



WENATCHEE SCHOOL DISTRICT NO. 246
RIGHTS, RESPONSIBILITIES AND AUTHORITY OF
TEACHERS AND PRINCIPALS
WITH RESPECT TO DISCIPLINE OF PUPILS

□ Chapter 97, Laws of 1975-76, 2nd Extraordinary Session provides in part that:

“... Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, superintendent of public instruction and state board of education rules and regulations and rules and regulations of the school district.”

Statutes in Title 28A RCW Having a Direct or Indirect Bearing Upon Student Discipline and Conduct.

The following referenced statutes set forth in the common school code (Title 28A RCW) which either (1) expressly encompass the rights, responsibilities and authority of teachers and principals regarding the discipline of pupils or (2) expressly encompass duties or prohibited practices which may possibly involve or form a basis for the discipline of students. The statutes are referenced with a brief description of the pertinent contents.

RCW 28A.230.140 - United States flag--Procurement, display, exercises--National anthem. - The board of directors of every school district shall cause a United States flag being in good condition to be displayed during school hours upon or near every public school plant, except during inclement weather.

They shall cause appropriate flag exercises to be held in each classroom at the beginning of the school day, and in every school at the opening of all school assemblies, at which exercises those pupils so desiring shall recite the salute to the flag.

RCW 28A.305.160 - State Board of Education Rules - Requires the state board to adopt and distribute rules governing the substantive and procedural due process guarantees of pupils. See Chapter 180-40 WAC.

RCW 28A.310.300(2) Truancy - Compulsory Attendance - Requires Educational Service District Superintendents to enforce the compulsory attendance laws in districts other than incorporated city districts. See also RCW 28A.225.020-151.

Chapter 28A.225 RCW - The 1992 Legislature enacted Chapter 205, Laws of 1992 (Engrossed Substitute House Bill 2466) which, among other things, amended the compulsory school attendance law (Chapter 28A.225 RCW) and imposed additional reporting requirements on the schools, educational service districts, and this office. Specifically, the new law does the following:

1. Requires each school to: (a) Inform students and parents about the compulsory attendance law each year; (b) Inform a juvenile's parent/guardian in writing or by phone if the juvenile has one unexcused absence within any month during the school year; (c) Schedule a conference with the parent/guardian and juvenile after each instance of two unexcused absences within any month during the current school year; if regularly scheduled parent-teacher conferences take place within 30 days of the second unexcused absence, the district may schedule the required conferences on the parent-teacher conference days.
2. Permits a school to take one of the following actions after seven (7) unexcused absences in a month or 10 or more unexcused absences during the school year: (a) Attendance officer may petition the juvenile court to assume jurisdiction for the purpose of alleging a violation of the compulsory attendance law by the parent; (b) A petition alleging a violation of the compulsory attendance law by a child may be filed with the juvenile court by the child's parent or the school attendance officer at the parent's request.
3. Authorizes the court to "order the child be punished" by detention or alternative to detention such a community service hours or participation in dropout prevention programs or referral to a community truancy board if available.
4. Requires the school district attendance officer to report to the Superintendent of Public Instruction, for students for whom petitions are filed alleging violation of the compulsory attendance law, the following information: (a) The number of petitions filed by parents/guardians or school districts requesting the juvenile court to assume jurisdiction for alleged violations of the compulsory attendance law; (b) The number of written notices/house calls to parents/guardians following each instance of a single unexcused absence by students within any month, the number of scheduled conferences with parents/guardians and juveniles following each instance of two unexcused absences within any month, and the number of adjustments made in truant juveniles' school programs, courses, or assignments and the nature of such adjustments; (c) When deemed appropriate, the frequency of delivery of supplemental services that might eliminate or ameliorate the cause(s) for absences; and (d) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order.
5. Requires the educational service district to compile information reported by the school district and send it to the Office of the Superintendent of Public Instruction annually.
6. Requires the Office of the Superintendent of Public Instruction to compile and report the information to appropriate committees of the House of Representatives and Senate by September 1 of each year.
7. Establishes a 28 member joint House-Senate select committee, one member selected from the education system, to develop a "community-based planning, allocation, and service system for children and families, including at-risk youth, runaways, and families in conflict, and submit it to the appropriate legislative committees not later than December 1, 1993. The joint select committee shall: (i) identify which state agencies, programs and services should be included in the system; (ii) identify the various youth populations to be served by the system; and (iii) determine how to coordinate this system with existing community-based planning and coordination requirements, including, but not limited to, [The Children's Services Act of 1991], ... and Chapter 13.06 RCW" (juvenile offenders—consolidated juvenile services programs.)
8. Permits school districts to participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the Federal Family and Educational rights and Privacy Act of 1974; requires a district, when directed by the court, to make student records available to law enforcement officials, probation officers, court personnel, and others legally entitled to information; requires school district to notify parents and student of court orders or subpoenas in advance.

RCW 28A.225.030-Teacher to Report Truancy – Requires each teacher to report all cases of truancy or incorrigibility in his or her school the principal of, if none, to the appropriate attendance officer. Principals are required to transmit such reports to the attendance officer of if there be a city superintendent, then to the city superintendent.

RCW 28A.225.060 Acquiring custody and disposition of truant – Any attendance officer, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, shall take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school, such child then being a truant from instruction at the school which he or she is lawfully required to attend, and shall forthwith deliver a child so detained either (1) to the custody of a person in parental relation to the child or (2) to the school from which the child is then a truant.

RCW 28A.225.151 – Reports - Requires school officials to make an annual report regarding compliance with the compulsory attendance laws, to OSPI, Chapter 28A.225 RCW

RCW 28A.600.010 – School Boards to Adopt and Enforce Rules – Every board of directors, unless otherwise specifically provided by law, shall (1) enforce the rules and the regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees. (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights, including but not limited short-term and long-term suspensions. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.305.160

RCW 28A.600.020 - Optimum Learning Atmosphere - Requires that the rules of a district governing pupil conduct and discipline be interpreted to insure an optimum learning atmosphere in the classroom is maintained and that the highest consideration is given to the judgment of certificated staff regarding conditions necessary to maintain such atmosphere.

RCW 28A.235.120 - Supervision of Pupils During Lunch Periods - Authorizes the employment and discharge of personnel to supervise pupils during lunch periods. See also RCW 28A.405.460.

RCW 28A.600.040 - Pupils to comply with rules and regulations. - All pupils who attend the common schools shall comply with rules and regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine.

RCW 28A.330.100(11) - No Secret Organizations - Requires first class district boards of directors to prohibit all secret fraternities and sororities among the students in any of the schools. See also RCW 28A.305.130(6).

RCW 28A.405.060 - Certificated Employees to Enforce Rules - Requires certificated employees to faithfully enforce the course of study and regulations prescribed by their district, the state board and the state superintendent.

RCW 28A.410.090 - Treatment of Children - Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated hereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

RCW 28A.635.010 - Treatment of Teachers - Makes it a crime to insult or abuse a teacher who is carrying out his/her official duties on school premises.

RCW 28A.635.030 - Disturbances - Makes it a crime to willfully create a disturbance on school premises during school hours or at school activities or meetings.

RCW 28A.635.040 - Disclosure of Exam Questions - Makes it a crime to disclose questions prepared for an examination of pupils prior to the time appointed for the use of the questions.

RCW 28A.635.060 - Injury to Property - Provides that pupils who deface or injure school property shall be liable to suspension and punishment.

RCW 28A.635.090 - Interference by force or violence - Penalty - It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student.

RCW 28A.635.100 - Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful - It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies.

Chapter 100, Laws of 1975-76, 2nd ex. session - Refusal to Leave School Grounds - Makes it a crime to disobey the order of a district. Rules in Title 180 WAC (State Board) and Title 392 WAC (SPI) Having a Direct or Indirect Bearing Upon Student Discipline and Conduct. The following referenced rules of the State Board of Education and the Superintendent of Public Instruction which either (1) expressly encompass the rights, responsibilities and authority of teachers and principals regarding the discipline of pupils or (2) expressly encompass duties or principles which may have a bearing upon the discipline of pupils.

A. STATE BOARD OF EDUCATION RULES

WAC 180-16-162(2)(d) - Health and Safety of Pupils - Requires that there be adequate provision for the health and safety of all pupils during strike periods as a condition to a district Chapter 180-40 WAC - Student Rights and Responsibilities, and Due Process Procedures - Establishes the substantive rights of and prohibited practices on the part of pupils; defines the various forms of discipline that may be imposed upon pupils; establishes the notice and procedural requirements governing student discipline; and, establishes the requirements and procedures governing appeals by students and parents from discipline actions.

WAC 180-44-020 - Classroom Conduct - Requires teachers to maintain good order and discipline in their classrooms.

WAC 180-44-050 - Presence of Certificate Personnel - Requires that all certificated personnel be at school at least 30 minutes before and after for the benefit of pupils and patrons.

WAC 180 -52-025 - Student Records - Requires school districts to develop and adopt written policies relating to the compilation and maintenance of student records, and the inspection of such records.

WAC 180-85-005 Eligibility for and Certification of Personnel - The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state.

B. SUPERINTENDENT OF PUBLIC INSTRUCTION RULES

WAC 392-145-015(4) - Transportation - Responsibility for Pupil Behavior -Places the primary responsibility for the behavior of pupils riding school buses upon the teacher, coach, or other certificated person assigned to accompany the pupils, subject to the final authority and responsibility of the driver.

WAC 392-145-015(6) - Transportation of Unsafe Articles - Requires that teachers and other school district personnel refrain from requesting students to transport on a school bus any form of animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and other articles which could adversely affect the safety of the bus or passengers.

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WAC 392-145-035 - Transportation - Rules Governing Riding Privileges and Conduct - Requires each school district to adopt transportation rules including rules governing pupil conduct and acceptable practices with respect to talking, moving around the bus, use of windows, and other behavior.

WAC 392-151-040 - School Safety Patrols - Establishes the ability to discipline as one of the criteria governing the selection of a school patrol supervisor.

WAC 392-151-100 - School Safety Patrols - Dismissal - Provides that willful abuse of equipment by a patrol member shall be grounds for dismissal.

**DISTRICT 246 POLICIES HAVING A DIRECT OR INDIRECT BEARING
UPON STUDENT DISCIPLINE AND CONDUCT**