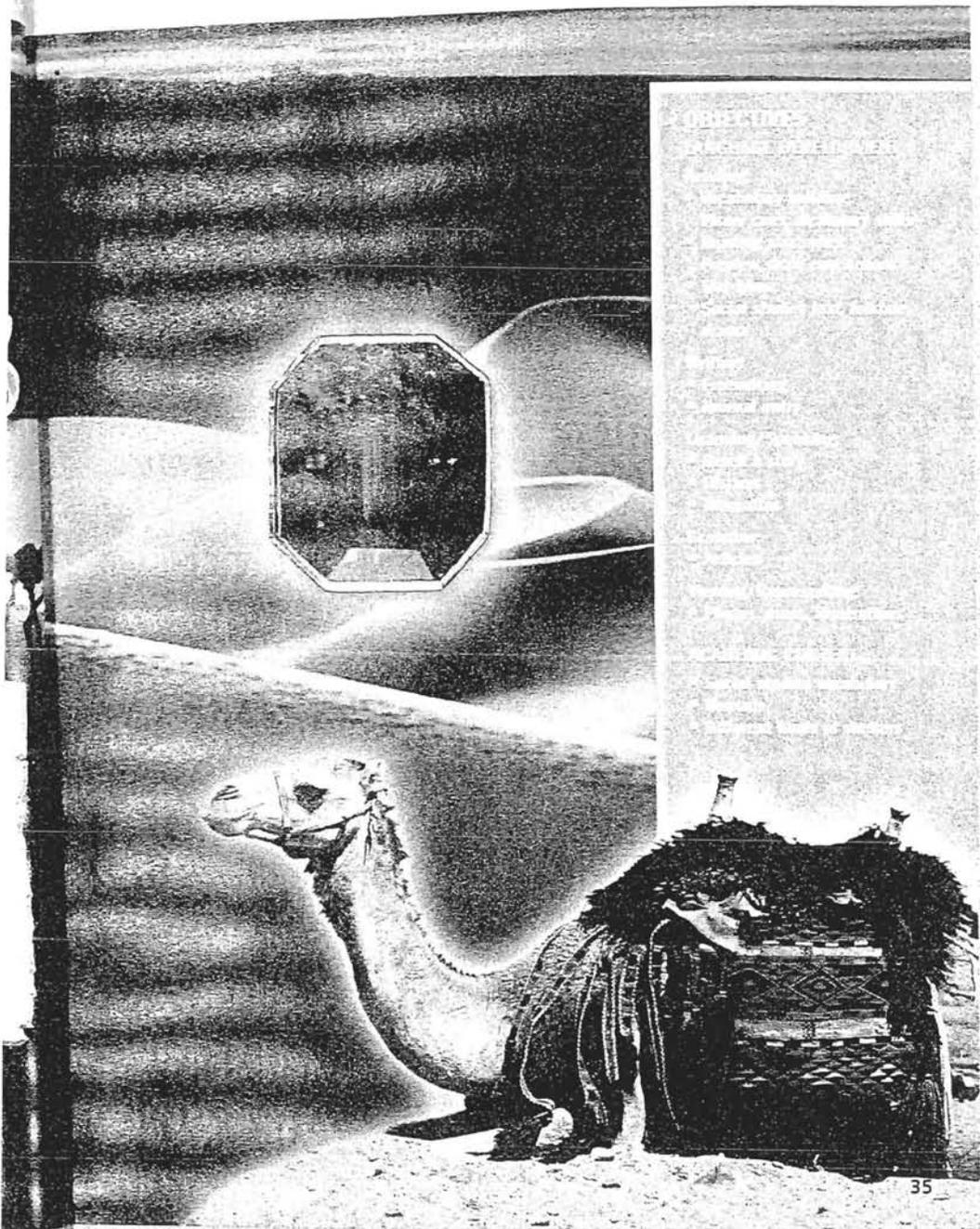
SELECTION 2 "Jewel in the Sand"

Some people do not live in one place. Instead, they move from place to place. These people are called nomads. The selection "Nomads" tells about how these people live. Some nomads live in the desert. The folktale "Jewel in the Sand" is about desert nomads.

TEACHING RESOURCES

Lesson Plans	Use Lesson Plans for Unit 1, in <i>Resources for Teachers</i> .
Summaries	Use Reading Summaries for "Nomads" and "Jewel in the Sand," in <i>Resources for Teachers</i> .
Graphic Organizers	Use Graphic Organizer 2, in <i>Resources for Teachers</i> .
Audio Program	Use CD for Unit 1.
Workbook	Use <i>Workbook</i> pp. 31–50.
Tests	Use <i>Assessment Guide</i> pp. 29–39.

EXHIBIT E p. 5



OBJECTIVES

Explain to students that the list of objectives shows the important things they will be learning and doing when they study this unit. Read the category head *Language Development* and the subject areas listed there. Next, read through the *Academic Content* list. Explain that this list tells what social studies ideas students will be learning about.

Additional practice activities for these objectives can be found in the **Workbook**.



ACTIVITY

Tell students a few things you would bring to a new home. List them on the board. Then read the list together. Ask students copy items they would take in their notebooks. Then ask what other things they would want to take with them to a new home. Add them to your list.

DIFFERENTIATED INSTRUCTION

STRUGGLING READERS

invite students to look at the illustrations on pages 34 and 35. Tell students that you will name things that can or cannot be found in the pictures. Ask students to raise their hands if they can see the item you named in the picture. Use words from the following list and say *I see (a) _____*:

- | | | | |
|--------------|------------------|--------------------|--------------|
| <i>sand</i> | <i>sunny sky</i> | <i>ice</i> | <i>camel</i> |
| <i>horse</i> | <i>sheep</i> | <i>polar bears</i> | <i>tent</i> |
| <i>snow</i> | <i>forest</i> | <i>children</i> | <i>river</i> |

Then discuss other things the students might expect to see if they traveled through a desert.

EXHIBIT E p. 6

Wof Appeals
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Grazyna Prouty

vs.

Tohoma School
Board

Plaintiff(s),
Petitioner

Defendant(s),
Respondent

No. 66908-7I (66909-5-1)
NO. (10-2-30916-1 KNT)
 (10-2-34635-0 KNT)

CONFIRMATION OF SERVICE
SCOMIS CODE: CS/CSSRV

All the named defendants or respondents have been served or have waived service. (Check if appropriate; otherwise, check the box below.)

One or more named defendants or respondents have not yet been served. (If this box is checked, the following information must also be provided.)

The App. (Petitioner's) Brief

The following defendants or respondents have been served or have waived service: _____

The following defendants or respondents have not yet been served: _____

Reasons why service has not been obtained: _____

How service will be obtained: _____

Date by which service is expected to be obtained: _____

2nd of September, 2011

No other named defendants or respondents remain to be served.

September 2, 2011
Date

Froudy
Attorney or Party

WSBA No. _____