

66204-0

66204-0

No.66204-0 (Consolidated w/No. 66206-6-1)

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

RESPONSE BRIEF

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

12609 SE 212th Place
Kent, WA 98031
Phone: 425.413.0421

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The following representation in the consolidated cases: No.66204-0
(Consolidated w/No. 66206-0-1):

Petitioner:
Grazyna Prouty
12609 SE 212th Place.
Kent, WA 98031
Phone: 425.413.0421
Pro Se

Respondent:

Tahoma School District Board
Didem Pierson
Chairwoman

23126 SE 243rd Place
Maple Valley, WA 98038

Represented by Dionne & Rorick:
Lester "Buzz" Porter WSBA # 23194
Grant Wiens WSBA # 37587

900 Two Union Square
601 Union Street
Seattle, WA 98101
Phone: 206.622.0203

((Tahoma School District)
25720 Maple Valley-Black Diamond Road SE
Maple Valley, WA 98038

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TABLE OF AUTHORITIES

1. Barendregt v. Walla Walla Dist. 140 87 Wn.2d 154, 550 P.2d 525 May 525 p. 3-4, 7, 18

Example from Hill v. Dayton School Dist., 85 Wn.2d 204, 206, 532 P.2d 1154 (1975) that “teacher has the right to assume that that [such criteria] will be taken into account, and if it is not, the teacher must be notified so that he may... take the necessary steps to protect his interest.”

states that in Pierce v. Lake Stevens School District: p.4, 7
“petitioner was entitled to be notified in writing that seniority and other previously adopted criteria would not be considered by the board of directors”.

2. 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), p. 6, 12, 13, 17

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.

3. Blair v. Laflin, 127 Mass.518, 521. p. 20, 22

“exceptions shall be reduced to writing and filed with the clerk” as another rule states: “setting forth that the same was delivered personally to the adverse party.... or deposited in the post office, directed to him, postage prepaid.”

The notice was deposited in the mail within the time prescribed but was not received within that time. It was held that “depositing of a notice in the

post office, within the time limited, (was) equally effectual with personal service thereof within the same time on the adverse party”.

4. Denton v. South Kitsap School District 402, 10 Wn. App. 69, 516 P.2d 1080 (1973) “de novo” requirement supported
(In Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.p. 772 (1974), p.12

5. Deering v. Seattle, 10 Wn.App.832, 520 P.2d 638 (1974).
Contractual rights for civil service employees
(In Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.p. 772 (1974), p. 12

6. Engrossed Second Substitute Senate Bill 6696 passed
Legislature – 2010 (the law).

7. Erma Thayer v. Anacortes School District, 81 Wn.2d 709, p.716
“such board upon receipt of request shall call a hearing (...) and notify the employee of the date, time, and place of hearing.” P.7, 23

8. Gloucester Mut. Fishing Ins. Co. v. Hall, 210 Mass 332, is to the same effect. Elsewhere it has been held that where the service by registered mail is expressly authorized by the statute, service is effected when the notice is properly addressed, registered, and mailed.

9. Hattrick v. North Kitsap School District 402, 81 Wn.2d 668, 504 P.2d.302 (1972) “de novo” requirement supported
(In Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.p. 772 (1974), p.12

10. Helland v. King County Civil Serv. Comm’n, 10 Wn. App.683, 519 P.2d258 (1974), review granted, 84Wn2d 1001 (1974);
Contractual rights for civil service employees p.6, 12

11. 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.
Here: attorney was from WEA – “to cover potential legal expenses.”

“In this situation it cannot be said that the trial court abused its discretion in awarding attorney’s fees.”

12. Kirk v Miller, 83 Wn.2d 777, 781, 522 P.2d 843 (1974),
Contractual rights for civil service employees
(In Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.p. 772 (1974), p.6

13. Matthew & Stephanie McCleary, Robert & Patty Venema, Network For Excellence in Washington Schools v. State of Washington (No. 84362-7)

Meaning of “all.”

This court concludes that the word “all” (...) means what it says. It means “every” and “each and every one of.” It encompasses each and every child since each will be a member of, and participant in, this State’s democracy, society, and economy..

(...) education of every child residing in this State – not just those children who enjoy the advantage of being born into one of the subsets of our State’s children who are more privileged, more politically popular, or more easy to teach.

Meaning of “paramount”

“This court concludes that the word “paramount” in (...) means what it says. It means having the highest rank that is superior to all others, having the rank that is (...) more important than all others. It is not “a mere synonym of important.”

14. Mayer v. Sto Indus, Inc. p. 682 – 686, 156.Wn. 2d 677, “Sto engaged in deceptive acts and practices to keep the Mayers from knowing all the facts concerning the products.”

p. 15, 16

156 Wn.2d p. 682

“Sto was liable under the CPA and the WPLA for its failure to warn”.
(...) “Mayers were forced to try to prove through the other means – “that the system has an inherent flaw, “and p. 693 indicates that it “affects the public interest”.

15. Randy Lee Francisco, Respondent v. Board of Directors of the Bellevue Public School District, Appellant 11 Wn. App.763, p. 772
Quoted Beam vs. Fulwiler (1969)

p. 12, 13

“a discharged schoolteacher sought judicial review of her dismissal by the school board. She was a contract employee. It is held that where the teacher’s only statutorily provided appeal was to the county superintendent “who dominated the school board and took an active interest in controversy,” the superior court had inherent jurisdiction to hear the matter on its merits”.

16. Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.765 (1974), 525.P2d278. (August 14, 1974)

The superior court “admitted into evidence the complete board hearing and permitted the calling of additional witnesses and the admission of additional exhibits. The trial judge made 36 findings of fact and concluded that the “charges against Francisco had not been “established by the preponderance of evidence.”

p. 12

(...) p.771

A discharged teacher would have a right to judicial review on the merits in the absence of the statute. When a school teacher is discharged by the school board, the board becomes both the adversary party and the judge. In the early case of State ex.rel. *Barnard v. Board of Education*

17. Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.765 (1974), 525.P2d278. (August 14, 1974)

p. 5-6

RCW 28A.58.450 requires that before discharge a teacher must be given a written notice specifying “the probable cause or causes for discharge specified in the notice of the employee and established by the preponderance of evidence of the evidence at the hearing to be sufficient cause or causes for discharge or other adverse action against the contract status.

“The hearing” contemplated by the statute is held by the statute held by the board of directors in this case, unless Pursuant to RCW 28A.58.515, the teacher elects to appeal the board’s notification of probable cause for discharge “directly to the superior court of the county in which the school district is located...”

It corresponds to:

RCW 28 A.405.320

p. 5, 11

“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”.

18. 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). Civil service employment p. 5

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.

19. Reagan v. Board of Directors 4 Wn.App.279,480 P.2d 807 “de novo” requirement supported states:
“The one against whom waiver is claimed (...) “must intend to relinquish such right, advantage (or benefit; and his intentions must be inconsistent with any other intention than to waive them.” p. 24

And - concerning re-employment:

“If such notification and opportunity for hearing is not timely given by the district , the employee entitled thereto shall be conclusively presumed to have been re-employed by the district for the next ensuing terms which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.”

Also: quoted RCW 28A.58.515: (corresponds to RCW.28A.405.380)

“the teacher elects to appeal the board’s notification of probable cause for discharge “directly to the superior court of the county in which the school district is located”

20. Ruth Alvin Robel v. Highline Public Schools, 65 Wn.2d 477, 482 concerning service and response regarding hearing:

“(…) where service by registered mail is statutorily provided, it has been held that the service is effected when the notice is properly addressed, registered and mailed.”

21. Second Substitute Senate Bill 5973 (the law).
(EDUC, 1995). Findings of Fact, Conclusions of Law and Order.

22. United States v. Continental Cas, co. 245 p. Supp. 871
(D.C.E.D.La). Ford v. Genereaux, 104 Colo. 17, 21-22 Wasden v. Foell,
63 Idaho, 83, 87-88:

“timeliness of the notice would be subject to the efficiency or vicissitudes of the postal service, a result which hardly could have been intended.

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 25.15.007 Standards for electronic filing.

The secretary of state may adopt rules to facilitate electronic filing. The
rules will detail the circumstances, under which the electronic filing of

documents will be permitted, how the documents will be filed, and how the secretary of state will return the filed documents. The rules may also impose additional requirements related to implementation of electronic filing processes, including but not limited to file formats, signature technologies, delivery, and the types of entities, records, or documents permitted.

2. RCW 28A.58.490 the court may award employee.

as in Hill v. Dayton School District

and in Randy Francisco, Respondent v. Board of Directors of the

Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.765 (1974), 525.P2d278.

3. RCW 28A.150.211 p. 5, 9, 11, 13, 15, 16, 23

The legislature also recognizes that certain basic values of character traits are essential to individual liberty, fulfillment, and happiness. (...). The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

- (1) Honesty, integrity, and trust;
- (2) Respect for self and others;
- (3) Responsibility for personal actions and commitments;
- (4) Self-discipline and moderation;
- (5) Diligence and a positive work ethic;
- (6) Respect for law and authority;
- (7) Healthy and positive behavior, and
- (8) Family as the basis of society.

4. RCW 28A.150.220 p. 9

(1) (b) The state board of education (...) program shall include the essential academic learning requirements (...) as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses

5. RCW 28 A.310.010 p. 3, 4, 19

It shall be the intent and purpose (...) to establish educational service districts as regional agencies which are intended to:

(1) Provide cooperative and informational services to local school districts.

6. RCW 28A.310.250 p. 20

“Certificated employees subject to the provisions of RCW 28A310.250, 28.A.405.100, 28 A.405.210, (...) shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular or other leave by school districts, and shall not include retirees hired for postretirement employment (...).

“It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal constitutional rights of such employee be limited, abridged, or abrogated” as in RCW 28A310.250, 28.A.405.100, 28 A.405.210 (connected to RCW 28 A.405.900).

7. RCW 28 A. 320.230, RCW 28 A.320.230 (1) related: p. 4

“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”

8. RCW 28 A.320.230 (1) (f) the School Board: p. 4, 24

“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”

9. RCW 28 A.400.010 p. 1, 2

“In all districts the board of directors shall elect the superintendent who shall have such qualification as the local board alone shall determine.”
(1) the board may contract such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable.

10. RCW 28 A.400.020 p. 9, 10, 14, 22

Directors’ and superintendents’ signatures filed with auditor.

Every school district director and the school district superintendent, on assuming the duties of his or her office, shall place his or her signature, certified to by some school district official, on file in the office of the county auditor.

11. RCW 28 A.400.030 p. 10, 11, 15
Superintendent’s duties:

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

- (1) Attend all meetings of the board (...) made record as to proceedings
- (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.
- (6) Carry out all orders of the board of directors made at any regular or special meeting.

12. RCW 28A.400.100 p. 2, 9

“In addition to such (...) duties as shall be prescribed by law and by the job description, adopted by the board of directors, each principal shall (2) submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the attendance area for which he or she is responsible.” P. 2

(4) Assume administrative authority and responsibility for the supervision, counseling, and discipline of pupils in the attendance area for which he or she is responsible.”

13. RCW 28A.400.300 p. 3, 5, 7

Hiring and discharging of employees – Written leave policies-Seniority and leave benefits of employees transferring between school districts and other educational employees:

Every board of directors, unless otherwise specially provided by law, shall:

- (1) Employ for not more than one year and for sufficient cause discharge all certificated and classified employees;
- (2) (...) That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury, and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days.

(b) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days (...) not greater than one year. Such accumulated time may be taken at any time

during the school year up to twelve days per year and maybe used for the purpose of payments for unused sick leave.

(h) Accumulated leave (...) shall be transferred from one district to another

(i) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

When (...) employee leaves one school district within the state (...) the employee shall retain the same seniority rights other than longevity when leaving one school district and beginning the employment with another.

14. RCW 28A.400.340 – notice of discharge gives teachers rights to appeal. P. 10, 23

“Conviction of serious crimes against children is the sole ground for terminating teacher’s employment during the contract year”.

15. RCW 28 A. 400.340: Notice of discharge (to contain notice of right to appeal): p. 12, 13, 23

“Any notice of discharge given to a classified or certificated employee (...) shall contain the description of appeal (...) how (...) obtained.

16. RCW 28 A.405.99: p. 8, 9, 11

“It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal constitutional rights of such employee be limited, abridged, or abrogated”.

17. CHAPTER 28 A.405 RCWs p. 8

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.”

18. RCW 28 A.405.100 (4): p. 6, 8, 9, 18

The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is her or his specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator’s contract under RCW 28 A.405.210, or the discharge of such evaluator under RCW 28 A.405.300

19. RCW 28 A.405.120 p. 3

“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).

20. RCW 28 A.405.200

“Every school district by action of its board of directors shall adopt annual salary schedules and reproduce the same by printing, (...) or other reasonable method, which shall be the basis for salaries for all certificated employees in the district.

21. RCW 28A.405.220, RCW 28A.405.300 state:

that “notices shall be served upon that employee personally, or by certified or by registered mail (...)” p. 23

22. RCW 28 A.405.300 p. 5, 23

“in the event the opportunity for hearing is not timely given, the employee shall not be discharged or otherwise adversely affected in his or her contract status.”

23. RCW 28A.405.310 (4) p. 4, 23
specifies how the hearing officer must be appointed:

“the district shall pay all fees and expenses of any hearing officer selected”

24. RCW 28 A.405.320 p. 2, 5, 7, 9, 12, 19

“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”.

25. RCW 28 A.405.320 p. 2, 5, 9, 12, 13
“(...) or failure to renew that employee’s contract for the next ensuing“(...) 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”.

26. RCW 28A.405.340 p. 5, 12, 19

“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”.

27. RCW 28 A.405.340: p. 5, 12, 24

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

28. RCW 28 A.405.380, preponderance of evidence to place An employee on probation or infer a probable cause. p. 5, 11, 12, 14, 23

“In the event that an employee, with the exception of a provisional employee as defined in RCW 28 A.405.220, receives a notice of probable cause, (...) the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located”.

29. RCW 28 A.405.380

p. 3, 12

“the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by serving upon the secretary of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the probable cause notice.

30. RCW 28 A.405.380 states the duties of the superior court

when probable cause is implicated (what Hon. Bruce Heller failed to do): “The superior court shall determine whether or not there was sufficient cause for the action as specified in the probable cause notice which cause must be proven by the preponderance of the evidence, and shall base its *determination solely* upon the cause or causes stated in the notice of the employee”.

P. 3, 12

31. RCW 28 A.405.900: Certain certificated employees exempt

from chapter provisions:

p. 1, 2, 9, 18

“Certificated employees subject to the provisions of RCW 28A310.250.28, A.405.100, 28 A.405.210, (...) shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment (...).

“It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of any such employee be limited, abridged, or abrogated”.

32. RCW 28 A.410.025

No person shall be accounted as a qualified teacher within the meaning of the school law who is not holder of valid teacher’s certificate or permit issued by lawful authority of this state.

33. Chapter 28A.415 RCW

p. 3, 4, 14

Institutes, workshops, and training

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislature evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship as defined by the rule of professional educator standards board in accordance with RCW 28A.415.025, the equivalent of one credit quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

34. RCW 28 A.415.023

p. 3, 11

Credit on salary schedule for approved in-service training, continuing education, or internship – Course content - rules

(1) Credits earned by the certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content

(b) Pertains to individual’s current assignment or expected assignment for the subsequent school year.

(f) Addresses research based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal (...) as applicable and appropriate for individual certificated instructional staff.

35. RCW 28 A.415.024

Credit on salary schedule

(1) All credits earned (...) are used to increase earnings on the state salary schedule

p. 11

36. RCW 28 A.415.025

The professional educator standards board shall establish rules awarding clock hours (...) equivalent of fifteen quarter hours.

37. RCW 28 A.415.030

p. 3, 5, 15

In order to provide for the improvement of the instructional process in the public schools and maintain and improve the skills of public school certificated (...) staff (...) adopted the “In-Service Training Act of 1997.”

38. RCW 28 A.415.040

p.3, 15

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for the public schools certificated (...) personnel and to supervise the conduct of such programs. (...)

That each district requesting such funds shall have:

(1) conducted the district needs assessment, including plans developed at the building level, to be reviewed and updated at least every two years, of certificated (...) personnel to determine identified strengths and weaknesses of personnel that would be strengthened by such in-service training program;

(2) demonstrate that the goals are consistent with the goals of basic education;

(3) established an in-service training task force (...)

(4) demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the assessment.

The task force required by this section shall be composed of representatives from the ranks of the administrators (...), teachers (...), employed by the applicant school district or educational service district. from the public (...) as shall be established by the school district board of directors.

39. RCW 28 A.415.060

p. 3

The Washington professional educator standards board rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education

requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the Washington professional educator standards board.

40. RCW 28 A.415.250 p. 4, 5, 15
Teacher assistance program – provisions for mentor teachers

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers or experienced teachers who are having difficulties, or both, in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under assistance program under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities.

(2) Stipends for mentor teachers and beginning and experienced teachers which shall not be deemed compensation for the purpose of salary lid compliance under RCW 28A.400.200. The stipends shall not be subject to the continuing contract provisions of this title.

(3) Workshops for the training of mentor and beginning teachers.

(4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers the opportunities to jointly observe and evaluate teaching situations and to give mentor teachers to observe and assist beginning and experienced teachers in the classroom.

(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.410.025 and 28A.405.030 through 28 A. 405.240, and hold valid continuing certificates

41. RCW 28 A. 645.010: p. 7, 13, 19, 23

“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”.

42. RCW 28 A. 645.020 p. 5, 14
“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 (...).

43. RCW 28 A.645.030 p. 3, 5, 15

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

44. RCW 34.05.370 state rules for filing:

(1) Each agency shall maintain an official rule-making file for each rule that (...) (b) it adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(b) Copies of any portions, of the agency public-rule making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material (...)

(d) Any official transcript of oral presentations made in proceeding on which the rule is based, or if not transcribed, any tape recording(...), and any memorandum prepared by the presiding official (...)

(f) Citation of data, factual information, studies, or reports (...) indicating where such data, factual information, studies, or reports are available for review by the public (...)

(4) Upon judicial review, the file required (...) by this section constitutes the official agency rule-making file with respect to this rule. (...)

45. RCW 34.05.530 Standing: p. 3

“A person has standing to obtain judicial review of the agency action if that person is aggrieved or adversely affected by the agency action. A person is aggrieved or adversely affected (...)

(1) the agency action has prejudiced or is likely to prejudice this person;

(2) That person’s asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged;

(3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

46. RCW 65.04.015 Definitions: p. 22, 23

(1) “Recording officer” means the county auditor (...) charged with the responsibility for recording instruments in the county records.

(2) “File.” “filed” or “filing” means the act of delivering or transmitting electronically an instrument to the auditor or recording officer for recording into official public records.

(3) :”Record,” “recorded,” “recording,” means the process, such as electronic, mechanical, optical, magnetic, or microfilm storage used by auditor or recording officer after filing to incorporate the instrument into the public records.

(4) Recording number means a unique number that identifies the storage location (book or volume, and page, (...) recording officer file number, receiving number, electronic retrieval code, or other specific place) of each instrument of the public records accessible in the same recording office where the instrument containing the reference to the location is found.

47. RCW 80.04.075 states that p. 20, 23

“All notices, applications, complaints, findings of fact, opinions and orders (...) may be served by mail and service thereof shall be deemed complete when true copy of such paper or document is deposited in the post office properly addressed and stamped”.

Regulations and Rules, Other Authorities

1. WAC 222-20-030 Delivery of notifications p. 22, 23

(1) (...) Notifications (...) received (...) by other means may be accepted or returned (...)

period:

p. 3, 14, 16

“A permanent employee must serve a trial period upon promotional appointment to a position in a class in which an employee has not held permanent status”.

4. WAC 357-19-035: When the trial period is not allowed

“Employers are not allowed to require a trial service period when an employee is being reverted to a comparable position with the same job duties as the position with the same job duties as the position in which the employee last held permanent status”.

P. 3, 16

5. WAC 388-02-0060 (2) states that p. 22

Service is complete when (2) “Mail is properly stamped, addressed and deposited in the United States mail”.

6. WAC 388-02-0060 relates to answer that the service is complete, response of acceptance or rejection of service, extension time, what missing, acceptance or rejection of filing, extension time, what is missing, the name(s) of persons authorized to accept the communication (correspondence, etc.).

p. 22

7. WAC 388-02-0070

(1) Filing is the act of delivering documents to OAH or BOA

(2) The date of filing is the date documents are received by OAH or BOA

(3) Filing is complete when the documents are received by OAH or BOA during office hours.

8. WAC 434-215-012 service

Declaration of candidacy – Declarations of candidacy for all partisan and non-partisan offices filed either in person or by mail shall be in the following form:

(...) the form shall also contain space for recording the date and time of filing and a sequential filing and receipt number.

9. WAC 434-215-070 definition – electronic filing

(3) Allow the filing officer to verify filings before filing information is made public

(5) Inform and require (...) to acknowledge that submission of the form constitutes the agreement that the information provided with the filing is true, or he or she will support the Constitution and laws of the United States and the State of Washington (...)

I. INTRODUCTION

The reply of Tahoma legal representation failed to present one case that applies to school district (1) setting as reflects the strategy to keep the inactive Tahoma School Board: Lester “Buzz” Porter, Jr. labels the “probable cause notice” (CP 45) March 5, 2010 as “contract non-renewal” that serves to mislead the Court of Appeals and to misinform as if the school superintendent had the power to “non-renew” teacher’s or administrator’s contract – he does not have that authority as the school district superintendent is employed together with all school district’s employees by the school board of directors as in RCW 28 A.400.010.

In addition, the “retired-rehired” Superintendent Mike Maryanski has no appeal rights from the board decision(s) as Grazyna Prouty, the continuing ELL teacher has, as he is “the retired-rehired” (similarly to the former Spanish teacher Thom Rohm Tahoma employed to teach when the Superintendent exempted from the Chapter provisions as in RCW 28 A.405.900 imposed a leave on March 5, 2010 as retired-rehired, and the legislature addressed “the certificated” (1)

1. The “certificated” teachers (or administrators) are only employed in school districts. The State of Washington and respectively every state have the requirements for the “certificated” staff in every subject area. A university professor has graduate or the postgraduate degree but is not “certificated” to teach as K-12 instructor, teacher. It is insufficient to have a degree in math, English, etc. in order to be a “certified” teacher or any other professional in the field of education and teach in K-12 - the additional requirements of obtaining a teaching certificate in a given state in the subject or area of expertise is a must. It does not apply to college or university instructors. E.g. in University of Puget Sound teachers/instructors are non-certified, they only have a degree.

individuals in their “postretirement” employment as exempt from Chapter RCW 28 A.405.900 provisions, with no rights of appeal from the administrative school official decisions, school board decisions.

Therefore, the notice of March 5, 2010 Grazyna Prouty received is upon the recommendation of ELL evaluators as in RCW 28A.400.100 (2) so the superintendent can solely recommend – not “renew” as the evaluators can also recommend to the Superintendent (1) Mike Maryanski as ELL supervisors Rhonda Ham and Tony Davis – vice-principals did in November 2009 after four grievances that took place as the retaliation: put Grazyna Prouty for no reason on probation for sixty days as the evaluators could submit their recommendations as in RCW 28A.400.100 (2):

“ submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to (...) for which he or she is responsible.”

Therefore, if the School Board of Directors (CP 40 -41) is active, she must hold both teachers and evaluators accountable (CP 63) and have the evidence to submit in court if there is an appeal as it is the board that renews and non-renews all the contracts, not the Superintendent, not

1. As in RCW 28A.405.320 and RCW 28A.400.010 the Superintendent does not renew teacher’s contract – only The School Board of Directors does by voting, and the Superintendent as any other “certificated” employee has only rights as in RCW 28A.405.320 “certificated” school district employees if not “retired-rehired” – such employees have no rights of appeal. In Tahoma the retired-rehired superintendent has no “rights of appeal” as the legislature included in RCW 28A.405.900 as “employees exempt from Chapter provisions” – “shall not include retirees hired for postretirement employment.” But – all other “certificated employees” (if not working as “post retirees” have the rights of appeal in the superior court as above.

administrators who have the right solely to recommend but must be aware that recommendations are not for the purpose of holding grudges – the boards must be held accountable in court versus allowed to use the Rule 2.3 (4) as Tahoma submitted, Hon. Bruce Heller in the Superior Court in Kent, Washington granted Rule 2.3 (4) versus determine the cause RCW 28A.405.380, RCW 28A.645.030. Despite the fact that Tahoma School Board failed to give the appeal rights to Grazyna Prouty to the superior court at any time, imposing violently – for no reason (1) the probation and ending the contract, the ELL Continued Teacher (the most advanced teaching certificate in the State of Washington) appealed: teacher’s rights as in RCW 28A.645.010, RCW28A.405.320, and also RCW 34.05.530.

Grazyna Prouty had also longevity (applies in accumulating days and granting leaves as in RCW 28A.400.300 and the seniority as in RCW 28A.400.300 and in the case Barendregt v. Walla Walla Dist. 140 87 Wn.2 d 154, 550 P.2d 525, May 525, example from Hill v. Dayton

1. probation was imposed in November 2009 with no appeal rights as in RCW 28A.645.010, RCW28A.405.320. Probation imposed without providing the rights for the teacher continued the violence from the time Rhonda Ham and Tony Davis became ELL supervisors under the auspices of Tahoma HR.

Mike Maryanski and Didem Pierson, the President of Tahoma School District Board attended in October 2009 the 3-day GLAD -Guided Language Acquisition Design training. They tried to learn ELL on elementary level as the Issaquah teachers conducting it applied it in the elementary schools. No. RCW 28 A.415.250 in Tahoma ELL.

Grazyna Prouty is ELL teacher on the secondary level. This training and GLAD were rejected in Tahoma – therefore receipts: of expenditures are crucial – doing “the same thing all over” and stop using “probation” vs. relevant trainings as WAC 357-19-025 clearly states when the employee can be on “trial” in regards to “probation” period, and – when the employee cannot be as in WAC 357-19-035. Training as in RCW 28A.310.010, RCW 28A.405.120, Chapter 28A.415 RCW, 28.A.415.020, 025, 040. 060.

School Dist, 85 Wn.2d 204, 206, 532 P.2d 1154 (1975) that

“teacher has the right to assume that [such criteria] will be taken into account, and if it is not, the teacher must be notified so that he may... take the necessary steps to protect his interest.”

states that in Pierce v. Lake Stevens School District:

“petitioner was entitled to be notified in writing that seniority and other previously adopted criteria would not be considered by the board of directors.”

Tahoma School Board failed to state that “seniority” would not be the adopted criteria and as response to Tahoma question why school district pays for hearing is in RCW 28A.405.310 (4) that specifies how the hearing officer must be appointed:

“the district shall pay all fees and expenses of any hearing officer selected”

and the responses are Ex. A p. 5, Ex. A p. 3, Ex. B. p. 2, Ex. B. p. 3, Ex. C p. 1, Ex. C p.2, and the condensed Exhibits in the Appellant Response Brief and the Appendix, Exhibits included.

When board work on key duties as in CP 63, expenses as response relate to Appendix Ex. A1-3, 5, curriculum committees, expert counsel as RCW 28 A. 320.230, RCW 28 A.320.230 (1) related, RCW 28 A. 320.230 (1) (f), and - for assistance from ESD – Education Service Districts as in RCW 28 A.310.010 (4), and mentor teachers as in Chapter 28A.415RCW.

It is paramount that inactive School Board of Directors is not rewarded when acts in ill-faith, using the judicial “function” when non-

renewing the continuing certificate teacher, and additionally in the case of injured party - the teacher on continuing contract as such teachers are recognized in RCW 28 A.415.250 (5) because they do mentor to others:

“(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.410.025 and 28A.405.030 through 28 A. 405.240, and hold valid continuing certificates.”

This position was violated by Tahoma School Board allowing brutality when Rhonda Ham and Tony Davis as in the notices of appeals marked all 99.99% of evaluations “unsatisfactory” for no reason pertaining to lesson plans CP 73-94 confirm. Before their appointment as ELL evaluators Grazyna Prouty had all areas as “Meets and Exceeds Expectations” CP 43-44.

The School District Board vote is crucial as it relates to judicial “function” that the injured party has the rights of appeal in the superior court as legislature’s intentions: to hear the matters as in RCW 28A.405.380, RCW 28A, 645.030 with respect for the rights of certificated teacher as in RCW 28A.405.320, RCW 28A.405.380, RCW 28A.400.300, RCW 28A.405.340, RCW 28A.645.020. As the cases in 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)

But civil service employees as well as common school teachers now have express employment rights. “The general relationship ... between the school authorities and teachers in the public schools of our state is created

by contract and is governed by general principles of contract law.” *Kirk v. Miller*, 83 Wn. 2d, 777, 781, 522 P. 2d.843 (1974). For civil service employees the rights are contractual 11 Wn. App. 771

Rights implied by law. *Helland v. King County Civil Serv. Comm’n*, 10 Wn. App. 683, 519 P. 2d 258 (1974), review granted, 84 Wn 2d. 1001 (1974). When the question is whether there is a good cause for discharge, contractual rights are involved. The determination of contractual rights is inherently and historically a judicial function.

“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”.

In *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”.

The superior court will receive “briefs” and “oral argument” concerning the notices of appeal and not “probable cause” notice “filing” as RCW 28 A.405.340, RCW 28 A.405.380, RCW 28A.645.030 state.

At this time with the access to public information the Board record shows Tahoma School Board did not have the meeting on March 30, 2010 (Exhibit A p. 1-2) as the letter of March 30, 2010 states (Ex. A p.3).

II. STATEMENT OF THE CASE

The Respondents’ Response Brief as in the Introduction ignores the fact that the School Board of Directors votes to non-renew all employees’ contracts that the Board must respond to request to hearing

after voting as it is “non-renewal, ”provide the appeal rights as in RCW 28A.645.010, RCW 28A.405.320, notify about the seniority as in Pierce v. Lake Stevens School District, in Barendregt v. Walla Walla Dist. 140 87 Wn.2 d 154, 550 P.2d 525 so the teacher can protect the professional interest. And as in Erma Thayer v. Anacortes School District, 81 Wn.2d 709, p.716 provide the rights of appeal in the superior court as in RCW 28A.645.010 and RCW 28A.405.320.

“such board upon receipt of request shall call a hearing (...) and notify the employee of the date, time, and place of hearing.”

As Tahoma talks about “timeline” regarding “the probable cause” not the non-renewal and on p.3, it is hearsay not the fact about “advice from her teachers’ union” p. 3. No evidence and no “advice” received except that the Tahoma School Board failed to set up the hearing soon after Grazyna Prouty requested hearing(s) CP 554-565, and even after the WEA – union lawyer’s a consultation (1) (Exhibit A p.4) nominated the hearing officer Charles Burdell (Exhibit A p.4) after March 20th meeting.

ELL teacher in this matter has advanced teaching certificate, six years of longevity in Tahoma as in RCW 28A.400.300, and seniority.

It further connects to the Respondents’ Response Brief that lacks

1. Tyler Firkins’ consultation (the only one); WEA present at some meetings in Tahoma: started end of January 2010 after a student took a book and said it was Ms. Prouty who gave him the book – unrelated to “probation” in Tahoma’s Brief in Statement of the Case.

the response as Appellant's Brief clearly addresses the issue whether the Tahoma's counsel was involved assisting those evaluators who should be accountable and related agencies (Appendix Ex. B p. 1-2): links to the law and preceding Bill 6696 and Bill 5973, and buzz of teachers' evaluations.

The legislation was forward-looking as administrators are to bear the consequences as in RCW 28 A.405.100 (4); school board failed the accountability. "Being a parent with three children" (Ex. C p.2) and board member in school district the children have attended is a hindrance in executing the accountability for the Athletic Director Tony Davis as the children are in sports or vice-principal Rhonda Ham whose family member Vonnie Johnson has been on union grievance committee without disclosing it when Grazyna Prouty filed the grievances in prior year(s) when Rhonda Ham and Tony Davis became the ELL supervisors. The board authorized the funds for legal counsel – was the legal representation involved assisting the evaluators when they were to be accountable and when since they spoke about lawyers at meetings.

Instead, Tahoma in RP p. 4 deceives the Court: implies "the advice" p. 2 from "her teachers' union" or "presence" "throughout the probation" - a hearsay connected to earlier falsifications and removal of grades CP 200-201, using G. Prouty as "a puppet" for "buzz" word of teachers' evaluations in the state (Exhibit C p. 1, Appendix Exhibit A p.4).

Stopping the teacher's employment during the school year is severely restricted as in CHAPTER 28 A.405 RCWs, and as RP p. 4 "the district issued a letter of probable cause," the leave on March 5, 2010 is opposite to legislature's intent: a lack of work for regular teachers and denying the rights by hiring "retired-rehired" - RCW 28 A.405.99:

"It is not the intention of the legislature (...) legal constitutional rights of such employee be limited, abridged, or abrogated".

The legislature intended the accountability respect for teachers' rights, as the administrators recommend actions RCW 28A.400.100 (2), the accountability is paramount because it affects students in 28A.400.100 (4).

Therefore RCW 28A.405.100 (4) connects to the values as in RCW 28A.150.211, what students acquire as in RCW 28A.150.220, respect for the Constitution, the rights of appeal in the superior court as in RCW 28 A.405.320, and the accountability for all stakeholders.

Therefore, "the recommendations" as in RCW 28A.400.100, or other statements, notices, etc. other than the school board's vote are not "non-renewal." RCW 28A.400.020 connects to the power of attorney and accountability: the board members' signatures and naming School Board President (not receptionist) for "filing" notices sets the process in order.

Only authorized personnel – signatures that are registered as it is in RCW 28 A.400.020 can sign on the behalf of the school board of directors

or the superintendent – otherwise, illegal and invalid as in Appendix.

Exhibit B p.6 - purpose of “filing” (“filed” with the School Board President) - therefore “authorized personnel must be stated” not the receptionist as in voting not other person. Stated exact day, month, year.

March 30, 2010 CP 191 not earlier “recommendations” is “non-renewal ” and the Superintendent “carried out the orders of the board” as in RCW 28 A.400.030 sending the letter dated March 30, 2010 (CP 191) No hearing, no appeal rights RCW 28 A.405.99, and as Exhibit A p.1-2 no voting on March 30, 2010 as Tahoma has no evidence against the injured teacher as in RCW 28A.150.220 (b) the EALRs: the essential academic learning requirements measure the performance and all the “recommendations” in Tahoma including March 5, 2010 Tahoma legal representation focused - the “probable cause” letter that imposed the leave on regular, continuing contract teacher lack them.

EALR’s are crucial in the students’ progress and the measures Tahoma failed to use, did not have any measures for teacher evaluations and the hearsays Tahoma included in the Response Brief concerning “poor performance,” “improvement,” “teachers’ union” have no basis, not facts.

The contract non-renewal point of time is extremely relevant, Tahoma voted (???) on March 30, 2010 CP 191, Ex. p. 3, possibly not Ex. A p. 1-2, in opposition to Tahoma statements RP p. 8” (...) the second

letter of April 7, 2010 asking for hearing CP 194 is crucial as Tahoma again abrogated, limited the injured party rights, opposite to legislature's intend RCW 28 A.405.99 and as in RCW 28A.405.380 "the preponderance of evidence" is essential and that the superior court in Kent, Washington failed. The full relief for the injured party is overdue.

III. ARGUMENT AND AUTHORITY

1. The "inaction" of the Tahoma School Board in creating the environment that enables growth and development both of an individual and the community the legislature took time to stress as important and is in public interest - opposite to letting "divide et impera" – "divide and rule", "divide and conquer" compromise the values and the traits the legislature recognized that are paramount for a new generation to instill in the 21st century earlier inspired but as Tahoma Board added to reality that show disrespect for teachers' rights, a lack of schools' accountability, no hearings for teachers, and no relevant to school district environment cases.

2. The lack of the school district pertinent cases (Ex. E) links to Tahoma's submission and the superior court's application of the Rule 2.3 (4) after the ELL teacher filed two notices of appeal has been arbitrary, scandalous, capricious, and disassociation of the Superior Court in Kent from the legislature's intent of allowing the teachers' voice heard, rights of hearings in the superior court, and as in Randy Francisco, Respondent v.

Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1,

11 Wn. App.765 (1974), 525.P2d278. (August 14, 1974)

A. “The superior court “admitted into evidence the complete board hearing and permitted the calling of additional witnesses and the admission of additional exhibits. The trial judge made 36 findings of fact and concluded that the “charges against Francisco had not been “established by the preponderance of evidence.”

B. “A discharged teacher would have a right to judicial review on the merits in the absence of the statute. When a school teacher is discharged by the school board, the board becomes both the adversary party and the judge. In the early case of State ex.rel. Barnard v. Board of Education, 19 Wn 8,52P.317 (1898)

C. ” the superior court had inherent jurisdiction to hear the matter on its merits”.

D. “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.”

E. “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). And as in RCW 28A.645.030.

F. Contractual rights for civil service employees: Kirk v Miller, 83 Wn.2d 777, 781, 522 P.2d 843 (1974), Helland v. King County Civil Serv. Comm’n, 10 Wn.App.683, 519 P.2d258 (1974), review granted, 84Wn2d 1001 (1974); Deering v. Seattle, 10 Wn.App.832, 520 P.2d 638 (1974).

“When the question is whether there is good cause for discharge, contractual rights are involved. The determination of contractual rights is inherently and historically a judicial function”.

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.

School district's employees must receive the full rights of appeal in the superior court as in RCW 28 A.405.320, RCW 28A.645.010, here: after the Tahoma School Board vote on March 30, 2010 Ex. A p.3.

3. Tahoma Board failed to provide full rights of appeal after voting and making the decision to violate the injured teacher in concord with imposed probation on ELL teacher, "probable cause" with no ELL students CP 52, CP 53, Appendix Ex. A 1-2, connections to Appendix Exhibits A p.1 – G p.4, and Appendix Exhibits A p. 1 – G p. 1.

4. In connection to Respondents' Brief's concerning "industry" p. 14 (unclear which one) as the reply and analogy that links to reality that as Starbucks "It Is Not About the Coffee" relating to Tahoma School Board and the Superior Court in Kent, Washington "It is not about one response concerning the definition of multi-meaning word "to file" or Hon. Bruce Heller's "I am interested I, how does one define filing" RP p. 6. The definition is not "common."

5. The receptionist is not to "file," sign as in CP 195 for letter CP 194 addressed to the Board President, only the authorized personnel. Tahoma administrators act against RCW 28A.150.211 but in concord creating traps as analogy to Exhibit D p. 1 to entangle, entrap the leading stakeholders as the ELL teacher, injuring them so that "untangling" can happen when RCW 28A.150.211 regulates.

As above, the Superior Court should have heard the case; evidence submitted as in RCW 28 A. 645.020 against the injured teacher, why “non renewal” of Grazyna Prouty’s (1) continuing contract, the appeal rights to the superior court given, state authorized personnel to accept the documentation as signatures registered as in RCW 28A.400,020 no the power of attorney (authorized personnel for the board) stated.

6. The Respondents’ Brief distorts as it starts that the injured party was “a probationary employee” p. 16 as Tahoma School Board states on p. 2 that Grazyna Prouty was employed in 2009/2010 school year and connects that the teacher was “on probation.” in November 2009 as if ELL teacher was not the employee on the continuing contract six years in Tahoma connect to trainings versus abuse as in Chapter 28A.415 RCW.

It relates to WAC regulations when the trial period is allowed and when not as the trainings as in Chapter 28A.415 RCW have to be a proof. of relevant trainings as CP 208-209 that links to RCW 28A.645.020,

(1) Grazyna Prouty has held permanent (not provisional) status, and the “trial period” as in WAC 357-19-035 is not allowed as she was on probation when she was hired in 2004. The connection as on p.2 Tahoma’s Response Brief misleads if not clarified as if it was a case of a new teacher who was on probation; such “explanations” are not to be a justification in denying 55-year old woman teachers’ rights, imposing a probation and violating the ELL teacher without such rights given, and stating that because teachers sign contract (2) every year.

(2) annual basis of teachers’ contracts links to the salary schedule promotion as in RCW 28 A.415.030 and training promotion as the employees must be trained as the legislature envisioned so every year they can advance on the state salary schedule as in RCW 28 A.415.025, as well as the leave, sick leave count (cash-ins), seniority, and longevity advancements, and these also are reflected in Steps on teachers’ salary schedule as in RCW 28 A.415.024, RCW 28 A.415.023, Chapter 28A.415 RCW, RCW 28 A.405.200, RCW 28 A.415.020, and RCW 28A.400.300 for certificated teachers K-12.

the Superintendent's duties as in RCW 28A.400.030 (3) receipts of purchases – trainings, ELL materials, etc. (links to Exhibit C p.3)..

As in RCW 28 A.415.040 trainings are the key to teachers' (and administrators') continuous improvement as in CP 295, opposite to made-up, irrelevant, and unrelated to students' achievement documents like Tahoma's "Inclusion Protocol" CP 204, Improvement Plan CP 370-373 in relation to CP 1-94 including the lesson plans in 73-94, falsification of G. Prouty's grades removed as in CP 46-47, CP 55 as two teachers taught during the same teaching period.

The receipts as in RCW 28A.400.030 (2) and (3) refer to ELL purchases, relevancy, inservices as in RCW 28 A.415.030, RCW 28 A.415.040, RCW 28 A.415.020, RCW 28 A.415.023, RCW 28 A.320.230, RCW 28 A.320.230 (1), and the failure of the superior court to hear the matter as by May 26, 2010 Grazyna Prouty submitted the documentation to CP 210. Then, the Superior Court in Kent could hear the matter since Tahoma failed to file the evidence as in RCW 28 A. 645.020.

Due to deceptive practices – "Inclusion" being one as in CP 204, "filing" another, Grazyna Prouty when able to appeal in the superior court, preserving the teacher's rights, the Superior Court in Kent failed to hear the matter so as in Mayer v. Sto Indus, Inc. p. 682 – 686, 156.Wn. 2d 677, "Sto engaged in deceptive acts and practices to keep the Mayers from

knowing all the facts concerning the products. ”156 Wn.2d p. 682.

As “Mayers were forced to try to prove through the other means – “that the system has an inherent flaw, “and p. 693 indicates that it “affects the public interest”.

“Sto was liable under the CPA and the WPLA for its failure to warn”.

Grazyna Prouty is the injured party, was violated by Tahoma, then by the Superior Court in Kent, Washington, and continues the work for the public interest, the students, and the teachers’ rights that directly connect to RCW 28A.150.211 the values that are paramount.

7. WAC 357-19-025 – when an employee must serve a trial period and - WAC 357-19-035: when the trial period is not allowed.

“A permanent employee must serve a trial period upon promotional appointment to a position in a class in which an employee has not held permanent status”. (WAC 357-19-025)

“Employers are not allowed to require a trial service period when an employee is being reverted to a comparable position with the same job duties as the position with the same job duties as the position in which the employee last held permanent status”. (WAC 357-19-035)

These are continued contracts and the seniority is the factor in the “reduction in force” as in response to Tahoma statements in Exhibit A p.5 “identifying a seniority list for retention purposes” explained; and only a “cause” that connects to teachers’ rights in the superior court hearing for determination if the district proves by “the preponderance of evidence” to stop this continuance versus “routine” voting as Tahoma stated in the

Superior Court in Kent as the Board exercised “the judicial” function when “the non-renewal” letter was sent (improper delivery as in the Brief) and then the board after performed the “judicial” function submitted the Rule 2.3 (4) the injured teacher has not been a part of at any time.

This Argument brings the case of Randy Francisco, Respondent v. Board of Directors of the Bellevue Public Schools, Appellant No. 2026-1, 11 Wn. App.765 (1974), 525.P2d278. (August 14, 1974) that quotes in 2B and 2 F the matter of State *ex.rel. Barnard v. Board of Education, 19 Wn. 8,52P.317n* as the contract non-renewal is “judicial” function and it

“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”.

In the Respondents Brief, Tahoma uses hearsay p. 16 concerning “the poor performance” of ELL teacher. Not only there is a lack of evidence of any “poor performance”, Exhibit A p. 1-2 as public information is consistent with the deception and falsification as in CP 46-47, 55, CP176 (result that many people left Tahoma); reemployment of ELL teacher CP 177 should be granted as overdue – the lesson plans CP 73-94 show that students had introductory course, explained in detail.

It is clear from the public information that Tahoma School Board March 30, 2010 vote is in question as regular meetings are on Tuesdays

and on <http://www.boarddocs.com/wa/tahoma/Board.nsf/Public>
the March 30, 2010 meeting does not exist at all.

8. Assignment of Error 6, 7, 9 and 10 and – others: p.10-18
as the case was not heard as in the above argument and quoted cases as
above and cases within Randy Francisco, Respondent v. Board of
Directors as in Barendregt v. Walla Walla Dist. 140 87 Wn.2 d stating
that in Pierce v. Lake Stevens School District:

“petitioner was entitled to be notified in writing that seniority and other
previously adopted criteria would not be considered by the board of
directors”.

Tahoma School Board failed to state that and the seniority is the
criteria in the reduction in force Tahoma implemented by replacing 55-
year old woman with retired-rehired male, opposite to legislature’s intent
as in RCW 28 A.405.900 excludes “retirees hired for postretirement.”

9. All errors Tahoma School Board claims are irrelevant as
the focus on deceiving and misinforming the Court of Appeals as if a
“probable cause” notice CP 40 was “non-renewal” contrary to reality
versus “recommendations” and such are to balance accountability as in
RCW 28 A.405.100 (4). The legislature’s intent is clear: if duties not
performed “discharge of such evaluators” or lower job classification:
returning to teaching position if such administrators retained certificates in
good standing versus continuing to hold administrative position.

10. Tahoma Board's inaction in November 2009 as then the rights of appeal were not given to Grazyna Prouty, and the superintendent not giving the Board the documents the injured teacher submitted for the School Board in November 2009 when the teacher should have received the appeal rights to the superior court as in RCW 28 A.645.010 as it was "an order of school official' "board" (???) so the teacher is not prevented from "filing with the clerk of the superior court the notice of appeal" as the teacher's rights were then limited, abrogated, and abused.

It could have been then as in RCW 28 A.405.340:

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

as Tahoma Board appropriated the funds –lack of reply: legal assistance to evaluators when the board failed to address the accountability as the lack of request assistance from Educational Service District as in RCW 28A.310.010 establishing conducive for education environment, climate, accountability as CP 63, CP 62, CP 66, CP 70-71, and CP 295 as non awareness of the recognition of the values and traits needed for students.

11. It is paramount that the court recognizes that the rights of appeal must be given to the school certificated staff as in RCW 28 A.405.320, RCW 28A.645.010, the description with the deadline date: day, month and the year as stated as Exhibit B p. 1, 2, 6, as explained in

Exhibit B p. 3 and 4, RCW 80.04.075 pertaining to the school districts that

“All notices, (...) deemed complete when true copy of such paper or document is deposited in the post office properly addressed and stamped”.

Blair v. Laflin, 127 Mass.518, 521 in regards to filing and delivery as sent

“exceptions shall be reduced to writing and filed with the clerk” as another rule states: “setting forth that the same was delivered personally to the adverse party.... or deposited in the post office, directed to him, postage prepaid.”

and Exhibit B p. 4 and 5 recognizing the calendar CP 537 (four weekends

show that the teachers’ rights are abrogated and limited” opposite to

legislature’s intent as in RCW 28A.310.250 and related statutes.

“Well accepted meaning within the industry” implied on p. 14 in the Respondents’ Brief is unclear what “industry” Tahoma legal representation talks about – if it is “the industry” embracing courts or schools but even within judicial system 10-day is not “a timeline” as the timeline has the beginning date – day, month, year and the end date that Tahoma failed to state – the day, month, and the year as Internal Revenue Service states and it is the “common practice” as regulated versus “common word” (Appendix Exhibit B p. 7) that is meaningless: not in Merriam Webster’s dictionary and “file” alike (Appendix Ex. B p. 8).

The answer to Tahoma’s “timeline” on p. 3 is in Exhibit B p. 1 when the “timeline” states both dates – the beginning and the end: the day, the month, and the year – example: “Reply Brief must be filled by August

26, 2011” as “on that date, whether or not a Reply Brief has been filed, the case will be set for consideration by the Court” is the “filing” example.

12. The judicial “I am interested in” RP p. 6 and decision and “interests” as “court” definition: inconsistent with days of operations, exact day, month: point of time stated, and the “common meaning and understanding” of “file” pertains to “filing taxes” as everybody has an obligation to file taxes on exact day, month, year the letter must be postmarked as Internal Revenue states (April 15th). The requirement of everybody “filing” in courts has not been announced, therefore “common word” is in dispute but “common practice” as pertaining to IRS is not.

“File” and “common word” Tahoma refers as in Webster’s are not defined. Due to a lack of universal definition as the court defined “all” in Matthew & Stephanie McCleary, Robert & Patty Venema, Network For Excellence in Washington Schools v. State of Washington (No. 84362-7), this definition for the school district environment is crucial. The filing and service of motions are in Rule 17.4, filing a notice of appeal in Rule 5.1, personal restrain petition – filing and service explained in Rule 16.8, of Appellate Procedure filing and service of report of proceedings is in Rule 9.5, filing of verbatim proceedings in Rule 9.2, time for filing briefs in RAP Rule 10.2, service and filing of papers in RAP Rule 18.5 - these rules state, and as the Appellate Court defines the “filing” and “service”

so nobody (opposite of “all”) is not further injured as Grazyna Prouty has been. The methods to deliver and the time of filing are in WAC 222-20-030, WAC 308-391-101, if “received,” it must be stated as it is in WAC 388-02-0070 and the date as the exact date is in WAC 434-215-012 and in WAC 434-215-070 (3) if electronic filing applies, how the filing and by whom will be verified, returned, the number of the matter as in WAC 308-391-101 as it is for the public purpose, accountability, and the Agency Administrative Record (Exhibit F p. 2 and Exhibit F p. 3).

13. As in RCW 65.04.015 “file” as delivery for recording means what it says and that is that the injured party responds in writing and is “setting forth the process” through the service of the response in writing (as the tax documents sent to Internal Revenue Service office) is considered as the filing with the Board President (the addressee or the authorized person, not a receptionist) as in Blair v. Laflin, 127 Mass.518, 52 “setting forth the process” satisfies the requirement as it is in filing the taxes as otherwise, the words do not classify as “common words.”

In Appendix. Exhibit B p. 11-B 14 in Ex. B p.12 as verb 3 law the definition is “to bring (a suit, a divorce) in a court law and in verb 1 “to place a document, letter) in a file and that the client does not control – only the President or the authorized person (signature are filed with the auditor as in RCW 28 A.400.020) Tahoma failed to name controls when

she or he files for the public record and such response with the case number must be returned to teacher, when filed, address, the date of hearing, etc. as in WAC 308-391-101, WAC 222-20-030, WAC 388-02-0060 (2), WAC 388-02-0060, RCW 65.04.015; RCW 28A.405.310 (4) specifies how the hearing officer appointment: “the district shall pay all fees and expenses of any hearing officer selected” and as in RCW 28A.405.380, RCW 28A.645.010, RCW 28 A. 400.340 appeal and related dates and in RCW 80.04.075 and RCW 28A.405.220, RCW 28A.405.300 that “notices shall be served upon that employee personally, or by certified or by registered mail (...)” - how notices are served

14. In Erma Thayer v. Anacortes School District, 81 Wn.2d 709, p.716 hearing should have been given at the latest after the injured party’s request (Exhibit F p. 1) after the Board’s contract non-renewal as “such board upon receipt of request shall call a hearing (...) and notify the employee of the date, time, and place of hearing.”

As in RCW 28 A.405.300 and RCW 28A.58.490

“in the event the opportunity for hearing is not timely given, the employee shall not be discharged or otherwise adversely affected in his or her contract status.” The injured teacher awarded.

15. The injured party has not surrendered the rights as these rights link to values desired as in RCW 28A.150.211 and professional responsibility; Tahoma School District Board of Directors surrendered their rights and allowed internally the administrators act, opposite to the

legislature's intent.

In *Reagan v. Board of Directors* 4 Wn.App.279, 480 P.2d 807:

“The one against whom waiver is claimed (...) “must intend to relinquish such right, advantage (or benefit; and his intentions must be inconsistent with any other intention than to waive them.”

Also, as in RCW 28 A. 320.230, RCW 28 A.320.230 (1) related to superior court hearing as in RCW 28 A.405.340:

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

The Superior Court in Kent, Washington failed to hear the teacher as is not attuned to teachers but appealing the school district (meanings in Appendix E. B 9-10) a lack cases as in Ex. E is against the public interest.

“Divide et impera” so schools are not about students but about Human Resources learning “the process” whenever union was in Tahoma concerning “buzz” word of teachers’ evaluations – agreement between B. Zahradnik (HR) and union after Lora Hein stated that there were no hours in a day, no days in a week, no weeks in a year to deal with Tahoma and on March 5, 2010 (“probable cause” letter) the union person stated to B. Zahradnik: “and the board will not hear her.” “No, the board will not hear her” B. Zahradnik responded. The Board did not hear Grazyna Prouty and – as Ex. A p. 1-2 on the basis of information available to the public the Tahoma Board did not vote on March 30, 2010 as she relinquished

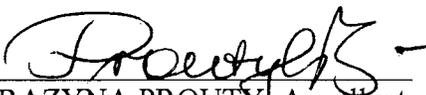
the responsibilities and accountability of the stakeholders earlier.

The reemployment and relief are overdue: the order to renew the contract as the injured teacher re-filed as ordered CP 219-220 needed to be executed in the Superior Court and as the board remained inactive and Grazyna Prouty has been violated but the working environment in public schools must be conducive to students' learning and applying professional expertise, Grazyna Prouty filed the notices of appeal on August 30, 2011 and September 30, 2011: No. 10-230916-1 and 10-2-34635-0 KNT.

IV. CONCLUSION AND RELIEF

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 appealed the contract non-renewal letter and a prior notice 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 before Rhonda Ham and Tony Davis became ELL supervisors.

RESPECTFULLY SUBMITTED this 25th day of August, 2011.



GRAZYNA PROUTY, Appellant

Regular Board Meeting

Jun 8, 2010 (Tue)

Staff Years of Service and Retirement

Celebration Board Meeting

Jun 3, 2010 (Thu)

Work Study Session

May 25, 2010 (Tue)

Regular Board Meeting

May 20, 2010 (Thu)

Work Study Session

May 11, 2010 (Tue)

Regular Board Meeting

Apr 27, 2010 (Tue)

Regular Board Meeting Revised

Agenda

Apr 20, 2010 (Tue)

Work Study Session

Apr 13, 2010 (Tue)

Regular Board Meeting

Mar 23, 2010 (Tue)

Regular Board Meeting

↓
no March 30, 2010
mtg the retired-
retired superintendent
note

EXHIBIT A p.1

Mar 23, 2010 (Tue)

Work Study Session Cancelled

Mar 16, 2010 (Tue)

Work Study Session

Mar 16, 2010 (Tue)

Special Board Meeting

Mar 9, 2010 (Tue)

Regular Board Meeting Revised

Agenda

Mar 4, 2010 (Thu)

Work Study Session

Mar 1, 2010 (Mon)

National Board Certified Teacher

Special Board Meeting

Feb 23, 2010 (Tue)

Regular Board Meeting

Feb 9, 2010 (Tue)

Regular Board Meeting

Feb 8, 2010 (Mon)

Work Study Session

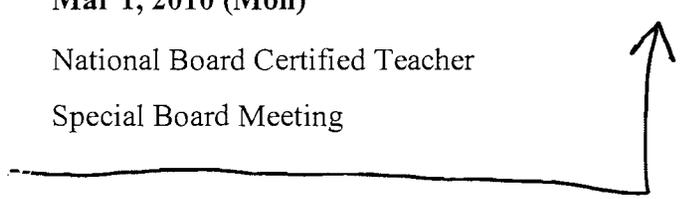


EXHIBIT A p. 2

March 30, 2010

Ms. Gazyna Prouty
12609 SE 212th Place
Kent, WA 98031

Dear Ms. Prouty:

This is to inform you that at the regular meeting of the Tahoma School Board of Directors on March 30, 2010 the Board voted to not renew your employment contract with the Tahoma School District for the ensuing school year, as I had recommended and informed you in my letter to you on March 5, 2010.

please refer to
the list of meetings
No meeting on March 30, 2010

Secondly, in my role as Secretary to the Board of Directors I'm responding to your two letters to Didem Pierson, President, dated March 25, 2010 on her behalf:

- With respect to your request for a hearing with the Board of Directors, please refer to my letter to you dated March 11, 2010. In writing this letter I was responding to your request on behalf of the Board of Directors.
- With respect to your second letter to Ms. Pierson relating to your due process rights under RCW 28A.405.210 and related statutes please refer to my letter to you dated March 16, 2010.

The correspondence which I reference above represents the response to your requests from myself and from the Tahoma school Board of Directors.

Respectfully,



Michael K. Maryanski, Superintendent

Cc: Didem Pierson, President
Tahoma Board of Directors

EXHIBIT A p. 3



10 OCT 11 PM 4:00

PIERCE COUNTY
SUPERIOR COURT
April 6, 2010

SENT VIA FACSIMILE @ 425-413-3455 &
FIRST CLASS MAIL

Michael Maryanski
Tahoma School District No. 409
25720 Maple Valley-Black Diamond Rd S.E.
Maple Valley, WA 98038

Re: *Gazyna Prouty adv. Tahoma School District*

Dear Mr. Maryanski:

04/06/10 e-mail from
T. Firkins - approved
for investigation
and ELL expert,
he sent a letter to
Tahoma ("we will get
an expert").

I understand it is not "Tahoma expert"

I have been retained by Ms. Prouty to represent her with respect to her timely appeal of your letter asserting probable cause to non-renew her contract. As Ms. Prouty's nominee, I am suggesting Charles Burdell of JDR as the hearing officer. Please let me know who will be representing the District in this matter so that I can communicate with that attorney further regarding the selection of a hearing officer.

I note that your letter to Ms. Prouty makes a number of other assertions that I believe to be in error. Nevertheless, we will move forward with the appeal process despite the District's position. Please let me know with whom I should discuss this matter.

Very truly yours,

VAN SICLEN, STOCKS & FIRKINS

Tyler K. Firkins

• letters I personally left in WEA

• WEA confirmed the filing for hearing correct (T. Firkins copied).

TKF:db

cc: client
Aimee Iverson, WEA General Counsel

EXHIBIT D - p. 2
Since Janelle Ostrom (WEA lawyer as above) was not sure all was on file, I send again 04/26/2010

EXHIBIT A p. 4



Prouty, Grazyna
Secondary Teacher
Special Services

Human Resources Department - 25720 Maple Valley-Black Diamond Rd S.E., Maple Valley, WA 98038

January 16, 2009

To: Tahoma Certificated Staff

From: Bruce Zahradnik, Assistant Superintendent
Brenda Bethards, Human Resource Coordinator/Certificated

Re: Reduction in Force

In December, District staff was informed that a small group of district administrators would begin examining how to reduce spending for the 2009-10 school year, due to anticipated reductions in state funding, limitations on local funding and continued increases in our costs.

We will be facing very difficult decisions about staffing, along with most school districts in the state. It will be necessary to reduce staffing in order to balance the budget. We won't know how many positions may be affected until we have a better idea of the state budget and until we discuss other budget-reduction ideas with our bargaining units and administration. From these discussions budget decisions will be made by our Board of Directors.

Per the Negotiated Agreement between the Tahoma School District and the Tahoma Education Association, we are in the process of identifying a seniority list for retention purposes as stated in Article VII Reduction in Force. Please know that we are meeting regularly with TEA leaders to assure that contract process and protections are carefully followed.

Use the attached form to provide your assignment history. The completed form is due to your building Administrative Assistant by January 30, 2009.

We are making every effort toward preserving the high academic standards that our district currently enjoys while still reducing necessary costs for the 2009/10 school year. We will keep you informed along the way.

Thank you for your cooperation.

EXHIBIT Ap.5

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

July 28, 2011

Grant David Wiens
Dionne & Rorick LLP
601 Union St Ste 900
Seattle, WA, 98101-2360
grant@dionne-rorick.com

Lester Porter, Jr.
Dionne & Rorick LLP
601 Union St Ste 900
Seattle, WA, 98101-2360
buzz@dionne-rorick.com

✓ Grazyna Prouty
12609 SE 212th Place
Kent, WA, 98031

CASE #: 66204-0-1
Grazyna Prouty, App vs. Tahoma School District, Resp.

Counsel:

The Brief of Respondent was filed on July 27, 2011. Pursuant to RAP 10.2 (d) any Reply Brief must be filed by August 26, 2011. On that date, whether or not a Reply Brief has been filed, the case will be set for consideration by the Court.

Based on the current inventory of ready cases, this case is projected to be set during the Court's January term. You will be informed in writing of the specific time and date.

The Division I Calendar is attached and available online at www.courts.wa.gov.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

hek

EXHIBIT B p. 1

Clausmeyer to run again for school board

KRIS HILL

khill@maplevalleyreporter.com

Tahoma School Board Director Bill Clausmeyer announced via a written statement on May 2 that he plans to run for re-election. Clausmeyer has served on the board since 1997 when he was appointed to represent District 2.

"I applied to be appointed to the vacant board seat mostly as I wanted to be certain that the current sitting school board had a diverse pool of candidates to choose from," Clausmeyer wrote. "Back then I had no 'agenda,' just a passion for doing the best for our children. Fourteen years later, I remain without an 'agenda,' just as passionate, but have gained invaluable experience and wisdom."

Since he joined the board, Clausmeyer has served as president, vice president and financial officer.

After the school district passed its last successful construction bond measure, Clausmeyer was elected by the board to "delve into the details of

all change orders" related to the money raised by the sale of those bonds to pay for construction.

"It is an experience that will serve the district well again as those of you familiar with the district's projected growth know, we must soon build for the future," Clausmeyer wrote. "For now, we must sort out how to best proceed given the bond measure's failure."

Kevin Patterson, school district spokesman, told the Reporter on April 27 that the board will formally consider its options regarding the recent failure of its \$125 million construction bond measure that was on the April 26 ballot at its May 10 meeting.

Clausmeyer wrote that he is seeking re-election in part to help the district stay the course through change in the coming years.

"Our district's success is directly attributable to the unique culture that is the Tahoma School District," he wrote. "This culture has been carefully nurtured by district leadership. Alas, the key leadership positions all will turn over in the next several years. Making sure that we hire the

right people and then guide them in continuing our success is the most significant reason I seek another term."

Clausmeyer has lived in Maple Valley with his wife, Pam, and his family since 1990. He and his wife have been married 30 years.

He works as a customer service manager for Service Paper Company in Sumner.

For the 13 of the past 15 years he has also "been the man behind the white beard" at Lake Wilderness Elementary School's annual holiday breakfast.

According to the King County Elections Office website, the in-person and online filing period for candidates begins at 8:30 a.m., Monday June 6 and will end at 4:30 p.m. on Friday, June 10.

Candidates may file by mail starting May 20.



Reach Kris Hill at khill@maplevalleyreporter.com or 425-432-1209 ext. 5054.

To comment on this story go to www.maplevalleyreporter.com.

Explained

- office
- website
- when ends (here: "June 6")
- time
- when start (*here: May 20) & when end.

EXHIBIT B p.2

School-funds case elicits questions from justices

BY DONNA GORDON
BLANKINSHIP
The Associated Press

OLYMPIA — Washington Supreme Court justices peppered attorneys with questions and moved the discussion concerning the state's obligation to pay for public school education in directions neither side expected during a hearing Tuesday.

"It just means I'm a bad guesser," said Thomas Ahearne, who represents a coalition of school districts, parents, teachers and community groups.

Ahearne's group won the lawsuit in King County Superior Court in February 2010, where Judge John Erlick ruled the state was violating the state constitution by not fully paying for basic education.

The state appealed, saying Erlick reached beyond the high court's previous ruling on this issue in 1978.

Many of the questions from the justices Tuesday concerned whether the Legislature had made any progress lately in improving the way the state pays for basic education.

Assistant Attorney General Bill Clark says lawmakers have made a lot of progress in reform efforts. But Ahearne says the work of the Legislature has been all talk and studies but no action involving money.

Justice Debra L. Stephens, whose history of public service includes time on her local school board, asked pointed questions of both lawyers.

She wanted to know how Clark could say that the state has not cut basic education when teacher salaries, training days and other classroom expenses were cut by the 2011 Legislature.

"We don't concede that those are cuts to basic education," Clark said.

They spent a lot of time talking about local levies and whether it would make enough difference if all the local tax money was replaced with state dollars.

Clark argued that local school districts use levy money to pay for expenses beyond basic education, for providing enhancements including expenses like those incurred by football teams.

Ahearne said there's a lot of evidence to the contrary and some districts would be forced to shut down schools without levy dollars. He said the state hasn't proved that all levy dollars are used for "fluff."

Justice Gerry Alexander kept coming back to this issue, saying too much of the cost of education is paid for by levies, and he emphasized that wasn't fair because for some districts raising local dollars is difficult if not impossible.

Justice Tom Chambers agreed.

"There's been no progress in that regard," Chambers said, referring back to the Supreme Court's 1978 decision on a similar case, when it ordered the Legislature to address the issue of school levies paying too much of the cost of education. None of the current justices served on the Supreme Court when that decision was handed down, but some were working as lower court judges or attorneys at that time.

Washington uses sales, business and state property taxes to pay about 72 percent of what it costs to educate Washington's 1 million school children in kindergarten through 12th grade. An additional 16 percent comes from local levies and 9 percent comes from federal dollars, primarily for education of special-needs children. About 41 percent of the state's general fund is

allocated for K-12 public education.

The 16 percent figure is a statewide average for school levies, and some districts raise more than 20 percent while others raise no local dollars, Clark explained.

Erlick's ruling said the state doesn't provide enough money to give every child a chance to meet the state's essential learning requirements. Instead, the state depends on funding formulas that don't correlate with the actual cost to teach the state's children, he wrote.

Clark argued that Erlick's ruling went beyond the Supreme Court's 1978 decision on basic education funding and focused too much on outcomes.

"There cannot be a constitutional requirement that all children succeed," he said.

Alexander questioned whether there was anything the Legislature could do to make everyone happy about school funding and prevent future lawsuits like this one.

The Supreme Court is expected to spend months thinking about the case before ruling.

→ fiscal responsibility first
Then - MORE

EXHIBIT Bp.3

The relevant portions of Section 42 read: "Upon the filing of a petition for review by an aggrieved party other than the director, the clerk of the district court within seven days thereafter shall issue an order of notice. Said order of notice and a copy of the petition shall be served by the petitioner upon the director by registered mail within seven days of the date of the order." The notice was mailed within seven days of the date of the order but it was not received within that time. We are of opinion that the notice was seasonably served. It is to be noted that the statute does not require that the notice be received within seven days from the date of the order; it requires that it "be served . . . by registered mail" within that time. Compare G. L. c. 40A, Section 21, concerning appeals from a board of appeals, which provides, "Notice of the filing with a copy

Page 477

of the bill in equity shall be given to such city or town clerk so as to be received within such twenty days" (emphasis supplied).

Support for our interpretation may be found in Blair v. Laffin, 127 Mass. 518 , 521. There the court was called upon to decide whether notice of the filing of a bill of exceptions was seasonable. A rule of court provided that "exceptions shall be reduced to writing, and filed with the clerk, and notice thereof given to the adverse party," within the prescribed time. Another rule provided that "all notices required by, or given in pursuance of, these rules . . . may be proved by an affidavit of the party, or his attorney, . . . setting forth that the same was delivered personally to the adverse party, . . . or deposited in the post-office, directed to him, postage prepaid." The notice was deposited in the mail within the time prescribed but was not received within that time. It was held that "the depositing of a notice in the post-office, within the time limited, [was] equally effectual with personal service thereof within the same time on the adverse party." Gloucester Mut. Fishing Ins. Co. v. Hall, 210 Mass. 332 , is to the same effect. Elsewhere it has been held that where service by registered mail is expressly authorized by statute, service is effected when the notice is properly addressed, registered and mailed. United States v. Continental Cas. Co. 245 pl. Supp. 871 (D. C. E. D. La.). Ford v. Genereux, 104 Colo. 17, 21-22. Wasden v. Foell, 63 Idaho, 83, 87-88. Were we to adopt the view urged by the director, the timeliness of a notice would be subject to the efficiency or vicissitudes of the postal service, a result which hardly could have been intended. The order of the District Court dismissing the petition is reversed.

no postage stamp missing

So ordered.

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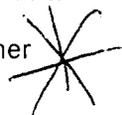
Commonwealth of Massachusetts. [Trial Court Law Libraries](#). Questions about legal information? Contact [Reference Librarians](#).

EXHIBIT B p.4

its full membership rejects said recommendation for an extended limited contract, the Board may non-renew the teacher if it has followed the evaluation procedures in compliance with the negotiated agreement and gives the teacher written notice on or before April 30th of its intention not to reemploy the teacher.

If the teacher is granted a limited extended contract, upon any subsequent reemployment of the teacher, only a continuing contract may be entered into with the teacher. A teacher employed under an extended limited contract and eligible for a continuing contract at the expiration of such extended limited contract, shall be deemed reemployed under a continuing contract unless the Board, acting on the Superintendent's recommendation that the teacher not be reemployed, gives the teacher written notice on or before April 30th of its intention not to reemploy him/her and has followed the evaluation procedures in compliance with the negotiated agreement. The Superintendent shall require that the teacher, at the time of receipt, provide signed evidence of the time and date of receipt of the notice.

Any teacher receiving written notice of the intention of the Board not to reemploy, may, within ten (10) days of the date of which s/he received the notice, file with the Treasurer of the Board a written demand for a written statement describing the circumstances that led to the recommendation for non-renewal. The Treasurer, within ten (10) days after receipt of a teacher request, shall provide the teacher with the substantive basis for the Board's decision not to reemploy the teacher.



Any teacher receiving a written statement describing the circumstances that led to the recommendation for non-renewal may, within five (5) days of the date on which s/he received the statement, file with the Treasurer of the Board a written demand for a hearing before the Board. The Treasurer of the Board, on behalf of the Board, shall, within ten (10) days of the date on which s/he receives a written demand for a hearing, provide to the teacher a written notice setting forth the time, date, and place of the hearing. The Board shall schedule and conclude the hearing within forty (40) days of the date on which the Treasurer of the Board receives a written demand for a hearing.

Any hearing conducted shall be conducted by a majority of the members of the Board. The hearing shall be held in executive session of the Board unless the Board and the teacher agree to hold the hearing in public. The Superintendent, Assistant Superintendent, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The Board may be represented by counsel and the teacher may be represented by counsel or a designee. The hearing shall include the opportunity for presentation of evidence, confrontation and examination of witnesses, and the review of arguments of both the teacher and the Board. A record of the hearing may be taken by either party at the expense of the party taking the record. Within ten (10) days of the conclusion of the hearing, the Board shall issue to the teacher a written decision containing an order affirming the intention of the Board not to reemploy the teacher or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing.

A teacher may appeal an order affirming the intention of the Board not to reemploy the teacher to the Court of Common Pleas.

In giving the teacher any notice required by this policy, the Board or the Superintendent shall do either of the following:



- A. deliver the notice by personal service upon the teacher;
- B. deliver the notice by certified mail, return receipt requested, addressed to the teacher at his/her place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at his/her place of residence.

When any notice and copy of the notice are mailed pursuant to this policy, the notice or copy of the notice with the earlier date of receipt shall constitute the notice.

This policy does not apply to the Superintendent, administrators, teacher supplemental contracts, or teachers employed as substitutes for less than 120 days during the school year.

If non-renewal proceedings are initiated against a professional staff member and/or if a professional staff member resigns under threat of non-renewal or during the course of an investigation which has been initiated by the Board based upon a reasonable belief that the professional staff member has engaged in conduct unbecoming the teaching profession, as defined in Policy 8141, the Superintendent will cause to be filed with the Ohio Department of Education a report, on forms provided by the Department for that purpose, in accordance with the aforementioned policy and as required by law.

Manzanski sent
regular mail - improperly
EXHIBIT B.p.5 delivered

Give reinstated principal power to run his school

BY LIV FINNE
Special to The Times

THE recent firing and sudden reinstatement of the Ingraham High School principal by Superintendent Susan Enfield provide a rare glimpse into district management practices, and help explain why so many Seattle schools deliver such a low-quality education to their students.

At Ingraham, for example, 62 percent of students fail in math, and 34 percent fail in reading on the state High School Proficiency Exam. Minority students fare even worse. For African-American students at Ingraham, 95 percent fail in math and 53 percent fail in reading.



Ingraham High School Principal Martin Floe

Many students in other Seattle schools also fare poorly. District averages show that 52 percent of students fail in math and 22 percent fail in reading. One-third of the students don't even graduate. Of those who do graduate, nearly 40 percent need remedial classes in math and reading before they are ready for college-level work.

Public schools are not organized to maximize the energy and talent of educators. For example, school principals in Seattle lack the authority they need to improve student learning. Instead, Seattle Public Schools has chosen a command-and-control strategy to run the schools, with the five-year strategic plan, Excellence for All.

This plan, now in its third year, has failed to raise student achievement. Its central feature is to require school principals to meet mountainous paperwork requirements, including the writing of Continuous School Improvement Plans, to name just one.

By now it's obvious that Excellence for All is not working. Instead, these central-district mandates are stifling and smothering the creativity, ingenuity and achievement of school principals, teachers and students.

Consider Ingraham's budget. Principal Martin Floe is not in charge of it. The district receives \$12,700 per Ingraham student from all state, local and federal sources. Taxpayers provide close to \$12.1 million total per year. Yet only \$7,160 per student reaches the school, or just \$6.8 million per year.

In addition, Floe cannot control this \$6.8 million to reduce class sizes, use technology, add individual tutors, or otherwise direct resources to improve student learning. Instead, district and state administrators, who may have never met or seen an Ingraham student, decide how the money is spent, while redirecting 44 cents of every dollar to provide expensive, inefficient custodial, food and other services.

Floe and his teachers, who know the names and faces of their students, could do a better job than the district with their education dollars if they had management control; and they could do an even better job with all \$12.1 million.

Consider Ingraham's staff. The principal cannot decide who does or does not teach at Ingraham. He cannot prevent the assignment of a "lemon" teacher to his school, because the union, despite a new opt-in teacher-review process in the latest collective-bargaining agreement, has blocked policies that would streamline the removal of bad teachers.

Seniority union rules prevent Floe from keeping the best young teachers if layoffs occur. He cannot offer performance bonuses to the best teachers in his school, or reward the hard work and excellence of other members of his staff. He can't even reward teachers who voluntarily take on the toughest students.

Consider Ingraham's educational program. Teachers at Ingraham High are micromanaged by the central district. For example, the district requires Ingraham's teachers to use the weak Discovery Series math curriculum, a curriculum judged "mathematically unsound" by the state Board of Education.

The central district should allow Floe to run his own school and respect his critically important function as school leader. Give Floe the control over staff and budget he needs to inspire and direct Ingraham beyond mediocrity to excellence, then hold him accountable for raising student achievement.

Consider Ingraham's budget. Principal Martin Floe is not in charge of it. The district receives \$12,700 per Ingraham student from all state, local and federal sources. Taxpayers provide close to \$12.1 million total per year. Yet only \$7,160 per student reaches the school, or just \$6.8 million per year.



Liv Finne is the education research director at Washington Policy Center, a policy research organization in Washington state.

Consider Ingraham's budget. Principal Martin Floe is not in charge of it. The district receives \$12,700 per Ingraham student from all state, local and federal sources. Taxpayers provide close to \$12.1 million total per year. Yet



Liv Finne is the education research director at Washington Policy Center, a policy research organization in Washington state.

EXHIBIT Cpt

June 10, 2011

www.covingtonreporter.com • www.maplevalleyreporter.com

Pierson seeks third term on school board

Current board chair points to her experience and dedication

KRIS HILL

khill@maplevalleyreporter.com

Didem Pierson will run for a third term on the Tahoma School District Board of Directors.

"I have decided to run again because of my dedication to everything I can to provide outstanding education opportunities to our students," Pierson wrote in a statement.

"It is an honor to represent and serve the students, parents, educators and support staff of this school district."



Didem Pierson

Pierson pointed to her continued efforts to know the students and staff of the district and stated she is "a frequent visitor to school buildings and events. I attend district events such as recognition ceremonies, open houses, science fairs, sports events and staff development sessions."

Her experience during the past eight years, she stated, will be used if she is reelected to help continue to improve the Tahoma School District.

Pierson added that she has served on many committees and represented the board in a number of ways including working with Rock Creek Elementary, Tahoma and Cedar River Middle Schools, Tahoma Junior High, the transportation and teaching and learning departments, among other appointments.

"I realize, particularly in these challenging economic times, that we may never have all of the resources we desire but we still must

continue to look for ways to meet the needs of our students as they prepare for the challenges of our fast-changing world," Pierson wrote. "Some of my goals are: continuing support for the district fine arts program; hiring and maintaining quality staff; fiscal responsibility; and providing effective support for students." *Tahoma?*

She is also a parent. Pierson has three children with her husband, Tom, two of whom attend schools in the district and a third who graduated from Tahoma High a year ago.

"Due to the time commitment that this position demands, I am very blessed to have a family that supports my passion and dedication to the district and our community," Pierson wrote.

Reach Kris Hill at khill@maplevalleyreporter.com or 425-432-1209 ext. 5054.

To comment on this story go to www.maplevalleyreporter.com.

EXHIBIT C p.2

TABLE OF AUTHORITIES

*Da-Zanne Porter, Martha McLaren,
and Clifford Mass v. Seattle
School District* ^{Page}
Cases

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111 Wn.2d 250, 758 P.2d 7 (1988).....10, 11

Johnson v. Dep't of Health,
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*Parents Involved in Community Schools v. Seattle School District
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149 Wn.2d 660, 72 P.3d 151 (2003).....20, 21

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*School District's Alliance for Adequate Funding of Special Educ. v.
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*Swinomish Indian Tribal Community v. Western Washington Growth
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161 Wn.2d 415, 166 P.3d 1198 (2007).....12

Towle v. Washington Dep't of Fish and Wildlife,
94 Wn. App. 196, 971 P.2d 591 (1999).....10

Statutes

RCW 28A.320.23011

RCW 28A.645.0109

EXHIBIT C p. 3

-----Original Message-----

From: Grazyna Prouty

Sent: Wednesday, November 26, 2008 11:18 AM

To: Stella Patrick

Subject: Classroom Theater Techniques

Hello Stella,

I have received the ideas you put in my mail box. I will return it in the first week of December (December 1, 2008).

This way, it works if the evolvment is concluded.

For all of us who care about the environment, I enclose a great story:

Have a Happy Thanksgiving for you and your family.

Grazyna

If you read the front page of the story in the SF Chronicle, you would have read about a female humpback whale who had become entangled in a spider web of crab traps and lines. She was weighted down by hundreds of pounds of traps that caused her to struggle to stay afloat. She also had hundreds of yards of line rope wrapped around her body, her tail, her torso, a line tugging in her mouth.

A fisherman spotted her just east of the Farallon Islands (outside the Golden Gate) and radioed an environmental group for help.

Within a few hours, the rescue team arrived and determined that she was so bad off, the only way to save her was to dive in and untangle her.

They worked for hours with curved knives and eventually freed her.

When she was free, the divers say she swam in what seemed like joyous circles.

She then came back to each and every diver, one at a time, and nudged them, pushed them gently around ~she was thanking them. Some said it was the most incredibly beautiful experience of their lives.

The guy who cut the rope out of her mouth said her eyes were following him the whole time, and he will never be the same.

EXHIBIT D p.1

TABLE OF AUTHORITIES

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City of Spokane v. Dep't of Revenue,
145 Wn.2d 445, 38 P.3d 1010 (2002)..... 14

Duke v. Boyd,
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450 F.3d 944 (9th Cir. 2006)..... 14

Seven Gables Corp. v. MGM/UA Entm't Co.,
106 Wn.2d 1, 721 P.2d 1 (1986)..... 10, 11

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Stroh Brewery Co. v. Dep't of Revenue,
104 Wn. App. 235, 15 P.3d 692 (2001)..... 13, 14

EXHIBIT E

BY CERTIFIED MAIL

April 7, 2010

Ms. Didem Pierson, President
Tahoma School Board of Directors
Tahoma School District
25720 Maple Valley-Black Diamond Rd SE
Maple Valley, WA 98038

Re.: Request for open hearing due to the letter received by regular mail from Mike Maryanski (dated March 30, 2010).

Dear Ms Pierson:

Pursuant to RCW 28A.405.210 (also RCW 28A.405.300, 28A.405.310) and related statutes, I request OPEN HEARING, as my right, over Tahoma School Board's decision - a notice to nonrenew my continuing contract of employment with Tahoma School District.

I ask you to file this request for open hearing on my behalf.

Please inform me in writing by April 15, 2010 to confirm I filed the request for the open hearing with the President of Tahoma Board of Directors.

Thank you for your cooperation.

Sincerely,



Grazyna Prouty
ELL Teacher Tahoma School District

12609 SE 212th Place
Kent, WA 98031

425.413.0421

Honorable
Bruce Heller:

Without Oral
Argument.

Hearing: 05/24/2010

Asked for oral argu-
ment.

The matter
would be finished in
May 2010.

↓
never responded

EXHIBIT F p. 1

II. CASE SCHEDULE

| CASE EVENT | DEADLINE or EVENT DATE | Filing Needed |
|---|------------------------------|------------------|
| Notice of Appeal/Petition for Review Filed and Schedule Issued. | Mon 04/26/2010 | * |
| Filing of Notice of Appearance (if applicable). | Mon 05/24/2010 | * |
| Filing of Administrative Agency Record. | Mon 06/28/2010 | * |
| Filing of Jury Demand (if applicable). | Mon 07/19/2010 | * |
| Filing of Petitioner's Trial Brief. | Mon 10/11/2010 | * |
| Filing of Respondent's Trial Brief. | Mon 11/01/2010 | * |
| DEADLINE for Engaging in Alternative Dispute Resolution [KCLCR 16(b)]. | Mon 11/01/2010 | |
| DEADLINE to file Joint Confirmation of Trial Readiness – FOR JURY TRIALS ONLY [See KCLCR 16(a)(2)]. | Mon 11/08/2010 | * |
| Filing of Petitioner's Reply Brief. | Mon 11/15/2010 | * |
| Review Hearing or Trial Date (See KCLCR 40). | Mon 11/29/2010 | |

III. ORDER

Pursuant to King County Local Civil Rule 4 (KCLCR 4), It is ORDERED that all parties involved in this action shall comply with the schedule listed above and that failure to meet these event dates will result in the dismissal of the appeal. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule (Administrative Appeal) and attachment on all other parties.

DATED: 04/26/2010



PRESIDING JUDGE

Case No. : 10-2-154256-
KNT
2nd case
schedule

II. CASE SCHEDULE

| ASE EVENT | DEADLINE or EVENT DATE | Filing Needed |
|---|------------------------------|------------------|
| Notice of Appeal/Petition for Review Filed and Schedule Issued. | Fri 04/02/2010 | * |
| Filing of Notice of Appearance (if applicable). | Fri 04/30/2010 | * |
| Filing of Administrative Agency Record. | Fri 06/04/2010 | * |
| Filing of Jury Demand (if applicable). | Fri 06/25/2010 | * |
| Filing of Petitioner's Trial Brief. | Mon 09/13/2010 | * |
| Filing of Respondent's Trial Brief. | Mon 10/04/2010 | * |
| DEADLINE for Engaging in Alternative Dispute Resolution [KCLCR 16(b)]. | Mon 10/04/2010 | |
| DEADLINE to file Joint Confirmation of Trial Readiness - FOR JURY TRIALS ONLY [See KCLCR 16(a)(2)]. | Mon 10/11/2010 | * |
| Filing of Petitioner's Reply Brief. | Mon 10/18/2010 | * |
| Review Hearing or Trial Date (See KCLCR 40). | Mon 11/01/2010 | |

III. ORDER

Pursuant to King County Local Civil Rule 4 (KCLCR 4), It is ORDERED that all parties involved in this action shall comply with the schedule listed above and that failure to meet these event dates will result in the dismissal of the appeal. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule (Administrative Appeal) and attachment on all other parties.

DATED: 04/02/2010



 PRESIDING JUDGE

Case: No. 10-2-12633-3-
 KNT

84
 —
 |

Case
 Schedule

EXHIBIT F p. 3

IT'S NOT ABOUT THE COFFEE

Leadership Principles from a Life at Starbucks

[HOME](#) [THE BOOK](#) [AUTHORS](#) [THE PRINCIPLES](#) [REVIEWS](#) [SPEAKING](#) [RESOURCES](#) [COFFEE TALK](#) [CONTACT](#)

The Book

[Overview](#) [Leading in Hard Times \(excerpt\)](#) [Foreword \(excerpt\)](#) [10 Principles](#) [Valuable Reminders – Wall Quotes](#) [People Are Not Assets](#) [The Yin/Yang of Thought and Action](#)

Overview

During his many years as a senior executive at Starbucks, Howard Behar helped establish the Starbucks culture, which stresses the importance of people over profits. He coached hundreds of leaders at every level and helped the company grow into a world-renowned brand. Now he reveals the ten principles and the memorable wisdom that guided his leadership and success—and not one of them is about coffee.

————— "importance of people over profits" —————

Behar starts with the idea that if you regard employees and customers as human beings, everything else will take care of itself. If you engage your staff as partners (not assets or labor costs), they will achieve results beyond what is thought possible. And if you think of your customers and communities as "the people you serve" (not sources of revenue), you'll make a deep connection with them, and they'll come back over and over.

This people-centered approach has been integral to Starbucks from the start, and remains so today. Behar shares inside stories of turning points in the company's history, as it fought to hang on to this culture while growing exponentially. He discusses the importance of knowing who you are, building trust, facing challenges, listening for the truth, taking responsibility, saying yes, and daring to dream.

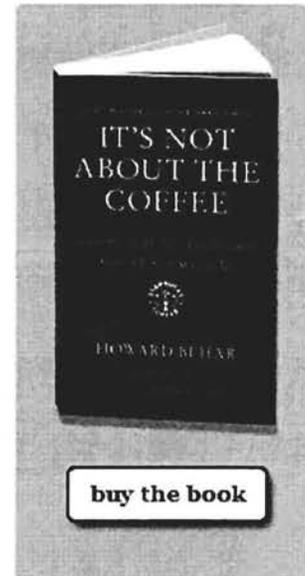
These principles, literally brewed into the way Starbucks works, makes decisions, confronts problems, and creates opportunities for the future, are trusted guardrails that anyone can use to lead themselves and lead others. Behar believes that as work becomes less hierarchical, and as the world economy becomes more and more about relationships and connecting, the principles of personal leadership are more important than ever. This book will show you the way.

Leading in Hard Times

It is my humble but firm belief that it is people—in the best of times, and especially in the hardest times—who will inspire you, sustain and grow your organization, and get you through. As I've learned throughout my career, and my own trials and tribulations in leading myself and others, the easy high-flying times are guaranteed not to last. Ups and downs, even severe ones, are part of both the economic and human cycles.

But our values do last, and the impact of our actions last, too. I've seen that the values and actions of showing you care, building trust, holding yourself accountable, knowing who you are and what you stand for—of putting people first—can provide stability and a lifeline on a personal level and for a whole organization or community.

I've can anticipate two challenges you might have to this notion. The first is that you don't believe the premise of putting people first. (To you I say read this book if you're so inclined, see what fits for you, and start there.) The second is that you do believe the premise—and maybe have read books like this one and practiced such an approach in your own leadership—but you don't see how it's possible to put



"Coffee Talk"
Events and occasional
comments

[\[click here\]](#)

No.66204-0 (Consolidated w/No. 66206-0-1)

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

APPENDIX
to the PETITIONER'S/APPELLANT'S
RESPONSE BRIEF

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

12609 SE 212th Place
Kent, WA 98031
Phone: 425.413.0421

BRIEF OF PETITIONER/APPELLANT

The following representation in the consolidated cases: No.66204-0
(Consolidated w/No. 66206-0-1):

Petitioner:
Grazyna Prouty
12609 SE 212th Place.
Kent, WA 98031
Phone: 425.413.0421
Pro Se

Respondent:

Tahoma School District Board
Didem Pierson
Chairwoman

23126 SE 243rd Place
Maple Valley, WA 98038

Represented by Dionne & Rorick:
Lester “Buzz” Porter WSBA # 23194
Grant Wiens WSBA # 37587

900 Two Union Square
601 Union Street
Seattle, WA 98101
Phone: 206.622.0203

((Tahoma School District)
25720 Maple Valley-Black Diamond Road SE
Maple Valley, WA 98038

RATIONALE

APPELLANT'S RESPONSE BRIEF

The two cases consolidated into one that none was heard in the Superior Court in Kent, Washington as RCW 28A.405.220 and none decided by the “preponderance of evidence” as in RCW 28A.405.380 as Tahoma School Board non-renewed continuing teaching contract of Grazyna Prouty by vote on March 30, 2010 (then, not filing the evidence as in RCW 28A.645.020 and by doing so as the injured teacher’s contract ended, Tahoma School Board confirmed there was no evidence against the injured teacher).

The Response to the Respondents’ Response Brief as in the case of Starbucks (Exhibit G p.1) “It Is Not About the Coffee” it is not about Hon. B. Heller in Kent- “I am interested how one defines filing, not about “filing” upon the administrators’ recommendation versus direct appeal in the Superior Court and that appeal when the injured party is a genuine defendant connected to “the evidence: as in RCW 28A.645.020 since the Tahoma School Board exercised the judicial function by deciding on the contract non-renewal on March 30, 2010 in regards to the continuing contract of 55-year old female teacher who worked in Tahoma for six years and had other supervisors who rated the teacher, the injured party in these cases prior to last evaluators as “Meets and Exceeds Expectations.”

Combining a the lack of the Superior Court in the County of King hearing and the above principles, the teacher should be reinstated back with the status restored before the appointed supervisors were allowed to destroy the injured party by scandalous, capricious, and arbitrary recommendations for no reason other than administrators' and Tahoma School Board's standing above the law as students observing "the process" and teachers bear the consequences, and with that – the public.

Tahoma School Board non-renewal of continuing contract of certified Continued Teacher – holding the most advanced certificate in the State of Washington for no reason, no "preponderance of evidence" when the Board exercised the judicial function by non-renewing the injured party continuing contract (in the notice of appeal: contract name is "Continuing" presents the opportunity for the State of Washington Court of Appeals as the courts have done listening to teachers that is evident in the case quoted Francisco v. Bellevue Board of Directors 11 Wn. App. 763 (1974) in order to construe the processes that are relevant to the public interest, connected to the teachers' and principals' evaluations that are to be completed by 2013-2014 year (Appendix Exhibit A p.4) so the principals and related administrators (quality control: as in CP 295 implemented) do not choose the solution to target certain teachers as the example of the injured party but are to be accountable for the choices.

Tahoma School Board fails to connect to equal rights of all employees, including teachers (as voted and no rights of appeal provided).

For about 20-30 years education declined (Students' Achievement Gap in the State of Washington) and it is proportional how teachers are treated. This lack of school districts' cases is clearly visible in the Table of Authorities in Respondents' Response Brief (Exhibit E).

Historically, the legislature encouraged teachers to speak up and protect the rights as in this case, the teacher is genuine defendant – yet it is the teacher that does most of work here – the Board (Tahoma School District) as employer has the burden of proof as the School Board decides on the non-renewal of the teacher's contract, it does not limit to administrators' completing the template and called it "Improvement Plan" as routinely district has done and as in Exhibits A p. 7-8 could imply "any probable cause" and permits behaviors so brutality that can state anything without accountability, destroy professional value, and the values the legislature intended be a part of education as in RCW 28 A.150.211.

The Rationale is that the selection process of brutality, ruthlessness, and mobbing without providing the appeal rights in the Superior Court causes the deterioration of environment in public education for teachers as unsafe and opposite to "tranquility" and the American Constitution as forward-looking introduced.

No.66204-0 (Consolidated w/No. 66206-0-1)

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

APPENDIX

to

THE RESPONSE BRIEF OF PETITIONER/APPELLANT

EXHIBITS LISTED

As the response to the Respondents' Response Brief, from the Exhibit A p. 1-3 to Exhibit G as the answer comprises a lack of ELL (English Language Learners) students in ELL class as Tahoma submitted no evidence that Special Education listed students included a failure to identify ELL, conduct placement, and placement tests – connection to CP 72 – no placement tests, CP 46-47 falsifications could be avoided if WAC 393-160-006 respected.. When ELL is the subject area and ELL teacher evaluated – English Language Learners students versus Special Education, Tahoma will submit the Home Language Surveys as the prerequisite of the placement and the Court define “the ten-day” that relates to work and school days excluding weekends Saturday, Sunday, holidays and breaks.

1. Exhibit A p. 1-2: Information on file connects to Tahoma School Board evidence how ELL (English Language Learners) class and materials were compiled. Lesson plans CP 73-94.
2. Exhibit A p. 3: hired retired-rehired in postretirement had no experience in administering State assessments and WAC 393-160-020.
3. Exhibit A p. 4: Teachers' evaluation has been "a buzz" word – no preparation but strategy of bullying to the point of resignation.
4. Exhibit A p. 5: as in the Exhibits' introduction, connection to "ELL documentation later not evaluated - the logs" – Tahoma lacks evidence how the "logs" link to CP 65-66 "collaboration", why executed if not evaluated, Tahoma Inclusion Protocol CP 232, and CP 283, CP 297-368, and the state requirements reference to ELL CP 580 and prior to the ELL logs CP 297-368 and Rand's novel as in CP 283 as followed, and Quality Control CP 295.

"Rand's novels are vehicles of a system of thought known as Objectivism. Developed (...) of Tolstoy (...), can be summarized on a napkin. "Self-sacrifice is a weakness," (...) "selfishness is a virtue," "a man (...) must not sacrifice himself to others."

Connects to Tahoma – lack of connection to reality – as in this resource: "the quality of our lives is tied to benefit of others," (...) Rand's regarded people as "parasites," (...); utopian to convey desired reality.

Connection to students' Achievement Gap and the Table of Authorities that utopia in schools is not what legislature intended.

The role of the ELL logs and ELL in this mainstream class is to be explained by Tahoma as the evidence in connection to reducing the achievement gap and the values for the 21st century as it is the connection to the Basic Education Act RCW 28A.150.210.

RCW 28A.150.220 (b) the EALRs: the essential academic learning requirements measure the performance and all the "recommendations" in Tahoma including March 5, 2010 Tahoma legal representation focused - the "probable cause" letter that imposed the leave on regular, continuing contract teacher lack them.

EALR's are crucial in the students' progress and the measures Tahoma failed to use, did not have any measures for teacher evaluations

As the response the Exhibit A p. 5 lacks this connection and no evidence that the Tahoma should vote to non-renew the injured party contract versus the evaluators.

5. Exhibit A p. 6: the response to Tahoma – the knowledge of students and the teachers' recognition as Grazyna Prouty who was chosen in August 2009 formally to continue the leading role during the in-services by teachers' voting in Tahoma Junior School as ELL Department head.

After the payment of \$32.50 Rhonda Ham, the vice principal (the principal Rob Morrow preceded meetings when R. Ham and T. Davis were coming from administrative offices before errands and meetings) and for no reason as the teachers voted the payment abruptly stopped; connection to family members and friends paid for functions (Rhonda Ham's family Vonnie Johnson connected to union, Craig Johnson, Rob Morrow, the wife and son – Rob Morrow Jr. - the list is on-going).

Links to “collectivism” and the values: as in Exhibit A p. 5 of Ayn Rand 10th grade curricula and no ELL connection.

6. Exhibit A p.7-8: lack of the exact date: day, month, year of hearing worked for Tahoma – where was the hearing, how recorded as it is the public information (the Administrative Agency Record).

7. Exhibit A p. 9 – Inclusion Protocol for ELL and Tahoma failed to respond why it was given in August 2009 by Rhonda Ham and Tony Davis and followed up by imposed probation and the contract non-renewal (the role of Mary Pachek, Carol Banks in relation to but not limited to the Inclusion Protocol).

8. Exhibit A p. 10: No purpose for meetings during the school time (no agenda, no solution), after the regular day the first meeting with Mary Pachek who knew all evaluators, the superintendent, the HR as worked in Tahoma in Human Resources. No ELL connection.

9. Exhibit B 1 and B p. 2 – connect to the absence of reply connected to OSPI (Office of Superintendent of Public Instruction – funds: Exhibit B p. 2) representation and legislature, interests to passed Bills and law in connection to teachers and administrators’ evaluations that are to be completed by the school year 203-2014. (Mary Pachek, the third evaluator was a former Federal Way employee as well as Tahoma’s (ELL students as in CP 52 – in previous years reduced to CP 53, then two students).

10. Exhibit B p. 6 – authorized personnel to sign for the Board President must be stated in the district letter given with the rights of appeal to the superior court as shown “common practice” – voting in opposition out of common expectation to understand if not stated the notion “to file with the Board President” who does not have an office in Tahoma School District, only a mailbox.

Stated – day, month, year of deadline, stated the place to send (file), postmarked.

11. Exhibit B p. 7- Tahoma reference to “common word” as it is out of common as not defined in Webster’s dictionary.

12. Exhibit B p. 8 – Tahoma “common word” does not relate to “file” as not defined in Merriam-Webster’s and what Grazyna Prouty submitted in the Superior Court in Kent previously CP 552-553 and 567-577.

13. Exhibit B p. 9-10: attune versus appease is relevant.

14. Exhibit B p. 11-14 no common understanding as “file” is Both multi-meaning word and applied differently to different settings as in the Table of Authorities.

15. Exhibit B p. 15 – B p. 18: more “file” in different contexts and “filed” as in p. 18: “a record in court”, “used loosely to denote official custody of the court (...) where the records and papers are kept. (...) a clerk files (...) retaining it (...) for inspection by the parties that it may concern.” Links to B. 15 that “file” is “to enter (a legal document) on public official record.

16. Exhibit C p.1 before granted Summary Judgment as the ruling after Hon. B. Heller was answering to his interests: RP p. 6 line 13: “I’m interested in, and that is how one defines filing” no discovery process as Tahoma failed to respond to Request for Information

17. Exhibit C p. 2 – C p. 17 questions to answer as well the questions Rhonda Ham (Exhibit C p. 18- 23) and Tony Davis (Exhibit C p. 24-C p. 28) failed to respond before the recommendation and imposing the probation, also not given to the Tahoma Board of Directors by the Superintendent, the Secretary to the Board as submitted by Grazyna Prouty.

18. Exhibit D p. 1-4 – the supervisors filled in the template as

as a part of unsubstantiated selection process.

19. Exhibit F: Action Plan in Tahoma needed to implement Rs (as uttered – reading, writing, and arithmetic) that are relevant versus irrelevant in non-conducive to teaching and learning environment, opposite to copied “Thinking Skills” as in Cp 70 and Habits of Mind as in CP 71 not reflected in the process responding to “buzz” of teachers evaluations.

20. Exhibit G p. 1 – G p. 3: the Tahoma School Board the Superintendent is not a part of despite of Secretary to the Board, many functions – Assistant Superintendent to Teaching and Learning, etc. is to state the authorized personnel so when ultimately decides on the budget gives the information pertaining to hearing as in Exhibit B p.2, and for the Superior Court to verify.

21. Exhibit G: The Board non-renewals have to be aligned with the key work of the school board.

As the response - in Exhibit C p. 1 the principal was reinstated when he said he would appeal – therefore the rights of appeal in the Superior Court “the district is located” and paramount; it is the Washington State Legislature that regulates that both teachers and principals are accountable.

The solutions for the School Board as she performs judicial function when decides to non-renew the contract – it is contractual obligation, the administrators cannot decide on selection who they just do not want in a given school without the accountability.

Therefore “the preponderance of evidence” is crucial and connected to measures as stated by legislature in RCW 28A.150.220 (b) the EALRs: the essential academic learning requirements that dictate that the meetings administrators held as in Tahoma account for that: what administrators did: the evidence other than perversion and self-righteousness? (it relates to Harvard Professor John Kotter who researched the meetings with no results, for the sake of disregarding resources in “The Sense of Urgency” published by Harvard Business).

As Exhibit A p. 7-8 shows the “process” Tahoma knew and embraced with ambiguity versus stating the date of “filing” day, month, and year as “filing” is not “to entrap” - authorized personnel, hours of operations related to school district offices or “Board President’s place of residence” as the place to “file,” so a part of district planning as in Tahoma, the Board still must be accountable if a solution - to prevent exercising the teachers’ rights is not allowed – Tahoma’s solution was not to permit the teacher presence on the school grounds after receiving the recommendation notice of “probable cause” and imposing a leave.

This was a convenient solution to hire retired-rehired, opposite to legislature's intent but unsubstantiated stopping of the contract and denying the regular teacher's rights.

The Rationale is that the Court of Appeals will define "to file with the Board President" (in response to Respondents' Brief) and include the place of residence that is to be recorded and a part of public record (Exhibit B p. 2 and C p. 2) so not permitting the teacher's presence on the school ground is not a part of ambiguities but must be transparent.

As in the cases the Appellant and the injured party quotes as in Francisco v. Bellevue Board of Directors 11 Wn. App. 763 (1974), the civil service employees and the school teachers have contractual employment rights governed by general principles of the contract law.

Therefore, personnel administration (who and when is hired: contract start and ended) is not left at the discretion of management.

It is awareness that the School District Board function is broad versus management unless the School Board relinquishes the obligations.

The Appendix shows a set of Exhibits that pertain to the basic knowledge the Board must have as connected to serving "all" the students.

As this case applies to the principals' evaluations as they will have to be accountable as well as all certificated employees are the same in the light of law and so their rights, and the evidence must be filed against the

injured party, especially if the continuing contract (other contracts are provisional) of the teacher is not renewed.

This Rationale of the teacher's case that is urgent to resolve and in the public interest is the extension of the Rationale in Appellant's Brief as no one should ever go through, experience mobbing, prejudice, abuse as the minority – woman ELL teacher, speaking with accent as many immigrants born outside the U.S. do but naturalized citizen – therefore the Court of Appeals' definition "to file," "to service," "authorized to receive correspondence on behalf of the Board" will progress the forsaken respect.

Therefore, restoring the values and norms that the legislature intended, and that are very distant in real, tangible environments in schools where friends and family found a lifetime employment as in Tahoma that has no respect, especially for a woman when 55-years old that maybe perceived "different" as speaks with accent that in reality should be not an obstacle to prime service as the Washington State addresses diversity and funds it by issuing the additional CD with recorded yearly state assessments (WLPT II) for such teachers to administer. Tahoma School Board's disrespect is costly.



Petitioner: Grazyna Prouty
12609 SE 212th Place,
Kent, WA 98031



Home Language Survey
 Washington State
 Transitional Bilingual Instructional Program

| | | |
|--|---|--------------|
| Student's Name | | Date |
| School | | Grade |
| SSID | | Gender |
| 1. ___ Yes ___ No | Is a language other than English spoken in the home? | |
| If yes, list language(s) | Language(s) most often used by : | |
| | Father _____ | |
| | Mother _____ | |
| | Guardian _____ | |
| 2. ___ Yes ___ No | Is your child's first language a language other than English? | |
| If yes, list language(s) | _____ | |
| Parent or Guardian's Name | | Phone Number |
| Address | | City Zip |
| Student's Country of Origin | | |
| Parent or Guardian's Signature | | Date |
| <p>Reference to WAC392-160-005.</p> <ul style="list-style-type: none"> • "Primary language" means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's <u>place of residence</u>. • "Eligible student" means any student who meets the following two conditions: <ul style="list-style-type: none"> (a) The primary language of the student must be other than English; and (b) The student's English skills must be sufficiently deficient or absent to impair learning. | | |

IF THE ANSWER TO QUESTION NUMBER TWO ABOVE WAS "YES": REFER THE STUDENT FOR TESTING ON THE WASHINGTON LANGUAGE PROFICIENCY PLACEMENT TEST.

Please Complete the Following:

A. ___ For how many months has the student attended school in the United States (grades K - 12) before enrolling in this district?

B. ___ For how many months has the student received formal education outside the United States in his/her native language (equivalent to grades K - 12) before enrolling in this district?

Guidance:

- One (1) school year = ten (10) months.
- "Formal education" does not include refugee camp schools or other unaccredited programs for children.
- "Native Language" refers to the family's dominant language.

EXHIBIT A p. 1



Encuesta sobre el idioma del hogar
Estado de Washington
Programa de enseñanza bilingüe de transición

| | | |
|--|--|---------------------|
| Nombre del alumno [redacted] | | Fecha [redacted] |
| Escuela [redacted] | | Grado [redacted] |
| SSID [redacted] | | Sexo [redacted] |
| 1. <input checked="" type="checkbox"/> Sí <input type="checkbox"/> No | ¿En su hogar se habla otro idioma que no es inglés? | |
| Si es afirmativo, indique cuál(es) idioma(s) | Idioma(s) que habla con mayor frecuencia: El padre [redacted] La madre [redacted] El tutor [redacted] | |
| 2. <input type="checkbox"/> Sí <input type="checkbox"/> No | ¿El primer idioma de su hijo es otro idioma que no es inglés? | |
| Si es afirmativo, indique cuál(es) idioma(s) | [redacted] | |
| [redacted] on file [redacted] | | |
| Nombre del padre o tutor [redacted] | | Teléfono [redacted] |
| Dirección [redacted] | Ciudad [redacted] | Código [redacted] |
| País de origen del alumno [redacted] | | [redacted] |
| Firma del padre o tutor [redacted] | | Fecha [redacted] |
| <p>De conformidad con WAC392-160-005.</p> <ul style="list-style-type: none"> • "Idioma principal" significa el idioma que el alumno (no necesariamente los padres, tutores u otros) usa con más frecuencia) para comunicarse en su hogar. • "Alumno que reúne los requisitos" significa un alumno que cumple con las siguientes condiciones: <ul style="list-style-type: none"> (a) El principal idioma del alumno tiene que ser otro idioma que no es inglés y (b) Los conocimientos de inglés del alumno deben ser tan deficientes o nulos que le afecta al aprendizaje. | | |

SI LA RESPUESTA A LA PREGUNTA **NÚMERO DOS** ANTERIOR FUE "**SÍ**": REMITA AL ALUMNO A QUE LE HAGAN EL EXAMEN DE DOMINIO DEL INGLÉS DE WASHINGTON.

Conteste lo siguiente:

A. _____ ¿Durante cuántos meses asistió el alumno a una escuela en Estados Unidos (grados K - 12) antes de inscribirse en este distrito?

B. _____ ¿Durante cuántos meses recibió el alumno educación formal fuera de los Estados Unidos en su idioma materno (equivalentes a los grados K - 12) antes de inscribirse en este distrito?

Guía:

- Un (1) año escolar = diez (10) meses.
- "Educación formal" no incluye escuelas en campamentos para refugiados ni otros programas no acreditados.
- "Idioma materno" significa el idioma dominante de la familia.

EXHIBIT A. p. 2

2006 / 2007 school year

Continued: WAC 392-160-020 Approved Tests For Determining Initial And Continued Eligibility Transfer from another State:

5. Do we test students that transfer from out-of-state?

- Yes, all students that transfer from out-of-state must be tested on the WLPT-II Placement Test.

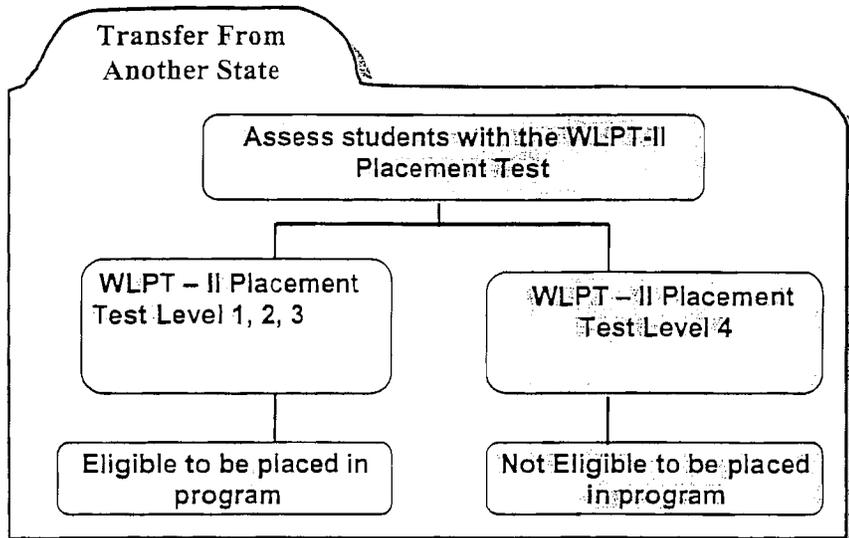


EXHIBIT A p. 3

Ayn Rand's inexplicable appeal

Michael Gerson
Syndicated columnist

WASHINGTON —

The movie "Atlas Shrugged," adapted from Ayn Rand's 1957 novel by the same name, is a triumph of cinematic irony. A work that lectures us endlessly on the moral superiority of heroic achievement is itself a model of mediocrity. In this, the film perfectly reflects both the novel and the mind behind it.

Rand is something of a cultural phenomenon — the author of potboilers who became an ethical and political philosopher, a libertarian heroine. But Rand's distinctive mix of expressive egotism, free love and free-market metallurgy does not hold up very well on the screen.

The emotional center of the movie is the success of high-speed rail — oddly similar to a proposal in Barack Obama's last State of the Union address. All of the characters are ideological puppets. Visionary, comely capitalists are assaulted by sniveling government planners, smirking lobbyists, nagging wives, rented scientists and cynical humanitarians. When characters begin disappearing — on strike against the servility and inferiority of the masses — one does not question their wisdom in leaving the movie.

None of the characters express a hint of sympathetic human



emotion — which is precisely the point. Rand's novels are vehicles for a system of thought known as Objectivism. Rand developed this philosophy at the length of Tolstoy, with the intellectual pretensions of Hegel, but it can be summarized on a napkin. Reason is everything. Religion is a fraud. Selfishness is a virtue. Altruism is a crime against human excellence. Self-sacrifice is weakness. Weakness is contemptible.

"The Objectivist ethics, in essence," said Rand, "hold that man exists for his own sake, that the pursuit of his own happiness is his highest moral purpose, that he must not sacrifice himself to others, nor sacrifice others to himself."

If Objectivism seems familiar, it is because most people know it under another name: adolescence. Many of us experienced a few unfortunate years of invincible self-involvement, testing moral boundaries and prone to stormy egotism and hero worship. Usually one grows out of it, eventually discovering that the quality of our lives is tied to the benefit of others. Rand's achievement was to turn a phase into a philosophy, as attractive as an outbreak of acne.

The appeal of Ayn Rand to conservatives is both considerable and inexplicable. Modern conservatism was largely defined by Ronald Reagan's faith in the people instead of elites. Rand regarded the people as "looters" and "parasites." She was a strenuous advocate for class warfare,



Ayn Rand's philosophy of Objectivism dismissed the common man and the common good.

except that she took the side of a mythical class of capitalist supermen. Rand, in fact, pronounced herself "profoundly opposed" to Reagan's presidential candidacy, since he did not meet her exacting ideological standards.

Rand cherished a disdain for Christianity. The cross, she said, is "the symbol of the sacrifice of the ideal to the nonideal. ... It is in the name of that symbol that men are asked to sacrifice themselves for their inferiors. That is precisely how the symbolism is used. That is torture."

Reaction to Rand draws a line in political theory. Some believe with Rand that all government is coercion and theft — the tearing

down of the strong for the benefit of the undeserving. Others believe that government has a limited but noble role in helping the most vulnerable in society — not motivated by egalitarianism, which is destructive, but by compassion, which is human. And some root this duty in God's particular concern for the vulnerable and undeserving, which eventually includes us all. This is the message of Easter, and it is inconsistent with the gospel of Rand.

Many libertarians trace their inspiration to Rand's novels, while sometimes distancing themselves from Objectivism. But both libertarians and Objectivists are moved by the mania of a single idea — a freedom indistinguishable from selfishness.

This unbalanced emphasis on one element of political theory — at the expense of other public goals such as justice and equal opportunity — is the evidence of a rigid ideology. Socialists take a similar path, embracing equality as an absolute value. Both ideologies have led good people into supporting policies with serious human costs.

Conservatives have been generally suspicious of all ideologies, preferring long practice and moral tradition to utopian schemes. And Rand is nothing if not utopian. In "Atlas Shrugged," she refers to her libertarian valley of the blessed as Atlantis.

It is an attractive place, which does not exist, and those who seek it drown.

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Michael Gerson's column appears regularly on editorial pages of The Times. His email address is michaelgerson@washpost.com

Relates to logs
Lindersmith - "Inclusion"
?

EXHIBIT A p. 5

Survey suggests need to alter teacher evaluations

BY LINDA SHAW
Seattle Times education reporter

A statewide survey on teacher and principal evaluations, done for the first time, shows what many educators and policymakers have been saying for a long time: Very few teachers and principals in Washington state receive an unsatisfactory rating each school year.

For 2009-10, the survey shows that 459 of the state's 59,481 teachers were rated unsatisfactory, and 41 of the 2,619 principals.

In many districts, no teacher or principal received an unsatisfactory rating that school year, including Auburn and Mercer Island in King County, and Monroe and Lake Ste-

vens in Snohomish County.

Superintendent of Public Instruction Randy Dorn says the survey underscores the need to change the way teachers and principals are evaluated in this state, an effort that's already under way.

Last year, state lawmakers passed a law requiring all school districts to overhaul teacher and principal evaluation systems by the 2013-14 school year. That law calls for districts to rate teachers on one of four levels, not just two, as most do now.

Eight school districts and one consortium of districts are now piloting variations of the new system,

including the Snohomish School District.

Other school districts have made similar changes on their own, including Seattle.

"Evaluations are a national issue," Dorn said in a prepared release.

View survey results

For the full survey results, go to What's New on the Office of Superintendent of Public Instruction's website at www.k12.wa.us/ and follow the directions.

To see detailed results by district, click on the link for the Excel spreadsheet. In the Excel file, PGO stands for Professional Growth Option, one of the two categories in which teachers were evaluated.

"In Washington, we've had the same evaluation system for more than 25 years. Judged by today's standards, the system is neither fair nor meaningful."

Dorn also said his office recently helped organize 10 forums in which teachers, principals and

other community members expressed a number of concerns about the way most teacher and principal evaluations work now, including the fact that teachers usually know in advance when a principal will be observing their class.

This is the first year of the statewide survey, which is required by the federal government. Of the state's 295 school districts, 289 completed it.

The survey also asked districts about what kind of rating system they use, how many times teacher and principals are evaluated, and how the results are used.

Linda Shaw: 206-464-2359 or lshaw@seattletimes.com

EXHIBIT A
p. 4

Accountability
for
administrators
not
only
teachers

Tahoma School District No. 409
Maple Valley, Washington

PLEASE USE INK

SERVICES RENDERED

Name Grazyna Prouty

Address 12609 SE 212TH Place

City Kent State WA Zip 98031

Department/Building Assignment TJHS Soc. Sec. # OR Serial # [REDACTED]

| Date | Start Time - End Time | Total Hours | Description (Tasks) Accomplished |
|-----------------|-----------------------|-------------|---------------------------------------|
| <u>Oct 2009</u> | | | <u>TJHS 09/10 Building Leadership</u> |
| | | | |
| | | | |
| | | | |
| | | | |

Account Code: 0100 27 244 20 11
(MUST BE COMPLETED BY SUPERVISOR)

Hourly Rate: _____ X No. of Hours _____ = TOTAL 32.50

Please check one of the following:

Stipend (FLAT FEE)

_____ Per Diem

_____ Other (HOURLY RATE)

_____ Minimum Wage

I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof.

Supervisor / Date

Prouty - 10/09/09
Signature of Claimant/Date

Superintendent or Designee / Date

COMPLETED SERVICES RENDERED FORMS MUST BE TURNED IN BY THE PAYROLL DUE DATE. PAYROLL DUE DATES VARY; PLEASE INQUIRE WITH YOUR BLDG. OFFICE STAFF FOR THESE TIMELINES.

Incomplete forms will be returned and may delay processing.
EXHIBIT A p. 16



BOARD OF DIRECTORS

Alana J. McIalwain
Connie E. Mathven
Johanna P. Nagel
Jennifer C. Rydberg
Joe Vreeburg

Tahoma School District

25720 Maple Valley-Black Diamond Rd. S.E. · Maple Valley, WA 98038 · (206) 432-4481 FAX (206) 432-5792

May 24, 1994

Randy Hammack
27400 132nd S.E. #C-206
Kent, WA 98042

Dear Randy:

This letter is to inform you of my determination that there exists probable cause for your discharge as a certificated employee of the district. The bases for my determination are as follows:

1. You are involved in an intimate relationship outside of school with a female student of the district. The district considers the fostering and maintenance of this relationship inappropriate and unprofessional conduct.
2. Your fostering and maintenance of this relationship is also in direct violation of the terms of the reprimand and warning given you on April 5 at the conclusion of the district's prior investigation of your involvement with this female student. At that time, you were reprimanded both for your involvement with this female student and for having lied to the district in connection with its investigation of that involvement. You were directed to have no further contact with the student on pain of termination. You did not grieve this disciplinary action in any way. While admitting you lied about your contacts with this student, at the time you persisted in the claim that you had engaged in no inappropriate conduct toward her. In light of what I now know about the relationship, I am strongly skeptical that this claim by you was ever true.

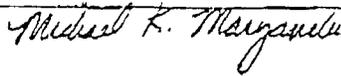
These grounds, both individually and collectively, constitute probable cause for discharge. They reflect unprofessional conduct and insubordination. They undermine my trust and confidence in you.

EXHIBIT A p. 7

Randy Hammack
May 24, 1994
Page 2

Under RCW 28A.405.300 you have ten days from the date of receipt of this notice in which you may request a hearing to determine whether or not there is/are sufficient cause or causes for your discharge.

Sincerely,



Michael K. Maryanski
Superintendent

MR:MKM:bh

EXHIBIT A p. 8

Inclusion Protocol

1. Check teacher websites or email teachers at least a day before the class you will be in to understand the focus of the lesson for the day.
2. Once you understand the focus of the lesson, evaluate it for areas that need to be modified to help your ELL student access the information.
3. Before class create/modify any documents the student will need to help him/her better understand the lesson of the day.
4. Do not bring undue attention to the ELL students when you are in the classrooms (ie. do not sit right next to or behind the ELL student).
5. Become as much a part of the class as you can by listening to the teacher and helping any student that needs help.
6. Any communication with the teacher needs to occur at appropriate times:
 - a. After instruction
 - b. When the teacher is not engaged with other students
 - c. After class or via email (preferred)
 - d. ?
 - e. ?
7. Fill out the logs as required in order to document any modifications you have made to assignments and how you communicated the modifications to the teacher.

This is Tahoma
School District
Inclusion Protocol
(Tahoma never connected - EVIDENCE
missing: inclusion of what? who? when?
where?)
Does not match
the template called
"Improvement Plan"
EXHIBIT A p. 9

Tahoma School District No. 409
Maple Valley, Washington

PLEASE USE INK

SERVICES RENDERED

Name Orszynna Prouty Social Sec. No. [REDACTED]
 Address 12609 SE 212TH PI Dept./Build. Assignment TSHS- ELL
 City Keet State WA Zip 98031 * Mary Pachek

| Date | Start Time - End Time | Hours | Description (Tasks) Accomplished |
|---|-----------------------|------------|--|
| 12/07/2009 | 3:00 - 3:45 | 45 minutes | Mary Pachek, Tony Davis, Bruce Zahradnik, Orszynna Prouty - meeting (TSHS conference room) |
| This is "extra" time. | | | |
| In reality, Ham and Davis with HR eradicated Tahoma High School "class of two students" | | | |

TOTAL HOURS 0.75 hr

Account Code: _____ (MUST BE COMPLETED BY SUPERVISOR) - no enrollment

Hourly Rate: _____ X No. of Hours _____ = TOTAL _____

____ Stipend (FLAT FEE; NO HOURS) \$ _____
 ____ Per Diem _____ & conducted mtgs.
 ____ Other (HOURLY RATE) _____ (Pachek asked me what I would do if she gives me "unsatisfactory evaluation")
 ____ Minimum Wage _____

I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof.

 Supervisor Date Signature of Claimant Prouty Date 12/07/09

 Superintendent or Designee Date

DEC 10 2009

Basic Education Finance Joint Task Force

A G E N D A

December 13, 2007
9:00 A.M.

Columbia Room
Legislative Building
Capitol Campus, Olympia

Basic Education Finance Joint Task Force

Members

Dan Grimm, Chair
Glenn Anderson
House of Representatives
Terry Bergeson
Superintendent of Public
Instruction
Lisa Brown
Washington State Senate
Cheryl Chow
President, Seattle School Board
Laurie Dolan
Director, Governor's Executive
Policy Office
Mike Hewitt
Washington State Senate
Janea Holmquist
Washington State Senate
Ross Hunter
House of Representatives
Bette Hyde
Superintendent,
Bremerton School District
Jim Kowalkowski
Superintendent,
Davenport School District
Skip Priest
House of Representatives
Pat Sullivan
House of Representatives
Rodney Tom
Washington State Senate

Alternates

Kathy Haigh
House of Representatives
Fred Jarrett
House of Representatives

Staff to the Task Force

Roxanne Lieb, Director
Steve Aos, Associate Director
Annie Pennucci, Sr. Research Assoc.

Washington State Institute for Public Policy

110 Fifth Ave. SE
PO Box 40999
Olympia, WA 98504-0999
Phone: (360) 586-2677
Fax: (360) 586-2793

- I. Call to Order, *Dan Grimm, Chair*
 - II. Federal Way School District vs. the State of Washington
Lester "Buzz" Porter, Dionne & Rorick
 - III. Labor Market Projections for Washington State
Paul Sommers, Ph.D., Seattle University
- Lunch
- IV. Washington's School Finance System
Ben Rarick, House Office of Program Research
 - V. Improving the Transparency of the K-12 Funding System
Jennifer Priddy, Office of Superintendent of Public Instruction

Panel Members:

*John Erickson, Vancouver School District, Washington
Association of School Administrators
Bill Freund, Washington Education Association
Kim Howard, Parent Teacher Association
Ken Kanikeberg, Public School Employees of Washington
Doug Matson, West Valley School District, Washington
Association of School Business Officials
Cindy McMullen, Central Valley School District, Washington
State School Directors Association
George Scarola, League of Education Voters*

- VI. Adjournment (approximately 4:00 p.m.)

[http://www.leg.wa.gov/
Joint/Committees/BEF](http://www.leg.wa.gov/joint/committees/BEF)

EXHIBIT B p.1

ART WANG
Chief Administrative
Law Judge



RECEIVED

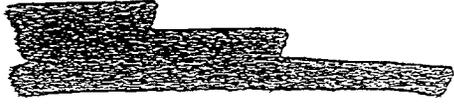
JUL 26 2001

July 23, 2001

OFFICE OF ADMINISTRATIVE HEARINGS

Superintendent of Public Instruction
Legal Services

One Union Square Suite 1500
600 University Street
Seattle WA 98101



Lise Ellner
Attorney at Law
PO Box 2711
Vashon, WA 98070

Sue Walker, Chief Student Officer
Student Support Services
Shoreline School District
18560 - 1st Ave NE
Shoreline, WA 98155-2148

Lester "Buzz" Porter, Jr.
Attorney at Law
2550 Wells Fargo Center
999 Third Ave
Seattle, WA 98104

in re: Shoreline School District - Special Education Cause No. 2001-SE-0021

Dear Parties:

Enclosed please find the Findings of Fact, Conclusions of Law, and Order in the above-referenced matter. This completes the administrative process regarding this case. Pursuant to 20 USC 1415(e) (Individuals with Disabilities Education Act) or ROW 34.05.510-598 (State Administrative Procedure Act) this matter may be further appealed to either a federal or state court of law.

After mailing of this Order the file (including the exhibits) will be closed and sent to the Office of Superintendent of Public Instruction (OSPI). If you have any questions regarding this process, please contact the Legal Services office at OSPI at (360) 725-6133.

Sincerely,

Mary L. Redcliffe
Administrative Law Judge

c: Legal Services, OSPI
Deputy Chief ALJ, Jan Grant
Mary Redcliffe, OAH/OSPI Coordinator

EXHIBIT B p. 2



King County Elections

phone: 206-296-VOTE (8683)
1-800-325-6165
TTY: Relay: 711

web: www.kingcounty.gov/elections
email: elections@kingcounty.gov

At least 18 years old on election day;
Voting only once in this election;
Not ineligible to vote due to a felony conviction; and
Not disqualified from voting due to a court order.

Illegal to forge a signature or cast another person's ballot. Attempting to
vote when not qualified, attempting to vote more than once, or falsely signing
the ballot is a felony punishable by a maximum imprisonment of five years, a
maximum fine of \$10,000, or both.

Print name and date below

Grazyna Z Prouty 08/13/2011
Signature of voter (required) date

Address or phone number (optional, in case there is an issue with your signature)
If you are unable to sign, make a mark in the signature area above. Have
mark witnessed and signed by two people below.

Signature of witness 1 _____ signature of witness 2 _____

16495011 47

1R001
Ballot Return 0411


vote by mail
A power of attorney signature is not valid in Washington State for the purpose of voting.

This envelope is only for:

GRAZYNA Z PROUTY
12609 SE 212TH PL
KENT WA 98031-2282

Election Date: August 16, 2011



EXHIBIT B p.6



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common word

Subr

common word

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- 1. common room
- 2. commonwealth



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EXHIBIT B p. 7



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to file

Subtr

to file

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1. TOEFL
2. Tivoli
3. toffee
4. outfall
5. taphole
6. defile
7. outfield
8. tell off
9. outflow
10. etouffee
11. doleful
12. outlive
13. televiow
14. tee off
15. gefilte



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amazonlocal

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Take Our 10-Question Quiz

Return To School With A Grant. See If You Qualify!

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| | |
|-----------------------------------|----------------------------------|
| <input type="checkbox"/> Under 18 | <input type="checkbox"/> 19-25 |
| <input type="checkbox"/> 26-35 | <input type="checkbox"/> 36-45 |
| <input type="checkbox"/> 46-55 | <input type="checkbox"/> 56-65 |
| <input type="checkbox"/> 66-75 | <input type="checkbox"/> Over 75 |

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Simple But Intelligent Word Choices, Vol. 2

"Pretentious" & More: The Words Most Often Looked Up
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"Balaclava"
After reports of a hoax involving a "collar bomb" ... more »

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EXHIBIT B p. 8

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Attunement

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|----------------------|--------------------|------------------|----------------------|----------|--------|--------------|--------------------------|

attune

Also found in: [Legal](#), [Wikipedia](#)

(redirected from *Attunement*)

Ads by Google

at-tune

tr. v. **at-tuned**, **at-tun-ing**, **at-tunes**

1. To bring into a harmonious or responsive relationship: *an industry that is not attuned to market demands.*
2. *Music* To tune (an instrument).

The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.

attune

vb (tr)

1. to adjust or accustom (a person or thing); acclimatize
2. (Music, other) to tune (a musical instrument)

Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

Thesaurus

Legend: **|** Synonyms **|** Related Words **|** Antonyms

Verb 1. **attune** - adjust or accustom to; bring into harmony with

| adjust, correct, set - alter or regulate so as to achieve accuracy or conform to a standard; "Adjust the clock, please"; "correct the alignment of the front wheels"

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attune

verb **|** accustom, set, accord, tune, adjust, adapt, regulate, coordinate, modulate, harmonize, familiarize, acclimatize *Meditation helps me to attune myself to the patient.*

Collins Thesaurus of the English Language – Complete and Unabridged 2nd Edition, 2002 © HarperCollins Publishers 1995, 2002



to

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EXHIBIT Bp. 9

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ap·pease (ə-ˈpiːz)

tr.v. ap·peased, ap·peas·ing, ap·peas·es

1. To bring peace, quiet, or calm to; soothe.
2. To satisfy or relieve: *appease one's thirst*.
3. To pacify or attempt to pacify (an enemy) by granting concessions, often at the expense of principle. See Synonyms at [pacify](#).

[Middle English *appesen*, from Old French *apesier*: *a-*, *to* (from Latin *ad-*; see *ad-*) + *pais*, *peace* (from Latin *pax*; see *pag-* in Indo-European roots).]

ap·peas·a·ble *adj.*

ap·peas·a·bly *adv.*

ap·peas·er *n.*

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Thesaurus Legend: } Synonyms } Related Words } Antonyms

Adj. 1. **appeasing** - intended to pacify by acceding to demands or granting concessions: "the appeasing concessions to the Nazis at Munich"; "placating (or placative) gestures"; "an astonishingly placatory speech"

placating, **placative**, **placatory**

conciliative, **conciliatory** - intended to placate; "spoke in a conciliating tone"; "a conciliatory visit"

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Link to this page: <http://www.thefreedictionary.com/appeasing>

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EXHIBIT Bp.10

8/5/2011

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file ¹ (fī)

n.

1. A container, such as a cabinet or folder, for keeping papers in order.
2. A collection of papers or published materials kept or arranged in convenient order.
3. *Computer Science* A collection of related data or program records stored as a unit with a single name.
4.
 - a. A line of persons, animals, or things positioned one behind the other.
 - b. A line of troops or military vehicles so positioned.
5. *Games* Any of the rows of squares that run forward and backward between players on a playing board in chess or checkers.
6. *Archaic* A list or roll.

v. filed, fil-ing, files

v.tr.

1. To put or keep (papers, for example) in useful order for storage or reference.
2. To enter (a legal document) on public official record.
3. To send or submit (copy) to a newspaper.
4. To carry out the first stage of (a lawsuit, for example): *filed charges against my associate.*

v.intr.

1. To march or walk in a line.
2. To put items in a file.
3. To make application: apply: *filed for a job with the state; file for a divorce.*
4. To enter one's name in a political contest: *filed for Congress.*

Idiom:
on file
 In or as if in a file for easy reference: *We will keep your resumé on file.*

The injured party does not do it.

[From Middle English *filen*, to put documents on file, from Old French *filen*, to spin thread, to put documents on a thread, from Late Latin *filāre*, to spin, draw out in a long line, from Latin *filum* thread; see *gʰn̥t-* in Indo-European roots.]

file ² (fī)

n.

1. Any of several hardened steel tools with cutting ridges for forming, smoothing, or reducing especially metallic surfaces.
2. A nail file.
3. *Chiefly British* A crafty or artful person.

tr.v. filed, fil-ing, files
 To smooth, reduce, or remove with or as if with a file.

[Middle English, from Old English *fīl*; see *peilg-* in Indo-European roots.]

file ³ (fī)

tr.v. filed, fil-ing, files *Archaic*
 To sully or defile.

[Middle English *filen*, from Old English *fīlan*; see *peil-* in Indo-European roots.]

EXHIBIT B all 8/5/2011

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file¹

n

1. a folder, box, etc., used to keep documents or other items in order
 2. the documents, etc., kept in this way
 3. documents or information about a specific subject, person, etc. *we have a file on every known thief*
 4. an orderly line or row
 5. (Military) a line of people in marching formation, one behind another Compare *rank*¹ [6]
 6. (Group Games / Chess & Draughts) any of the eight vertical rows of squares on a chessboard
 7. (Electronics & Computer Science / Computer Science) *Computing* a named collection of information, in the form of text, programs, graphics, etc., held on a permanent storage device such as a magnetic disk
 8. *Obsolete* a list or catalogue
- on file recorded or catalogued for reference, as in a file

vb

1. to place (a document, letter, etc.) in a file
2. *(tr)* to put on record, esp to place (a legal document) on public or official record; register
3. (Law) *(tr)* to bring (a suit, esp a divorce suit) in a court of law
4. (Communication Arts / Journalism & Publishing) *(tr)* to submit (copy) to a newspaper or news agency
5. *(intr)* to march or walk in a file or files *the ants filed down the hill*

[C18 (in the sense: string on which documents are hung); from Old French *filer*, from Medieval Latin *filāre*; see *FILAMENT*]

filer n

file²

n

1. (Engineering / Tools) a hand tool consisting essentially of a steel blade with small cutting teeth on some or all of its faces. It is used for shaping or smoothing metal, wood, etc.
2. *Rare Brit slang* a cunning or deceitful person.

vb

(Engineering / Tools) *(tr)* to shape or smooth (a surface) with a file

[Old English *fil*; related to Old Saxon *fila*, Old High German *filhala* file, Greek *pikros* bitter, sharp]

filer n

file³

vb

(tr) *Obsolete* to pollute or defile

[Old English *fylan*; related to Middle Low German *vülen*; see *DEFILE*¹, *FILTH*, *FOUL*]

Collins English Dictionary - Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

file⁴ (fil)

A collection of related data or program records stored as a unit with a single name. Files are the basic units that a computer works with in storing and retrieving data.

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File a collection of papers arranged in order; a line, queue, or row of people; animals or things standing or placed one behind each other; a small number of soldiers.

Examples: file of letters, 1666; of slanderous lies, 1581; of newspapers, 1806; of papers, 1525; of soldiers [two deep], 1598.

Dictionary of Collective Nouns and Group Terms. Copyright 2008 The Gale Group, Inc. All rights reserved.

Thesaurus

Legend: **|** Synonyms **|** Related Words **|** Antonyms

Noun 1. file - a set of related records (either written or electronic) kept together

| data file

| computer file - (computer science) a file maintained in



computer-readable form

mug book, mug file - a file of mug shots (pictures of criminals that are kept on file by the police)

record - anything (such as a document or a phonograph record or a photograph) providing permanent evidence of or information about past events; "the film provided a valuable record of stage techniques"

tickler, tickler file - a file of memoranda or notices that remind of things to be done

2. file - a line of persons or things ranged one behind the other

Indian file, single file

snake dance - a group advancing in a single-file serpentine path

column - a line of units following one after another

line - a formation of people or things one behind another; "the line stretched clear around the corner"; "you must wait in a long line at the checkout counter"



3. file - office furniture consisting of a container for keeping papers in order

file cabinet, filing cabinet

card index, card catalog, card catalogue - an alphabetical listing of items (e.g., books in a library) with a separate card for each item

office furniture - furniture intended for use in an office

vertical file - a file in which records are stored upright on one edge



4. file - a steel hand tool with small sharp teeth on some or all of its surfaces; used for smoothing wood or metal

blunt file - a file with parallel edges

flat file - a file with two flat surfaces

haft, helve - the handle of a weapon or tool

hand tool - a tool used with workers' hands

naillfile - a small flat file for shaping the nails

wood file, rasp - a coarse file with sharp pointed projections

rat-tail file - a thin round file shaped like the tail of a rat

round file - a file with a circular cross section; used to file the inside of holes

taper file - a file with converging edges

- Verb 1. file - record in a public office or in a court of law; "file for divorce"; "file a complaint"

register

law, jurisprudence - the collection of rules imposed by authority; "civilization presupposes respect for the law"; "the great problem for jurisprudence to allow freedom while enforcing order"

trademark - register the trademark of; "The company trademarked their new gadget"

register - record in writing; enter into a book of names or events or transactions

2. file - smooth with a file; "file one's fingernails"

smooth, smoothen - make smooth or smoother, as if by rubbing; "smooth the surface of the wood"

3. file - proceed in line; "The students filed into the classroom"

march, process - march in a procession; "They processed into the dining room"

file in - enter by marching in a file

file out - march out, in a file

4. file - file a formal charge against; "The suspect was charged with murdering his wife"

lodge, charge

accuse, criminate, incriminate, impeach - bring an accusation against; level a charge against; "The neighbors accused the man of spousal abuse"

impeach - charge (a public official) with an offense or misdemeanor committed while in office; "The President was impeached"

5. file - place in a container for keeping records; "File these bills, please"

file away

record, enter, put down - make a record of; set down in permanent form

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file¹

noun

1. folder, case, portfolio, binder a file of insurance papers

2. dossier, record, information, data, documents, case history, report, case We have files on people's tax details.

3. document, program to span a file across more than one disk

4. line, row, chain, string, column, queue, procession A file of soldiers, spaced and on both sides.

verb

1. arrange, order, classify, put in place, slot in (informal), categorize, pigeonhole, put

EXHIBIT Bp.13

8/5/2011

in order *Papers are filed alphabetically.*
 2. register, record, enter, log, put on record *They have filed formal complaints.*
 3. march, troop, parade, walk in line, walk behind one another *They filed into the room and sat down.*

file²

verb smooth, shape, polish, rub, refine, scrape, rasp, burnish, rub down, abrade *shaping and filing nails*

Collins Thesaurus of the English Language - Complete and Unabridged 2nd Edition. 2002 © HarperCollins Publishers 1995. 2002

Translations

Select a language: _____

file¹

n file [fail]

a line of soldiers etc walking one behind the other.

v

to walk in a file *They filed across the road.*

in single file

(moving along) singly, one behind the other *They went downstairs in single file.*

file²

n file [fail]

1 a folder, loose-leaf book etc to hold papers.

2 a collection of papers on a particular subject (kept in such a folder).

3 in computing, a collection of data stored eg on a disc.

v

1 to put (papers etc) in a file *He filed the letter under P.*

2 to bring (a suit) before a law court to file (a suit) for divorce.

n filename

the name that someone gives to a computer file.

n filing cabinet

a piece of furniture with drawers etc for holding papers.

file³

n file [fail]

a steel tool with a rough surface for smoothing or rubbing away wood, metal etc.

v

to cut or smooth with a file *She filed her nails.*

n pl filings

pieces of wood, metal etc rubbed off with a file *iron filings.*

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file →

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EXHIBIT Bp.14

file

Did you mean: [Computer file \(technology\)](#), [File \(formation\)](#), [filé](#) (Powdered sassafras leaves), [file](#) (sign language), [File](#) (crossword clue) [More...](#)

American Heritage Dictionary:

file¹

(fil) 

n.

1. A container, such as a cabinet or folder, for keeping papers in order.
2. A collection of papers or published materials kept or arranged in convenient order.
3. *Computer Science*. A collection of related data or program records stored as a unit with a single name.
4.
 - a. A line of persons, animals, or things positioned one behind the other.
 - b. A line of troops or military vehicles so positioned.
5. *Games*. Any of the rows of squares that run forward and backward between players on a playing board in chess or checkers.
6. *Archaic*. A list or roll.

v., filed, fil·ing, files.

v.tr.

1. To put or keep (papers, for example) in useful order for storage or reference.
2. To enter (a legal document) on public official record.
3. ~~To send or submit (copy) to a newspaper.~~
4. To carry out the first stage of (a lawsuit, for example): *filed charges against my associate.*

v.intr.

1. To march or walk in a line.
2. To put items in a file.
3. To make application; apply: *filed for a job with the state; file for a divorce.*
4. To enter one's name in a political contest: *filed for Congress.*

idiom:

on file

In or as if in a file for easy reference: *We will keep your resumé on file.*

[From Middle English *filen*, to put documents on file, from Old French *filer*, to spin thread, to put documents on a thread, from Late Latin *filāre*, to spin, draw out in a long line, from Latin *filum*, thread.]

file² (fil) 

n.

EXHIBIT B p. 15
8/5/2011

1. Any of several hardened steel tools with cutting ridges for forming, smoothing, or reducing especially metallic surfaces.
2. A nail file.
3. *Chiefly British.* A crafty or artful person.

tr.v., filed, fil·ing, files.
To smooth, reduce, or remove with or as if with a file.

[Middle English, from Old English *fil*.]

file³ (fīl) ◀
tr.v. Archaic, filed, fil·ing, files.
To sully or defile.

[Middle English *filen*, from Old English *fylan*.]

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file



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In art and metalworking, bar- or rod-shaped tool of hardened steel with many small cutting edges raised on its surfaces. Files are used for smoothing or forming objects, especially metal. A file's cutting or abrading action results from rubbing it, usually by hand, against a workpiece. The single-cut file has rows of parallel teeth cut diagonally across the workpiece surfaces. The double-cut file has rows of teeth crossing each other. Rasp teeth are cut in a series of parallel rows and round on top; rasp files are usually very coarse and are used primarily on wood and soft materials.

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For more information on [file](#), visit [Britannica.com](#).

[Barron's Marketing Dictionary:](#)

file

Group of records stored together for some common purpose. Large files are usually stored on computers. A file may consist of current customers, subscribers, or donors, or previous customers, subscribers, or donors. Each individual name on a file is contained in a unique record with information pertaining to that person. See *also* file maintenance; mainfile; update.

Barron's Business Dictionary:

file

1. to place material in a given order for accessible retrieval. Items may be arranged alphabetically, numerically, chronologically, geographically, or by subject.

2. collection of stored information. The data in a computer file is stored in such a way that the computer can read information from the file or write information to the file. Personal computers can store files on magnetic tape, floppy disks, or hard disk.

3. to formally submit a document, especially to an office, an agency, or a unit of the legal system. For example, one files an expense account.

Previous: Fifteen-Year Mortgage, Field Staff, Field

Next: File Server, File Transfer, File Transfer Protocol (FTP)

Roget's Thesaurus:

file

noun

A group of people or things arranged in a row: column, line, queue, rank¹, row¹, string, tier. See group.

Antonyms by Answers.com:

file

v

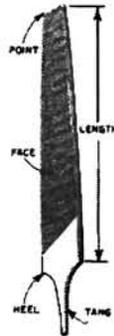
Definition: put in place, order

Antonyms: disarrange, disorder

McGraw-Hill Dictionary of Architecture & Construction:

file

A metal (usually steel) tool having a rectangular, triangular, round, or irregular section and either tapering or of uniform width and thickness, covered on one or more of its surfaces with teeth or oblique ridges; used for abrading, reducing, or smoothing metal, wood, or other materials.



file: nomenclature

West's Encyclopedia of American Law:

File

This entry contains information applicable to United States law only.

A record of the court. A paper is said to be filed when it is delivered to the proper officer to be kept on file as a matter of record and reference. But in general the terms *file* and *the files* are used loosely to denote the official custody of the court or the place in the offices of a court where the records and papers are kept. The file in a case includes the original complaint and all pleadings and papers belonging thereto.

A clerk files a document by endorsing it on the date it is received and retaining it in his or her office for inspection by the parties that it might concern.

Random House Word Menu:

categories related to 'file'

For a list of words related to file, see:

Common Tools and Tool Types - file: steel hand tool with abrasive surface for shaping and smoothing objects

Shaving, Shaping, Sharpening, and Smoothing Tools - file: steel hand tool with abrasive surface for shaping and smoothing objects

Cases, Boxes, and Bags - file: metal or wooden cabinet used to organize stored papers for easy reference

Memory and Data Storage - file: organized collection of data stored under single name



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Grazyna Prouty, Petitioner

Vs.

Tahoma School
Board of Directors, Respondent

REQUEST FOR INFORMATION

Interrogatories and Requests for Production

These Interrogatories and Requests are for Tahoma School District Board of Directors.

I also ask that I receive the response to the questions given to Mike Maryanski addressed to R. Ham and T. Davis separately (November 2009, before he agreed to their letter to put me on probation).

Please use an additional piece of paper if the space provided is insufficient.

Grazyna Prouty

10 pages

EXHIBIT C p.1

Grazyna Prouty, Petitioner

Vs.

INTERROGATORRIES
AND REQUESTS FOR
PRODUCTION

Tahoma School
Board of Directors, Respondent

Interrogatories and Requests for Production

These Interrogatories and Requests are for Tahoma School District Board of Directors, Mike Maryanski's as the Superintendent and the Secretary to the Board, for R. Ham T. Davis, Human Resources, and for the teacher.

I ask that all questions are answered and please indicate if (and whose help was used if the question needed assistance for the reply).

Please use an additional piece of paper if the space provided is insufficient.

EXHIBIT C p.2

5. What process did you implement to follow-up?

6. How many teachers in the Tahoma School District have had the evaluations marked unsatisfactory and under which supervisors during the last five years?

6. List all the certificated teachers you voted to non-renew the teaching contract within the last five years in the Tahoma School District.

7. List all your concerns in regards to unsatisfactory evaluations in the Tahoma school District.

8. When (how many times?) did you authorize the funds for lawyers/any legal assistance in the Tahoma School District in the last five years?

9. Who used these funds, amount in dollars (USD), and the source?

EXHIBIT C p. 4

10. Sketch the budget for ELL and how partitioned/expanded it has been the last five years?

11. What was the turnover of teachers under R. Ham (Tahoma Junior School) and T. Davis (Tahoma High School) supervision during the last ten years?

12. Who approved, when, and why that R. Ham and T. Davis have the access to lawyers?

13. When were you aware that ELL teacher (me) was put on probation?

14. List all your concerns when certificated, endorsed in the specific area of teaching teacher, and on the continuing contract is put on probation.

15. List the concerns in regards to ELL students in the Tahoma School District.

16. List the known turnover of ELL coordinators, your concerns.

EXHIBIT C p. 5

17. List the known ELL teaching experience of ELL coach (es) on the secondary and primary levels.

18. List in detail the criteria for the coach in all the subjects implemented in the last five years in the Tahoma School District.

19. Describe the process for the selection of the coaches in the Tahoma School District.

20. Describe the monitoring of the coaches in the Tahoma School District.

21. Describe the process of accountability of coaches (all areas when implemented) in the Tahoma School District in the last five years.

EXHIBIT C p. 6

22. List all the coaches in TSD in the last five years and the subjects they coached teachers (past and present coaches, coached teachers' names, please exclude sports).

23. Who has verified the Improvement Plans for certificated teachers in the Tahoma School District?

24. List all the Improvement Plans (teachers, subject areas and schools), and their outcome in the Tahoma School District in the last five years.

25. What subject areas and student population have been of your major focus and why in the last five years?

26. What input did you receive after M. Maryanski, the Superintendent and Didem Pierson, the Tahoma Board President attended the GLAD training presented by Issaquah School District?

EXHIBIT C p. 7

36. Who are the drop-out students that start in Tahoma Junior High School and do not continue schooling in Tahoma?

37. How are principals accountable for the drop-out students?

38. List board members qualifications in regards to ELL, culture(s), needs, and how they are connected to the work you have done concerning this population during the last five years.

EXHIBIT C p. 10

39. Who was selected, how, and why to participate in the district technology agenda (called “behind the scenes work”) – list the subject areas and the teachers within the last five years.

Teacher:

How selected:

Why chosen:

EXHIBIT C p. 11

40. How do you monitor all Tahoma School District departments: Teaching and Learning, Special Programs, Human Resources and the agenda, any other?

41. What challenges have you discovered during the last five years in Tahoma and how did you prioritize the implementation for success?

42. When the documentation is addressed to the School Board member who is authorized to open it/respond?

43. Why didn't you respond to the e-mails sent by me? How do you decide whether to respond or not?

EXHIBIT C p12

44. What was your e-mail communication (and purpose) internally and externally during the last five years concerning ELL?

45. What hearings (all – disciplinary, non-renewal, etc.) did you conduct and with whom during the last five years?

46. How did you decide and what you base it on whether to hear a teacher, security officer, etc. or not?

47. Have you requested to examine any employees' personnel files or other files during the last five year and what was the purpose?

EXHIBIT C p. 13

48. How many teachers and who was in the similar situation I have been under the supervision of R. Ham and T. Davis that led to the teacher leaving Tahoma, changing the district, etc. in the last five years?

48. Name one thing you learned or could you apply in your life reading a copy of the book presented by me to the Board Chairman.

50. How and when were you aware and allow the third evaluator Mary Pachek was involved in observing the ELL class I taught? (what contact with Tahoma lawyers).

EXHIBIT C p. 14

The Superintendent M.Maryanski:

1. When did you provide the documents I sent to you to the Board of Directors as the Board Secretary as I requested before you agreed to the probation?
2. Who provided R. Ham and T. Davis with the questions I submitted to you before the probation?

EXHIBIT Cp. 15

To Bruce Zahradnik:

1. Who provided R. Ham and T. Davis with the questions I submitted to Tahoma School District before the probation?

2. When will I be able to examine the files not available to me (T. Davis' and – others)?

3. List all the teachers who were on the Improvement Plan during the last five years in the Tahoma school District.

4. What criteria did you employ while working with R. Ham and T. Davis after you learned how they evaluate teachers in 2008/2009?

5. What criteria did you employ while working with R. Ham and T. Davis after you learned how they evaluate teachers in 2009/20010?

6. List all the teachers who you have had meetings with under R. Ham and T. Davis supervision in the last five years.

EXHIBIT Cp. 16

Teachers:

Tahoma Junior School:

EXHIBIT Cp. 17

Questions after "observations" Rhonda Ham

Please answer in regards to TJS students (Magot – Sp. Ed. student, Claudia – the first year in the USA, came from Mexico).

I am asking for the answers in writing to help in my work.
It is helpful to understand the "value" of collaboration.

I would love if we could talk about it and – we did when you did not "supervise" ELL.

What is the most difficult theme for administrators/other teachers to understand concerning ELL?

1. I gave you 21 page input and asked to follow-up. Why haven't you responded?

I sent 2 presentations "Colors", the flags from students' countries, etc. Please refer to all scanned documents and sent presentations to explain why I cannot teach in your view "colors and shapes."

2. Sue Siren taught the same subject and we both concluded Magot did not know the months of the year. He had a test in Special Ed. class (was not successful).

Only in October, Magot brought a written assignment concerning "months".
Why do you think this student had a lot of difficulties writing them?

3. What was the input I have given you concerning the Placement tests and Diagnostic Test results? Please use your notes and specify concerning every student. Thank you.

4. Why was there "time" for me to give input only towards "The environment" part of your observation?
You changed then to "Approaches" standard although the "observations" state I do not.

5. How do you define "the power struggle"?

When have you influenced the student reading more?
Was it a "power struggle"? Why yes or why not?

EXHIBIT Cp. 18

GP

6. Maury stated to me that Magot stays at school three times a week. What does he do? Who helps him? He has not had the homework in other classes, including mine. Please refer to the grades.

7. Why would Magot fail (e.g. Science if he is level 3 ELL student?).

8. What is the plan for Magot's course of study?

9. What was the plan for Lewis L [REDACTED] course of study?

10. What was for Angelina course of study?

11. What was and is the course of study for Tonya W [REDACTED]?

12. Why was Angelina in Language! Program?

Why did you want her to learn "ELL parts in the Language! Program?"

13. Why was Lewis L [REDACTED] in Language! Program?

Why did you want him to learn "ELL parts in the Language! Program?"

14. Why was not Tonya W [REDACTED] in Language! Program?

Do you think Tonya W [REDACTED] had higher language skills than Angelina and Lewis?

15. Why was Francisco V [REDACTED] successful in math in TJS?

16. Why was Juan G [REDACTED] successful?

17. Why were you "flooding" the e-mails before the Open House using the language "for clever purposes" – subordinate clause.

Please show Mr. Maryanski the "subordinate clause" and – the e-mail.

How many people do know what "subordinate clause is" I did ask staff members in TJS. They had no clue. Why did you use it instead of "direct communication?"

Could you please look up how many e-mails you have written not responding directly?

In relation to that – how many e-mails did you write concerning "Parent Teacher conferences?"

Why?

EXHIBIT C p. 19

CP

18. How did you choose the Keystone Program Building Bridges?

19. How did you choose the Language! Program?

Another Program available for ELL: Keys to Learning. Why didn't you pick e.g. Keystone Keys to Learning?

20. Why was I not asked what material was appropriate for the students I am (was) to teach?

Why was my input not valued?

21. What did you plan to accomplish placing Angelina, Lewis in Language! Program? (half-an hour every other day?)

22. What did you plan to accomplish placing Claudia, Magot in Building Bridges Program?

Why didn't you place Alondra in the ELL class?

23. Why didn't you choose other sections than ELL in the Language! Program to teach?

24. What did you learn from Language! Program when you chose Building Bridges (Keystone)? What is the connection?

25. Why are you not making notes when I answer the questions?

The summary of the notes you showed me did not reflect what was going on in the class. Why?

26. Two people do not think alike.

How different are your observations from Tony's?

27. What did you do differently preparing ELL logs? What did you plan to accomplish?

28. Since the approach to logs is the same, why are you doing something that does not have results due to the faulty planning?

29. How did you prepare to supervise ELL?

30. In relation to your observation on 10/26/2009, Classroom management: please relate to Magot not writing anything (blank papers) on the TSD Assessment. Why is Magot writing in my class (with any kind of pencil) and not on the assessment.

EXHIBIT Cp. 20

GA

31. Why was he breaking the pencil when you came (he has not done it before). Do you talk to him? Why?

Previous “talks” have had detrimental effects on students (Lewis L ~~XXXX~~ did nothing, especially in Mr. Cross’ science class.

Can you find a connection?

What was Mr. Cross’s input?

What did you learn?

Magot, Lewis L ~~XXXX~~, and Majok are all family.

How different the two students (TJS) are?

32. The input you write in observed areas lack specifics. They are not only aligned with standards but not what I do.

Example:

10.26.09 Rhonda Ham has a lesson plan scanned. Please refer to it. Please specify what in “Instruction and Classroom Practices” means

“the level of the lesson is below the level of the students”

Why do you place the statements without specific explanations? If the level of the lesson is below the students, it suggests

- you have chosen inappropriate materials
- you assume* that students know it (how do you know)? – please refer to question 2 when both teachers – me and Ms. Siren give you (if you asked) – Sue Siren has the quiz on file that Magot did not know the months.

Do you know how long it took him to learn them?

* assuming does not work for ELL. Why?

33. 10.26.09 What does it mean: “Using the GLAD background knowledge concept was ineffective.

It is in the section “Lesson Planning and Design.”

- what is GLAD background knowledge?
- how is it different from “background knowledge”?
- why did you specify GLAD? What is GLAD?

The lesson plans were developed during the meeting with Carol Banks. You have all them scanned.

EXHIBIT C p.21

CP

What pre-assessment do you have in mind? Tell me what I said and what/how students responded.

34. 'There was no application of assessment to determine appropriate levels.

It is non-specific. It does not apply to TJS class and definitely not to the class on that day. Please refer to the lesson plan scanned and specify what you mean. Again, please reference to question 2.

In every lesson I use assessment and especially for TSHS I not only modify lessons, but sometimes I modify again – of the “modified” lesson.”

35. Continuing the same day observation: the statement:

“What specific information have you used from the diagnostic test you gave to the students to determine what lessons you should be teaching to the students”?

- please refer to the notes from the meeting and state what I answered.

During the meetings, you concentrate on my writing and comment on that. Thanks to my notes, I know I answered the question.

Because neither you nor Tony take notes of the meeting. (you write only the summary).

The meeting is sometimes an hour and you say that you did not hear anything – how is it possible?

- as an example: teaching “details” applied to all the lessons I taught.
- do you suggest that I need to start the book e.g. on p. 22 or – in the middle – why?

Do you infer that teaching from the beginning is not developmentally appropriate?

Please refer to question 2.

36. Why do you call GLAD and SIOP “techniques”? What techniques do you have in mind?

37. What does it mean “interrupt” students in “inclusion?”

Please reflect on the Protocol you have given – why would it suggest the exclusion?

37. If you state (10.26.09) on the observation: “you did not demonstrate any modifications”, please specify the modifications you are looking for.

EXHIBIT C p. 22

af

Thank you for answering these questions and the input (21 pages) you received on October 8, 2009 from Tony as he did not shared earlier – colors and shapes.

During the meetings, I see you sometimes clenching the teeth and getting impatient as if I was “disposable” and was wasting your time.
“You leave now! The meeting is over! – the last words I heard.

It hurts me.

EXHIBIT C p. 23 of

Questions after “observations” Tony Davis

Please answer in regards to TSHS students (Majok – Sp. Ed. student (you did not know that Majok was Sp.Ed student, neither R. Ham)
Raily – the first year in the USA, came from Honduras).

I am asking for the answers in writing to help in my work.
It is helpful to understand the “value” of collaboration.

1. Did you “assume” that Majok and Raily knew colors, shapes, months, days of the week, etc. Why could you take it for granted?
2. Two people do not think alike.

How different are your observations from Rhonda’s?

3. When have you influenced the student reading more?
Do you know the book “Why are All the Black Kids Sitting in the Cafeteria Together?”

Have you read it? Would you connect to it or not? Why?

3. Why doesn’t Majok have any Science classes if he is level 3 ELL student and he needs them to graduate?

He asked you three times in front of me and went to the counselors. You said “NO”.
Why?

4. What was the input I have given you concerning the Placement tests and Diagnostic Test results? Please use your notes and specify concerning every student. Thank you.

5. What is the plan for Majok’s course of study? Does it secure his graduation (12th grader)?

6. Why was Francisco Valencia successful in math in TJS? Why is Francisco Valencia successful in math in TSHS? What strategies has Ms. Prouty used?

7. Why was Esmeralda S. successful in math in TSHS?

8. Why was Angel B. staying out of trouble in relation to the previous year (discipline problems, etc.)?

9. What did you learn from Language! Program when you chose Building Bridges (Keystone)? What is the connection?

EXHIBIT C p. 24

10. Keys to Learning (another Program available for ELL). Have you looked at it?
What did you like?

11. Why was I not asked what material was appropriate for the students I am (was) to teach? How do you value my input?

11. The summary of the notes you showed me did not reflect what was going on in the class. Why?

13. Two people do not think alike.

How different are your observations from Rhonda's?

14. What did you do differently preparing ELL logs? What did you plan to accomplish?

15. Since the approach to logs is the same, why are you doing something that does not have results due to the faulty planning?

16. How did you prepare to supervise ELL?

17. In relation to your observation on 10/26/2009, Classroom management: please relate to Magot not writing anything (blank papers) on the TSD Assessment. Why is Magot writing in my class (with any kind of pencil) and not on the assessment.

18. Why was he breaking the pencil when you came (he has not done it before). Do you talk to him? Why?

Previous "talks" have had detrimental effects on students (Lewis ~~L~~ did nothing, especially in Mr. Cross' science class.

Can you find a connection?

What was Mr. Cross's input?

What did you learn?

Magot, Lewis ~~L~~, and Majok are all family.

How different the two students (TJS) are?

19. The input you write in observed areas lack specifics. They are not only aligned with standards but not what I do.

Example:

20. On 10.26.09 observation - Please specify what "the level of the lesson is below the level of the students" means. In the section:

EXHIBIT C p.25

“Instruction and Classroom Practices”

21. You said that Rhonda writes the observation answers. I suggested that you do them separately – again: because two people do not think alike.

You and her were unanimous: “It will never happen! It will never happen!”

Why?

22. Why do you place the statements without specific explanations? If the level of the lesson is below the students, it suggests

- you have chosen inappropriate materials
- you assume* that students know it (how do you know)?

Do you know how long it took Majok and Raily to write them?

* assuming does not work for ELL. Why?

23. 10.26.09 What does it mean: “Using the GLAD background knowledge concept was ineffective.

It is in the section “Lesson Planning and Design.” (What is GLAD background knowledge? How is it different from “background knowledge”? Why did you specify GLAD? What is GLAD?

The lesson plans were developed during the meeting with Carol Banks. You have all them scanned.

What pre-assessment do you have in mind? Tell me what I said and what/how students responded.

If summary of the notes is insufficient, please make meeting notes. Thanks.

24. ‘There was no application of assessment to determine appropriate levels.

It is non-specific.

In TSHS I not only modify lessons, but sometimes I modify them again – starting with the “modified” lesson.”

25. Continuing the same day observation: the statement:

“What specific information have you used from the diagnostic test you gave to the students to determine what lessons you should be teaching to the students”?

Please refer to the meeting notes and state what I answered.

During the meetings, you concentrate on my writing and comment on that.

Notes do help me.

25. Did you suggest that I need to start the book further along, e.g. on p. 30? Why?

Do you infer that teaching from the beginning is not developmentally appropriate for TSHS students?

EXHIBIT Cp. 26

26. What GLAD and SIOP “techniques” do you have in mind in the observation statements?

27. Please review the “Inclusion Protocol”. Was it intended for mute-deaf teacher and students? Why one may think so? How will you persuade me it is not the case?

28. In reference to the statement “you did not demonstrate any modifications”, please specify the modifications you are looking for - 10.26.09 observation:

29. Why were you “flooding” the e-mails before the Open House in September 2009 and you failed to explain if I was to come or stay at home?

Please look up how many e-mails you have written by not responding directly?

In relation to that – how many e-mails did you write concerning “Parent Teacher conferences?” NONE? Why?

And – I came. They were not necessary?! Why then, did you write the previous ones?

30. Why were you “flooding” the e-mails in regards to the keys (file cabinet and the cupboard) and you failed to give it to me even after the Superintendent called you?

Please look up how many e-mails you have written not responding directly? Please state how long it proceeded?

In relation to that – how many e-mails did you write concerning the keys this year?

31. Why were you “flooding” the e-mails in regards to the “Snow make-up day – 3.5 hours?

32. What did you plan to accomplish in choosing the logs documentation (how are you going to use it)? Why is it useful? Short-term?

33. What did you plan to accomplish in choosing a program when you did not know who the students will be?

34. What did you learn about ELL, Keystone programs, Language! during the last two years?

35. What do you know about the needs of ELL students in TSHS (consider the input).

EXHIBIT C p.27

Your recent expression is: "I take exception to that". It tells me nothing.
One of the Thinking skills is "elaboration".

Please answer the question with this in mind. Thank you.

Moreover, I put a lot of time and effort so you have the input. Now, I need yours since during the meetings as above: the expression: "I take exception to that" tell me nothing.

The input and the follow-up on October, 2, 2009 21- page paperwork will allow your help what I taught, especially because Rhonda Ham left the class.

You were the only one observing.

Before you "supervised" ELL you were sharing "how difficult area it was and that you did not understand how these students learn the language.

What is the most difficult theme for administrators/other teachers to understand concerning ELL?

I put a lot of time and effort for you to reflect. You said it did not make sense, and – "it's crap!"

On other occasion (a pattern: happened before: "It's crap" or "You are dishonest"

It diverts the attention what I want to hear.

I want to clarify: I was not born to say "crap".

I have not heard before from anybody that I said (as above).

What I do makes sense.

If I understood correctly during the last meeting, you attempted to say that it was me who said the above but – "crap" is not in my vocabulary.

EXHIBIT C p. 28

Presented to Grazyna 10:05 a.m.
3/5/2010



Central Services Center

25720 Maple Valley-Black Diamond Road S.E. • Maple Valley, WA 98038 • 425.413.3400 • Fax 425.413.3455
Web address: www.tahoma.wednet.edu

March 5, 2010

Ms. Grazyna Prouty
Tahoma Senior High / Tahoma Junior High

RE: Determination of Probable Cause For Nonrenewal

Dear Ms. Prouty,

You are hereby given notice that I have determined that probable cause exists not to renew your employment contract with the Tahoma School District for the ensuing school year. This determination is based on the unsatisfactory evaluation of March 4, 2010, and your failure to sufficiently demonstrate improvement in performance during your probationary period. Specifically, you have failed to meet satisfactory levels of performance in the following evaluation categories identified in your plan for improvement:

1. Classroom Management.
2. Instructional & Classroom Teaching Practice.
3. Lesson Planning and Design.
4. Assessment.
5. Professional Development and Responsibilities.

EVIDENCE
?

Pursuant to RCW 28A.405.210, you have a right to request a hearing before an independent hearing officer to determine whether there is sufficient cause for nonrenewal of your contract. To obtain such a hearing, you must file a written request with the President, Chair, or Secretary of the Board of Directors of the Tahoma School District within ten (10) days of the receipt of this notice. If a timely request is made, a hearing will be provided pursuant to the procedures set forth in RCW 28A.405.310, a copy of which is enclosed.

↓ deadline lacks - day, month, year

Pursuant to RCW 28A.405.100, I have determined that a reassignment for the remainder of the school year is not possible and you are hereby placed on paid leave for the balance of your contract term. While you are on paid leave, you are not permitted to return to the grounds of the Tahoma School District, except for meetings which are scheduled and approved in advance by a District administrator. Please coordinate with Bruce Zahradnik to retrieve any personal property you may have at either of your assigned schools and to return any keys or other District property in your possession.

How-service?

Sincerely,

Michael K. Maryanski
Michael K. Maryanski, Superintendent

Tahoma's EXHIBIT C

EXHIBIT C p.29

of Appeals

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

Grazyna Prouty

Plaintiff/Petitioner,

vs.

Tahoma School
Board

Defendant/Respondent.

COA 66204-0

NO. 10-2-12633-3 [] SEA
(10-2-154256-) ~~X~~ KNT

Completed Template is attached.

by R. Ham & Tony
Davis - called "Improvement
Plan".

- there was no training on secondary level
- nothing to improve except bullying in Tahoma when Rhonda Ham and Athletic Director violate certificated teacher(s).

GRAZYNA PROUTY - PLAN FOR IMPROVEMENT

- WHY? - Supervisors PILOT ELL

The following plan identifies: It was clear WHY Ham & Davis did not value any input - their strategy: Improvement Plan, probation, etc.
 • performance problems discussed in the formal evaluation delivered on October 26, 2009;
 • expectations for acceptable performance during the period of probation (from Standards for Quality Teaching and Learning, as negotiated between the District and the Association); and
 • assistance to be offered during the period of probation.

former principal
 L Sp. Ed

Carol Banks

"appointed" by HR
 - no ELL knowledge

Each type of assistance is discussed in greater detail at the end of the document.

EXHIBIT 1

Classroom Management

| Deficiency | Acceptable Performance | Assistance Offered |
|---|---|---|
| <p>1. Teacher loses instructional time because lesson materials are not organized prior to class; teacher does not appear to know what topic or activity comes next in lesson plan.</p> | <p>Establish management practices that result in minimal loss of instructional time by developing routines to handle lesson materials and supplies.</p> | <ul style="list-style-type: none"> Observation and Feedback Coaching and Mentoring Template and Example of Lesson Plan Feedback and Review of Lesson Plan |
| <p>2. Teacher engages in unnecessary power struggles with students.</p> | <p>Respond to behavior in a manner that is appropriate, successful and demonstrates respect for student.</p> | <ul style="list-style-type: none"> Feedback and Review of Lesson Plan |

Handwritten notes: Ham, Davis did not know manual; students' needs; I meet; only copied; I was asked to copy; non-existent; to engage; Ham, Davis vocab. - Magot & Claudia - no problems "struggles"

Instructional and Classroom Teaching Practice

| Deficiency | Acceptable Performance | Assistance Offered |
|--|--|---|
| <p>3. Teacher primarily utilizes fact-based questions.</p> | <p>Mediate student thinking through questioning strategies, thinking skills and Habits of Mind applications.</p> | <ul style="list-style-type: none"> Observation and Feedback Coaching and Mentoring Template and Example of Lesson Plan Feedback and Review of Lesson Plan Written Resource |
| <p>4. Teacher instructs below current developmental level of student.</p> | <p>Differentiate instruction by monitoring and modifying content and skills.</p> | <ul style="list-style-type: none"> Template and Example of Lesson Plan Feedback and Review of Lesson Plan |
| <p>5. Teacher fails to modify instruction based on whether students understand the instructional goal.</p> | <p>Consistently check for student understanding.</p> | <ul style="list-style-type: none"> Feedback and Review of Lesson Plan |
| <p>6. Teacher chooses ineffective instructional activities for the learning objectives of the lesson.</p> | <p>Employ a wide variety of active processing strategies to engage students in learning.</p> | <ul style="list-style-type: none"> Written Resource |

Handwritten notes: No placement tests; KeyStone I taught; Inclusion Logs; KeyStone NEW; Tahomica; Magot did not know days of the week; Ham & Davis; NOT know or practice "habits of mind"; collaboration non-existent; Did not happen; Ham, Davis copied from the STOP book; (enclosed in brief); No feedback; Proedges

Ham & Davis - lack of cultural competency
 appointed supervisors: Teaching and Learning

Lesson Planning and Design

| | Deficiency | Acceptable Performance | Assistance Offered |
|----|--|---|--|
| 7. | Teacher fails to include clear instructional objectives for pull-out class lesson plans. - all Lesson Plans on file - Tuhon | Design lessons with clear objectives focusing on concepts, skills and strategies. | <ul style="list-style-type: none"> ↓ all copied below N/A - appointed coach • Observation and Feedback • Coaching and Mentoring • Template and Example of Lesson Plan • Feedback and Review of Lesson Plan • Written Resource |
| 8. | Teacher fails to design modifications that serve the instructional objectives of regular education inclusion classes. Modifications on as needed basis - LCC | Design lesson modifications to serve the instructional objectives of the regular education inclusion class. | <ul style="list-style-type: none"> • Observation and Feedback • Coaching and Mentoring • Template and Example of Lesson Plan • Feedback and Review of Lesson Plan • Written Resource |
| 9. | Teacher fails to utilize assessment data to make instructional decisions. | Incorporate reflection and assessment results in instructional decision to improve future lessons. | <ul style="list-style-type: none"> • Observation and Feedback • Coaching and Mentoring • Template and Example of Lesson Plan • Feedback and Review of Lesson Plan • Written Resource |

wanted to apply in Special Ed.

↓ No placement tests
No participation in annual WLPT II - state test because of my accent

Assessment

| | Deficiency | Acceptable Performance | Assistance Offered |
|-----|--|--|---|
| 10. | HR & Ham & Davis as soon as they ↓ were supervisors Teacher fails to utilize assessments to monitor student learning and set future goals. did NOT allow me to do WLPT II - state assessment | Frequently monitor student learning using rubrics, performance assessments, objective tests, portfolios, and student self-reflections. | <ul style="list-style-type: none"> • Observation and Feedback • Coaching and Mentoring • Template and Example of Lesson Plan • Feedback and Review of Lesson Plan • Written Resource |

Professional Development and Responsibilities

| | Deficiency | Acceptable Performance | Assistance Offered |
|-----|---|---|---|
| 11. | Teacher challenges and disputes feedback, and refuses to respond to questions during performance discussion. → NO DISCUSSION | Use feedback for the purposes of self-reflection and goal setting. | <ul style="list-style-type: none"> • Observation and Feedback • Coaching and Mentoring • Template and Example of Lesson Plan • Feedback and Review of Lesson Plan |
| 12. | Teacher fails to practice effective SPACE communication skills (e.g., paraphrase, use accepting language, ask clarifying questions, and provide evidence to communicate perspective). ↑ | Practice effective SPACE communication skills. ↑ Template - not specific to ELL | |

No problems in students understanding or organization

copied by Ham & Davis so they can use for any teacher.

EXHIBIT R p. 2

Why did Tahoma School Board appropriate the funds to defend administrators?

| | | | |
|-----|---|---|---|
| 13. | Teacher challenges decisions and makes demands of colleagues; teacher disrupts classroom during instructional time. | Access available resources and personnel to support students. | "The failure of evaluator to supervise or cause the evaluation or supervision (...) sufficient cause for non-renewal of such evaluator's contract." |
|-----|---|---|---|

Internally in Tahoma: "power struggle" Regular Observation and Feedback

Assistance Offered to Ms. Prouty ↑ RCW 28A.405.300 | such evaluator's contract. RCW 28A.405.210

HR & MIKE Manyanski: June 2009 - they had problems communicating re: 100% "unsatisfactory"

Tony Davis and Rhonda Ham will formally observe Ms. Prouty's performance a minimum of once every two weeks, and will gather additional data through informal observation and review of the documents described below. Mr. Davis and Ms. Ham will have a standing appointment with Ms. Prouty each Monday with the exception of holidays during her planning time before her classroom instruction time to share feedback on Ms. Prouty's progress toward meeting the expectations stated in this Plan for Improvement.

Independent Observation she knew Zahradnik, Manyanski, Ham, Davis, etc. → Many Pachek came as the 3rd evaluator (the law permits 2 eval.). She was former HR in Tahoma. The District will hire an outside consultant to complete at least two independent formal observations in Ms. Prouty's class. The outside consultant will provide a summary report and the gathered data from these observations to Ms. Prouty, Mr. Davis and Ms. Ham for their review of Ms. Prouty's progress toward meeting the expectations stated in this Plan for Improvement.

Coaching and Mentoring

Ms. Carol Banks will provide coaching and mentoring to Ms. Prouty. Ms. Banks will complete an informal observation of Ms. Prouty's class a minimum of once every two weeks. Additionally, Ms. Banks will have a standing bi-weekly appointment with Ms. Prouty to provide feedback on the informal observations and on any lesson plan or instructional work submitted by Ms. Prouty for review. - not done, Sp.Ed. is not ELL although the students were qualified as Sp.Ed. (TJS: R. Ham) evaluated but no coaching - not ELL knowledge. collaboration: C. Banks

Template and Example of Lesson Plan

The District has already provided to Ms. Prouty a template which includes the necessary elements of an effective lesson plan for the ELL curriculum, including instructional objectives and inclusion lesson modifications. Mr. Davis and Ms. Ham will provide to Ms. Prouty at least two example lesson plans that include the necessary elements of an effective lesson plan, including instructional objectives and inclusion lesson modifications.

It is insufficient to possess the template for the teacher's "Improvement Plan". Tahoma does not have ELL SLOP Training (trainer) that wanted to implement on secondary level. Prouty

EXHIBIT 9 p. 8

Lesson Plan Review and Feedback - NO EVIDENCE - only reading what supervisors wrote piloting ELL.

On each Monday, Ms. Prouty will submit copies of her daily lesson plans for the week to Mr. Davis and Ms. Ham. If Ms. Prouty is absent on a Monday, she will submit the copies upon her return. Mr. Davis and Ms. Ham will review the lesson plans and compare to the expectations stated in this Plan for Improvement. Their review will be shared with Ms. Prouty at the next weekly meeting between Ms. Prouty, Mr. Davis, and Ms. Ham.

Written Resource

All copies of Lesson Plans on file in Tahoma. No ELL knowledge of ^{Keystone} SIOIP - Ham & Davis ^(spousured)

Mr. Davis and Ms. Ham have already provided to Ms. Prouty a copy of Making Content Comprehensible for English Learners, the SIOIP Model which addresses the subject of Instructional Practices, lesson Planning and Design, Assessment.

↓ As in Thom Rohm's case: "They gave me a book and wanted me to train others", Ham & Davis obtained the book

↓ receipts / on file: Tahoma - when the above mentioned book was purchased.

IMPORTANT / CRUCIAL as Tahoma "qualified" teachers a year or two earlier on the basis of "classroom Instruction that Works for English Language Learners" submitted by me in the Notice of Appeal & for Hearings in May 2010 they were without oral argument. J. Decker

EXHIBIT B p. 4

Safe
environment

Notice of Appeal:
Relief - clear
ACTION PLAN

Continuation here is short:

Tahoma School District receives these documents with the Notice of Appeal to prepare the Action Plan (end of April 2010 to the end of August 2010 - 5 months) and involve new stakeholders to build it (the study what the Inclusion is as a start).

Please do not waste resources, precious time, and lives of students, and - staff.

This case is about the Boards looking beyond the entitlement and status quo.

Three years ago both WEA and Tahoma School District were going to bring outside help.

None of the parties wanted it as now none of the parties wanted an open hearing (neither school district nor WEA).

It did not happen and it is overdue.

Two years ago I filed three or four grievances. Three Rs continued (rumors, railroading, and ruthlessness).

This matter is beyond an opportunity for OPEN hearing and the contract.

According to 28A.405.300 in the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status".

This matter is about serving students to prepare them for the 21st century.

The School District prefers to use lawyers than the free input it received after Dr. Stowitschek left while the students were demanding other Program and supplier from me.

All file records, all my input records given will give an enormous insight what needs to change so the students are ready for the 21st century.

RCW 28 A.405.240: the district failed to give a supplemental contract to me to meet the requirements Teaching and Learning set forth to accomplish. The district eradicated the class of two students in TSHS so they set time for weekly meetings that took the teaching time to satisfy the Teaching and HR goals so three evaluators come to do the paperwork.

That is why Tahoma School District is an excellent example what must be done to lead the students in that direction.

Tahoma will start with Inclusion, trainings since has non-existent staff development benefiting a few (not because of lack of resources).

EXHIBIT FP.2



District Home | Contact | Directions

About the District Our Schools Student Learning Programs & Services Community Employment

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- Instructional Technology
- Classroom Web Sites
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 - BoardDocs
 - Board Schedule
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 - Board News
 - Board Goals
- District News
- Budget
- Financial Services
- District Leadership
- Contact Information
- Maps & Directions
- Emergency Information
- District Calendars
- School surplus

Board of Directors: Board Members

Contact the Tahoma School Board:

- Tim Adam:**
Tadam@tahomasd.us
- Bill Clausmeyer:**
Bclausme@tahomasd.us
- Mary Jane Glaser:**
Mglaser@tahomasd.us
- Tami Henkel:**
Thenkel@tahomasd.us

Didem Pierson:
Dpierson@tahomasd.us

President
↓
never responded



Back row, from left: Bill Clausmeyer, Mary Jane Glaser, Tim Adam

Front row: Didem Pierson, Tami Henkel

to anything - who is

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the person authorized to "file"
- she has no office.

Some of the documentation
delivered to Didem Pierson
personally.

Didem Pierson failed to state
if she "filed" and - when.

EXHIBIT G p. 1

Lower level courts (e.g. district court) give the Petitioner (Plaintiff) information in regards to the appeal. (Also, detailed information to the party for whom the ruling was unfavorable).

The Superior Court in Kent – Hon. Bruce Heller did not inform about the appeal (in opposite to Exhibit A p. 2) – the District Court (lower level court: “pending any appeals” – the party for whose the ruling was unfavorable received more detailed information concerning the appeal process).

The Office of Administrative ^{Appendix} Hearings (Exhibit ^{B 2} A p. ~~3~~) states where the appeal can take place and that the process can be further explained in the OSPI (the Office of the Superintendent of Public Instruction).

RETURN OF EXHIBITS

ALL ADMITTED EXHIBITS WILL BE HELD IN THE CLERK'S OFFICE FOR A 30 DAY PERIOD PENDING ANY APPEALS. IF YOU WOULD LIKE YOUR EXHIBITS RETURNED TO YOU AFTER THIS 30 DAY PERIOD HAS EXPIRED, PLEASE SUBMIT YOUR REQUEST IN WRITING. ONCE YOUR WRITTEN REQUEST HAS BEEN RECEIVED, THE COURT WILL THEN NOTIFY YOU WHEN YOUR EXHIBITS ARE AVAILABLE FOR YOU TO PICK UP.

ALL UNCLAIMED EXHIBITS OVER 60 DAYS OLD SHALL BE DESTROYED.

EXHIBIT @ p. 2



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0 COMMENTS

Tahoma School Board tackles budget

By KRIS HILL
Covington Reporter News
Mar 26 2009

Joe Vreeburg has never dealt with an economic crunch quite like the one the Tahoma School Board is trying to get a handle on now.

Vreeburg is president of the board this year and has served on the board for more than a decade.

"We're affecting people's lives," Vreeburg said. "This is my 16th year and we've never had anything like this. This is new ground."

Last year the school board came in on the budget planning process earlier than ever. Bill Clausmeyer, the president at the time, told The Reporter last summer that the gap between what the state would fund and what it required districts to do would grow "and that all districts will have to dig deeper."

This year the board asked administrative staff to look at making more than \$3 million in cuts in the 2009-2010 budget, which according to district officials, is based on Gov. Chris Gregoire's projected budget as well the district's revenue projections.

A committee of school administrators has been crunching the numbers while reviewing the general fund budget, which covers daily operations, to find places to cut or ways to increase cash flow.

So far the public and the school board have been left in the dark while the committee works on developing its proposal for reduced spending up to \$3.35 million. Those findings will be presented to the school board and community leaders at a meeting April 13.

From there the school board will have three work sessions April 15-17 to process that information which will be followed by a trio of public meetings slated for April 21-23. The plan is to adopt a final budget on May 5.

The board has identified eight criteria, which Vreeburg wouldn't identify in an effort to maintain objectivity in the process he explained, with certain criteria holding greater weight than others in the budget reduction process.

"Right now, we're not sure how much we're really going to have to cut and we won't know for at least another month," Vreeburg said. "The whole idea is that we would take potential cuts and run them through and weigh them against our criteria."

Vreeburg said this will be difficult because the Tahoma School District is already "a pretty austere district."

"There's not a lot of cuts to be made," he said. "We want to be objective as possible when we consider cuts. We've put a process in place to try to minimize emotion. You're never going to be able to eliminate emotion when you're talking about people's children."

A key piece of the process will be making sure residents will have an opportunity to have their say in the process, Vreeburg said, as well as have a grasp on what cuts will be made and why.

Vreeburg said that this has been a growth experience for the five member school board which he explains is trying to "protect the core values of the school district."

"It's an evolution," he said. "What has changed is we've more formalized the process. There's a fine line between saying we're here to do this job and here's what we did versus trying to gather the feedback, receive that feedback and not take the wheels off this system."

It is possible that teaching positions could be reduced but Vreeburg said the board would like to keep that to a minimum. The primary reason the budget has to be adopted by May 5 is to give enough time for staff to work with the changes.

"The people that are going to be most upset are the ones whose programs or projects are eliminated for budgetary reasons," Vreeburg said. "What we're trying to minimize is elimination of teachers. How do you do that? How do you minimize that when you're already running a tight organization?"

Tahoma School District officials have set up a 2009-2010 budget section on its Web site. There is an explanation of the process, a discussion board where suggestions can be offered — after they are screened — as well as a calendar of upcoming meetings related to the budget process.

<http://swift.tahoma.wednet.edu/csc/budget/index.php>

RELATED STORIES

- Covington & Maple Valley Reporter
 - Tahoma School Board meets
 - Tahoma schools make budget decisions
 - Tahoma school board considers leases
 - Tami Menkel best bet for Tahoma School Board
 - Tahoma School Board candidate forum set for Oct. 5

South King County

- None at this time

NEWS BLOGS

- Lights & Sirens
 - Police and fire news from around Covington, Maple Valley, and beyond
- News Notes
 - The news and notes from around Covington, Maple Valley, and beyond

EXHIBIT GP.3

Communication with All Stakeholders

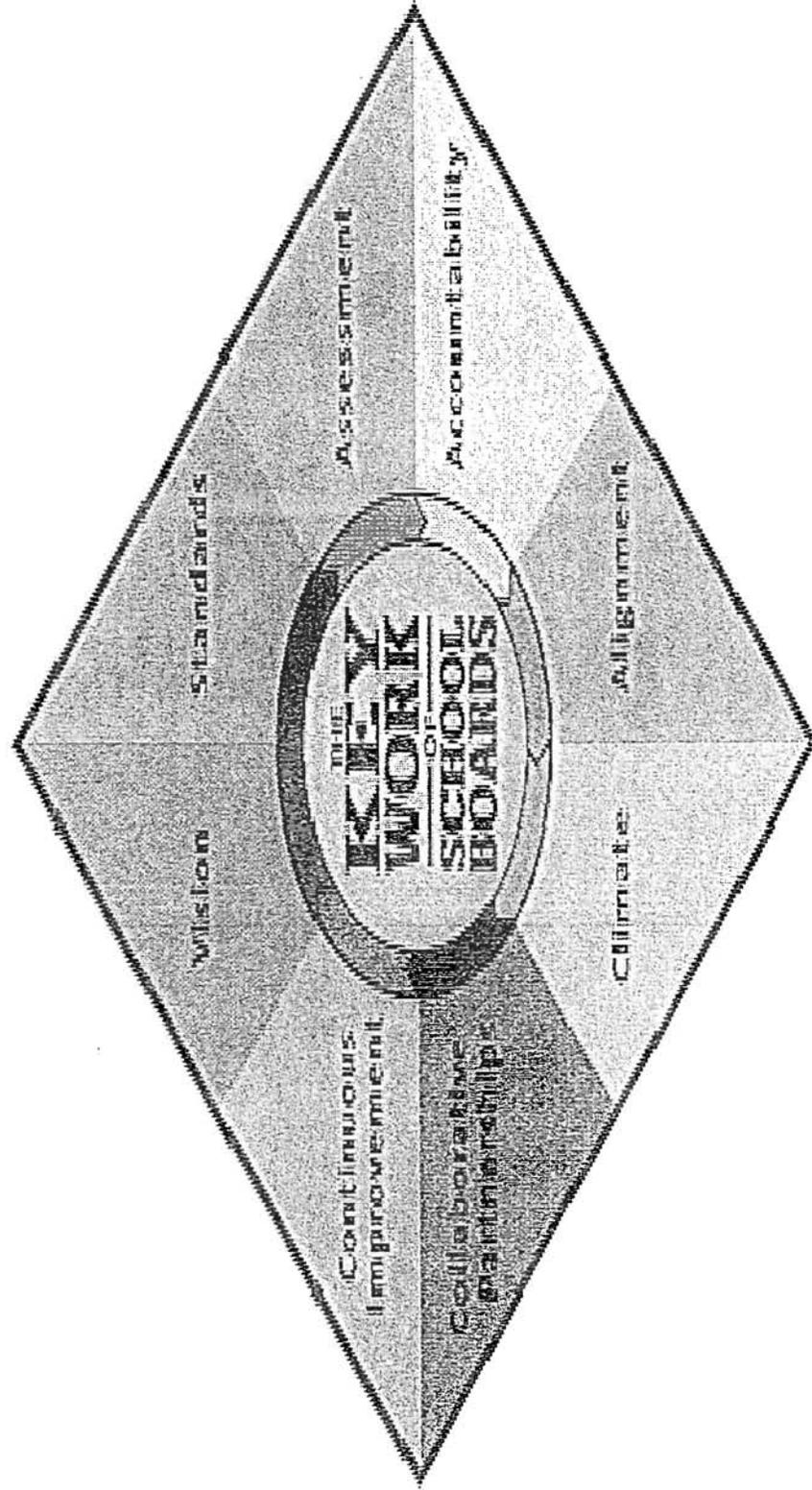


EXHIBIT Gp.4

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

10-2-12 633-3KNTV
NO. (10-2-154256-KNT)

CONFIRMATION OF SERVICE
SCOMIS CODE: CS/CSSRV

Court of Appeals, Division 1
Case No. 66204-0

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.)

(No. 66204-0-1
and
No. 66206-6)

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: _____

No other named defendants or respondents remain to be served.

25th day of August 2011
Date

[Signature]
Attorney or Party
Prose

WSBA No. _____