

RECEIVED <sup>VSC</sup>  
SUPREME COURT  
STATE OF WASHINGTON  
May 11, 2011, 9:53 am  
BY RONALD R. CARPENTER  
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SUPREME COURT OF  
THE STATE OF WASHINGTON

MITCH DOWLER and IN CHA	)	
DOWLER, individually	)	
and as limited guardian ad litem for	)	No. 84048-2
NAM SU CHONG, et al.,	)	
	)	RESPONDENT'S
Appellants,	)	STATEMENT OF
	)	ADDITIONAL AUTHORITY
v.	)	
	)	
CLOVER PARK SCHOOL	)	
DISTRICT NO. 400,	)	
	)	
Respondent.	)	

Respondent Clover Park School District No. 400 submits this  
Statement of Additional Authorities pursuant to RAP 10.8:

- *Sturm v. Board of Educ. of Kanawha County*, 672 S.E.2d 606 (W.Va. 2008) (dismissing state law discrimination and negligence claims for failure to exhaust administrative remedies provided by West Virginia's regulations governing education of special education students);
- *Jenkins v. Carney-Nadeau Pub. Sch.*, 505 N.W.2d 893 (Mich. Ct. App. 1993) (compliance with administrative procedures in state's special education law prevailed over the state's more general disability discrimination statute);

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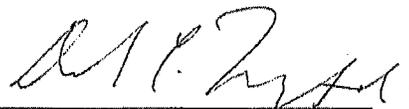
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- *T.K. v. New York City Dept. of Educ.*, 10-CV-00752, 2011 WL 1579510 (E.D.N.Y. Apr. 26, 2011) (following review of case law, court concluded that bullying can be addressed under IDEA when bullying results in a denial of FAPE; court held that exhaustion not required because hearing officer had addressed bullying);
- *Murphy v. Town of Wallingford*, No. 3:10-CV-278 CFD, 2011 WL 1106234 (D. Conn. Mar. 23, 2011) (dismissing discrimination and state tort claims for failure to exhaust administrative remedies because claims “arise from the same nucleus of facts and relate to conduct encompassed and mandated by the IDEA”);
- *TC v. Valley Cent. Sch. Dist.*, No. 7:09-CV-9036 WWE, 2011 WL 1345181 (S.D.N.Y. Mar. 30, 2011) (discrimination claims dismissed for failure to exhaust);
- *R.S. v. Bedford Cent. Sch. Dist.*, No. 7:10-CV-0613, 2011 WL 1404969 (S.D.N.Y. Mar. 17, 2011) (dismissing retaliation claim seeking only money damages because plaintiffs failed “to show why the administrative relief available—even if not the relief they preferred—would be inadequate.”);
- *H.W. v. Long Beach Unified Sch. Dist.*, No. CV 10-07015 SJO(EX), 2011 WL 714392 (C.D. Cal. Feb. 24, 2011) (dismissing discrimination claims for failure to exhaust even though IDEA’s ability to remedy alleged injury was unclear.);

DATED this 11th day of May, 2011.

VANDEBERG JOHNSON &  
GANDARA

By



William A. Coats, WSBA #4608  
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Park School District

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