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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by

FRIENDS FOR A SAFE ALKI
COMMUNITY

of the Revised Decisions and Analysis of the
Director of SDCI for
Project No. 3039297-SD

NO. SDD-24-001

APPELLANT’S RESPONSE TO
SEATTLE PUBLIC SCHOOLS’
MOTION IN LIMINE

I. INTRODUCTION

The City of Seattle Public Schools (“District”) moved to exclude two exhibits listed in Appellant Friends for a Safe Alki Community May 14, 2024 Rebuttal Witness and Exhibit List. The two rebuttal exhibits the District seeks to exclude are exhibit 2 “43_ Seattle Times Article Seattle Schools Oks proposal that could close 20 elementary schools (May 8, 2024)” and exhibit 4 “45_ Seattle Times Article_ Four things to know about Seattle’s plan to explore closing schools (May 13, 2024).” Appellant Rebuttal Witness and Exhibit List at 2. For the reasons explained below, the District’s motion should be denied.

1 **II. ARGUMENT**

2 The Hearing Examiner Rules regarding evidence are more relaxed than the civil rules of
3 evidence. “Evidence, including hearsay, may be admitted if the Examiner determines that it is relevant
4 to the issue on appeal, comes from a reliable source, and has probative (proving) value. Such evidence
5 is that on which responsible persons would commonly rely in the conduct of their important affairs.”
6 HER 2.17. Newspaper articles such as the Seattle Times are evidence that a responsible person would
7 rely upon.
8

9 The District argues that newspaper articles related to school closures are irrelevant to this
10 hearing. We disagree. The school departure process must consider the educational need against the
11 impacts of the project. “The physical requirements of the specific proposal and the project's
12 relationship to educational needs shall be balanced with the level of impacts on the surrounding
13 area.” SMC 23.79.008.C.1.b. The educational need for a project of this size despite declining
14 enrollment, site challenges, and impacts on the community when the District has been
15 contemplating closure of schools is relevant to the issues raised in the appeal. Rebuttal exhibits
16 2 and 4 concerning the closure of schools across the city are relevant to this issue of educational
17 need for this Project. If the District disputes the accuracy of the information in the articles, they can
18 present testimony to address any inaccuracies in the reporting.
19
20

21 Hearing Examiner Rule 2.16 provides that a party has 7 days to provide a written response to
22 motions unless otherwise designated by the Examiner. Because the Examiner has not designated a
23 date other than the 7 days set forth in the rules, and because the 7th day falls on a holiday, this
24 response filed on the next available business day should be considered timely.
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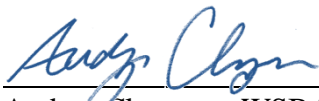
III. CONCLUSION

For the reasons described above, the Appellant requests that the Examiner should deny the District's motion.

Dated this 28th day of May, 2024.

Respectfully submitted,

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