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An Elementary Schoolwide Discipline Model

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An Elementary Schoolwide Discipline Model

A Project Report
Presented to
the Graduate Faculty
Central Washington University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
Educational Administration

By
Christopher John Beck
August, 2000

ABSTRACT

AN ELEMENTARY SCHOOLWIDE DISCIPLINE MODEL

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Current schoolwide discipline models were studied in conjunction with a review of literature relating to discipline, and a schoolwide discipline model was subsequently developed for Thompson Elementary in the Bethel School District in the State of Washington. The schoolwide discipline model was developed to reflect the research and focused upon developing individual responsibility, reflection, and the use of literature to help students understand the values of work in everyday life.

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CHAPTER ONE

INTRODUCTION

The first grader had already been suspended from school three times for fighting, once for jabbing another kid with a pencil. In between terms, Owens had asked his son why he fought other kids. "Because I hate them," the boy answered... The boy was scheduled to begin therapy with a counselor for anger management in a week or two. It was too late. The 6 year-old boy settled a schoolyard score last week by taking a .32 semiautomatic and shooting his first-grade classmate...in the chest.

Naughton and Thomas (2000)

School discipline is an important issue throughout our nation. Gloeckler and Simpson (as cited by Smith and Misra 1992) define discipline as "the consistent and continued organization of behavior for the purposes of teaching acceptable ways of behaving in a group situation, for academic achievement, or for personal productive living." Lewis and Sugai (1999) identify some of the reasons why discipline issues impact our schools (p.1):

- Problem behavior is the single most common reason why students with disabilities are removed from regular school, work, and home settings.
- Up to 26% of eighth grade students reported they had been involved in a physical conflict with peers.
- Only half of American school children report feeling safe in their schools.
- One third of parents nationally do not think their children are safe at school or in their neighborhood.
- Three years after leaving school, 70% of antisocial youth have been arrested.
- 82% of crimes are committed by people who have dropped out of school.

- More than half of all crime in the United States is committed by 5%-7% of youth between 10 and 20 years of age.
- Almost 16% of high school students report being threatened with a weapon.
- Eighth grade students report that up to 17% of their peers bring weapons to school.
- If antisocial behavior is not changed by the end of grade 3, it should be treated as a chronic condition much like diabetes. That is, it cannot be cured, but managed with the appropriate supports and continuing intervention.

Curwin and Mendler (1984) estimate that discipline issues result in an average loss of 15 to 25 percent of instructional time. Abernathie, Manera, and Wright (as cited by Smith and Misra 1992) describe discipline as the leading stress-producing factor in teaching. Feitler and Tokar (as cited by Smith and Misra 1992) suggest that misbehavior by one or two students is more stressful than misbehavior by the class as a whole.

The reason for misbehavior by students as stated by Lewis and Sugai (1999) are unclear rules and expectations, vague or punitive consequences, poor staff support, and an inability of schools to accommodate individual needs of students. The goal therefore, of a school-wide discipline plan should be to clearly define consistent rules, expectations, and student consequences. At the same time, a discipline plan needs to define the roles of staff members, and identify and address the needs of individual students through a model of system-wide support.

Another issue when considering discipline is the changing needs of both regular education and special education students. Cheney and Muscott (1996) report that students with emotional and behavioral disabilities have traditionally been the first students removed from a regular classroom and the last to return. They recognize the increasing trend of including more and more students with emotional and behavioral disabilities in the regular classroom.

Muscott, Morgan and Meadows (as cited by Cheney and Muscott 1996) defined six specific challenges to schools for including students with emotional and behavioral disabilities in the regular classroom. These include:

- Recognizing the nature of a disability and providing the support to accommodate the disability.
- Developing attitudes among staff to take responsibility for special needs students.
- The development of teacher training models to work with special needs students.
- The development and adaptation of curriculum.
- The implementation of a system-wide support model for students throughout the school and community.
- The development of transition plans for students entering the regular classroom from a more restricted setting.

A consistent system of schoolwide support may help to aid students and teachers as more and more challenging students are included in the regular classroom.

Purpose of the Project

The purpose of this project is to examine current research on classroom management strategies and different schoolwide discipline models in order to design a schoolwide elementary discipline plan for the Bethel School District in the State of Washington.

Limitations of the Project

For the purpose of this project it was necessary to set the following limitations:

1. Scope: The scope of this project will include the study of five current schoolwide discipline models along with current research on discipline and classroom management. The project will also be in compliance with Washington RCW's and WAC's relating to discipline.
2. Participants: The discipline plan will be specifically designed for Thompson Elementary School in the Bethel School District in the State of Washington.
3. Research: The research reviewed for this project will be reflective in nature and limited to research within the past 20 years.

Definitions of Terms

1. Schoolwide: Programs/strategies encompassing all areas of the school including classroom and nonclassroom environments.
2. Nonclassroom Environments: Areas within the school grounds, but outside of the classroom (e.g. Playground, hallways, cafeteria).

CHAPTER TWO

REVIEW OF LITERATURE

Introduction

The purpose of this project is to examine current research on classroom management strategies and different schoolwide discipline models in order to design a schoolwide discipline plan that could be implemented in an elementary school. The following review of literature has been organized to address:

- The role of discipline.
- Student responsibility.
- Classroom environment.
- Peer mentoring.
- Current models.

The Role of Discipline

According to Curwin and Mendler (1988) there are six components to all discipline plans. They are: goals, principles, rules, enforcement or intervention strategies, and a method of evaluation. Curwin and Mendler contend that of these components present in all discipline plans rules tend to be most commonly overemphasized. The authors go on to state this overemphasis is ineffective because rules stress obedience, and students cannot learn without the ability to make choices. They also state that under the obedience model punishment is the main method of enforcing rules, and this does not allow students the opportunity to learn from their mistakes.

Curwin and Mendler (1988) suggest that a responsibility model is the most effective method by which to discipline students. Responsibility is based upon consequences and principles, which have the power to influence long-term change. Responsibility models provide for greater risk-taking on the part of the teacher, which improves the quality of teaching and learning in the classroom.

Curwin and Mendler (1988) identify three typical types of student groups present in classrooms: 80% of students who never or rarely break rules, 15% of students who somewhat regularly break rules, and the 5% of students who are chronic rule breakers. The goal is to control the 15% of students without alienating the 80% of students in the other group. They also suggest questions to consider when implementing a discipline plan. These include:

- Is it realistically possible to reinforce the program consistently?
- Do students learn as a result of the reinforcement?
- Are the principles of behavior as important as the rules?
- Do the students have a say in what is done to them?
- Do teachers have discretion in delineating the consequences?
- Is time given for professional development of teachers and administrators in the program?
- What kind of follow up is involved in maintaining the program?
- Does the plan focus completely on student behavior, or does it allow room for individual teacher style?
- Does the plan encourage teachers to examine how they may be contributing to discipline problems?

- Is the dignity of the students preserved in the process?
- Is the program consistent with the goals and values of the school?

Curwin and Mendler (1984) set forth standards for involving students in the discipline process. In this 1984 article the authors addressed social contracts used by schools. They believe that involving students in the discipline process is highly effective because of the degree of student buy-in as part of the rule making process. Curwin and Mendler state that effective student involvement in the rule making process includes a specific formula including non-negotiable rules, negotiable rules, teacher established consequences, rules for the teacher, student developed rules, and a final vote before adopting rules. They believe the one part of a discipline plan critical to the success of that plan is the consequences. Curwin and Mendler believe consequences must relate to the rule and be fairly and consistently enforced. They also believe unenforced rules have no credibility and harsh rules alienate students, and that a student needs be able to save face in front of his/her peers in order for discipline to be effective.

In another study, Emmer, Everston, and Anderson (1980) looked at the difference between effective and ineffective classroom managers as evidenced in the first few days of school. Their research was broken into subsections labeled:

- Behavior management.
- Instructional management.
- Student concerns.
- Constraints.

In the area of behavior management, effective manager's common traits included the fact that rules and procedures were integrated into a workable system, which was taught to the students. First day activities included nametags and basic explanations of rules and procedures as teachers were careful not to overload students with too much information. Beginning activities were simple to help students back into the groove of school. Teachers were quick to stop misbehavior, very attentive to students, and employed a great deal of eye contact. Effective teachers also had a wide variety of activities for students while consistently reinforcing positive behavior. These teachers maintained classroom organization through the use of behavior signals and had students practice classroom routines. Teachers who were better listeners and were better at expressing their feelings had more success with classroom management. The classroom structures or routines and procedures were well planned out; rules and consequences were specific; all materials were ready; and teachers gave clear instructional objectives, which were reinforced by writing them on the board.

When planning a management system, Maureen A. Smith and Anjali Misra (1992) suggest that maintaining a structured productive environment is the most important factor to being an effective teacher. Gloeckler and Simpson (as cited in Smith and Misra 1992) define discipline as, "the consistent and continued organization of behavior for the purposes of teaching acceptable ways of behaving in a group situation, for academic achievement, or for personal productive living" (p.353). Discipline, they believe, should consist of teaching

students in a manner that denotes a well-organized classroom in which students enjoy learning.

Smith and Misra (1992) suggest that a discipline plan must have three components to be successful. First, the plan must "reduce the possibility that a misbehavior will occur"(p.355). Second, it must reinforce appropriate behavior. Third, it must punish inappropriate behavior. One of the most important factors in this 1992 research acknowledges that students must be challenged and experience an appropriate level of success in the classroom, and that often misbehavior can be a result of poorly explained directions. It also stated that a teacher needs to spend a large amount of time in the classroom during the beginning of the school year teaching rules and expectations. It is also important to select appropriate materials for the students in order to reduce misbehavior. Smith and Misra stress the importance of developing relationships with students in order to make them feel more comfortable in the classroom.

Smith and Misra (1992) cite that peer modeling and reinforcement is an important factor in the overall success of the discipline plan. Teachers need to apply consequences in a fair and consistent manner in order to be effective. Several possible components of a management plan include activity reinforcers (student gets to participate in a favorite activity), use of behavior contracts, use of token rewards, and the use of group rewards. When trying to eliminate inappropriate behaviors the authors suggest ignoring the behavior, using reprimands, identifying a response-cost model (natural consequences) for the behavior, and the use of overcorrection to stop a behavior such as cleaning all of

the desks if a student writes on his/her desk. Some other important issues to consider according to Smith and Misra are the involvement of parents in the discipline process; limiting discipline to behaviors that are truly important; involving students in the process; using peer mediators; advocating self-management; and maintaining good records of student behavior. Feitler and Tokar (as cited in Smith and Misra, 1992) report that student misbehavior is the highest stress-producing factor in teaching, and that the chronic misbehavior of one or two students is more stressful than the misbehavior of an entire class.

Student Responsibility

Student responsibility is a major issue in most schools today. Corno (1992) discusses the difference between student motivation and volition as it relates to students taking responsibility for their learning in the classroom. The author discusses how teachers can promote students taking responsibility in the classroom for their own learning. Corno defines motivation as "expectations and orientations towards schoolwork" (p.71). She defines volition as "assuming responsibility for learning and modulating concentration and behavior to do work" (p.71). She states that volition is that inner strength necessary to put off instant gratification for the promise of greater gratification later. It is the ability to stick to tasks. Her contention is that students need to have the ability to "find the fun" (p.74) in confusing or boring tasks as a coping strategy, and that using coping strategies to get work done is key to success.

Some of the coping strategies she identifies are:

- Asking for clarification.
- Monitoring other students' work.
- Asking direct questions.
- Breaking assignments down into manageable pieces.
- Adding a challenge or a new twist to an assignment.
- Focusing on positive results or envisioning success.
- Looking at familiar tasks in different ways.

Corno (192) contends that leaning ability and cognitive competence are not enough to do well. Students must have social coping skills. She suggests there are two basic types of learners, those who learn to display their competence to others around them and those who learn to confirm their competence to themselves. Students who want to display their competence to others are the students who are well behaved and highly motivated in class. Corno states that teachers can increase students' success through heavily investing in students' interests at the beginning of the year and then later the students will be more likely to buy-in to teacher interests. Teachers need to create activities that allow students to challenge themselves, and need to focus on giving input to students rather than evaluation while working with students on a project.

Teachers work with students to help develop them into responsible members of the school community and the community at large. Curwin (1993)

writes that the best way to work with an at-risk student for long-term change in behavior is through a process called altruism. Altruism includes any activity in which students are helping others or providing a service to their community. On the list of activities suggested as promoting altruism are activities such as tutoring younger students, acting as a monitor, working in the office, or working with the disabled or elderly. The author contends students, and all people, need to be needed and in turn this process of altruism fosters better behavior in school especially for the at-risk student. He also states when students "mess up" they need to be removed from the altruistic activity only for a short time otherwise the benefit is greatly weakened for the student.

Curwin (1993) believes that when at-risk students are helped, they are given the message that they are inferior and need help. When these same students are put in the role of a teacher, they see themselves as competent and in control. Curwin states, "classrooms are a breeding ground for feelings of inadequacy and worthlessness" (pg.36). Students are acutely aware of their social standing within the group, and their standing with the teacher.

In another article Mendler and Curwin (1999) state seven keys to motivating students. Most students are difficult for one of two reasons, to avoid looking dumb, or for power. The first idea Mendler and Curwin promote is creating hope in students that they can succeed, and that this success is important. Next, students need to be shown how learning relates to their lives, and to see people using skills from the classroom in real life. This could take the form of presentations or mentoring programs. Creating interesting problems as

well as using a variety of teaching methods creates interest and motivation in the learning process. The level of challenge must be high enough to challenge, but not frustrate students. Simple tasks destroy motivation. Mendler and Curwin (1999) also believe that creating strong relationships with students and giving them real choices helps them to be motivated to learn. Maintaining relationships while dealing with discipline issues is of great importance. The authors' final point is that the use of tangible rewards destroys motivation, and should only be used to jump-start results, and therefore it is crucial to turn to a responsibility-based system to maintain results.

Classroom Environment

Students spend the majority of their school day in a classroom environment. With this in mind, Schapps and Solomon (1990) studied and developed a program that fosters schools and classrooms as "Caring Communities" (pg.38). Schapps and Solomon propose a three-pronged intervention for improving student behavior and achievement. These are:

- Cooperative learning.
- Developmental discipline.
- A literature approach to teaching reading.

It is their contention that children are naturally curious, well intentioned, concerned about others, as well as capable of using reason to solve problems. Through this program prosocial behaviors and values are taught to students in school since many of these values and behaviors are not being taught at home. The researchers feel that schools need to promote a strong sense of family

because many students are not experiencing it at home. They believe students, as part of a community, will want to follow established norms of behavior. The program views competition as damaging to the community as a whole because it promotes the idea of winners and losers. Cooperation, on the other hand, is viewed as a method in which jobs are divided, there is a sense of collaboration, and mutual assistance is the common goal. The teacher's role in the process is that of a facilitator showing students the importance of fairness, helping, and concern and respect for others.

Schapps and Solomon's (1990) views on developmental discipline include student involvement in the process of developing rules and consequences. Avoidance of extrinsic incentives is key because it damages students' intrinsic motivation and curiosity. Through the process, it is important for the teacher to promote the inherent interest and relevance of what is being studied.

Schapps and Solomon contend that literature is a key part of the curriculum. They state that the use of literature is designed to help students develop not only reading skill, but the desire to read. The authors state that the selection of reading materials is key. The goal is to select materials that show how values work in everyday life, and how exercising those values makes the world a better place to live. Schapps and Solomon also believe that through literature students are able to see commonalities and empathize with other students who are otherwise seen as different.

In an article by Lewis, Schapps, and Watson (1996) they point out schools need to provide a warm environment focusing on supportive relationships. They

advocate teaching students critical thinking skills through a challenging curriculum concentrating on long-term goals. Learning should be geared toward students' innate desire to understand the world around them. Students need to be participating in activities that promote thoughtful reading, self-critical reflection, clear communication, and productive questioning. This research focused on intrinsic motivation and decreasing extrinsic rewards through doing worthwhile tasks in school.

Frasier and O'Brian (1985) also looked at the environment of the classroom as a determiner of school success. In their research they found that both students and teachers prefer a more cohesive, less competitive, classroom environment. Both teachers and students wanted an environment that contained more satisfaction and less friction. The researchers also found that teachers rated the classroom environment higher than did their students, but not significantly higher.

Peer Mentoring

Programs such as Peer Mentoring, Peer Coaching, Peer Tutoring, and Conflict Managers have an important role in many of today's schools. Johnson, Johnson, Dudley, and Acikgoz (1994) studied the development of conflict resolution strategies in elementary schools. The researchers contend that teaching students the art of negotiation and conflict resolution strategies greatly decreases the severity and number of conflicts with which teachers and administrators have to contend. Students who are taught and practiced in negotiation and conflict resolution skills have the ability to remember the steps of

the conflict resolution strategy and can apply them to unique situations. It seems students apply the negotiation strategies both to situations at home and at school.

Johnson, Johnson, Dudley, and Acikgoz (1994) noted an 80% decrease in the number of referrals to the teachers by students, and the number of referrals to the principal went down to zero for students participating in the training. Parents also asked for training in these strategies themselves. Parents of students not participating in the training requested their children participate the following school year.

Johnson, Johnson, Dudley, and Acikgoz (1994) categorized conflicts as follows:

- Physical force
- Playground conflicts
- Possession or access conflicts
- Taking turns
- Put-downs or teasing
- Academic work conflicts

The researchers noted that the most common ways students resolved conflicts were the uses of physical force, verbal attacks, giving in, giving the cold shoulder, or getting even. Upon asking the students how they went about resolving conflicts, before the training over 50% went to the teacher, but after the training only 15% took initial conflicts to the teacher. Before the training none would have used conflict resolution strategies, but after the training 60% said

they would use these negotiating strategies. Also, throughout the study the researchers found that students could remember the negotiating strategies with about 90% accuracy, and did apply them to both scenarios and natural events.

Current Models

Constructive Discipline Model

The Constructive Discipline Model as reported by Mayer (1997) is designed to improve a school's climate while seeking to influence how students behave and how teachers react to students. The goals of the model include: (a) identifying and strengthening desired student behaviors, (b) identifying and building on students' academic and social strengths, (c) reinforcing desired behaviors through individual plans, and (d) using natural reinforcements.

According to Mayer (1997), the goal of Constructive Discipline is to increase student achievement and positive school climate by decreasing punitive consequences and increasing positive reinforcement. Mayer and Butterworth (as reported in Mayer 1997)) assert that a negative school climate resulting from the use of punitive measures, result in greater occurrences of behaviors such as vandalism, truancy, classroom disruption. Gold and Mann (as reported in Mayer 1997) state that an individualized curriculum, in a reinforcing environment, showed positive increases in student behavior and performance.

The Constructive Discipline Model also stresses promoting a positive environment based on recognizing individual needs. This is accomplished by clarifying rules and discipline procedures through administrator, teacher, parent,

and student input, by communicating rules and procedures clearly, and posting and reviewing rules and procedures on a regular basis. Within the Constructive Discipline model, Mayer states that there should be no more than five to seven rules and each rule must be stated positively.

One of the key components to the Constructive Discipline Model is the use of specific behavioral strategies and individual assessments. These strategies are categorized as follows:

- Increasing teacher praise and positive recognition
- Identifying and using the best reinforcers for each student
- Using reinforcement, modeling, and social skills training in the place of punitive measures whenever possible
- Using group rewards

Along with these strategies, Mayer suggest the need for individual functional assessments to help teacher and staff identify the causes of misbehavior and identify solutions. The functional assessment defines the behavior, identifies antecedent events, and identifies other outside variables affecting the behavior. Behaviors are categorized as escape or avoidance behaviors, attention seeking, access to materials, or sensory stimulation activities.

One of the mainstays of the Constructive Discipline Model which Mayer (1997) states is the idea the students are individuals and should not be treated the same. He contends the idea that everyone should be treated differently needs to be clearly stated to students, parents, and staff. Mayer goes on to say that students should not be given behavior warnings. If rules are communicated,

and the student chooses to break a rule then a warning is like saying you can pick a rule and break it once at no cost. Mayer contends that a consequence should immediately follow a rule infraction, but that the emphasis should be on rewarding positive behaviors. This can include peer modeling and praise. The author states using tangible rewards defeats a student's intrinsic motivation to complete a task or choose appropriate behaviors. Thus, he believes tangible rewards should only be used to quickly start a change in a behavior, and then should move quickly into more natural reinforcers and praise to maintain intrinsic motivation.

According to Mayer (1997), the goals of Constructive Discipline are to establish and communicate rules effectively, provide for consistent staff support from the administration, and provide for individual student differences. The emphasis of Constructive Discipline is on prevention and changing factors in the school that increase negative behaviors.

The Unified Discipline Model

Unified Discipline as developed by Algozzine, Marr, Audette, and White (1998) state the goal of the Unified Discipline Model is to communicate with students in a consistent and meaningful manner. The authors cite Colvin, Kameenui, and Sugai (1993) identify six components of a school-wide discipline model. These include:

- Consistency
- Success

- Positive expectations
- Active support for students
- Staff participation
- Staff training

The authors believe that students who are discipline problems in school are normally not easily likable by adults or peers, and that these students consistently only see themselves as failures both academically and socially. The goal of the program is to change the cycle of failure to one of success-based learning.

According to Algozzine, Marr, Audette, and White (1998), Unified Discipline attempts to create a climate in which students are encouraged to make long-term changes in their behavior. In order to effect this change, the authors use a process they call unified attitudes, unified expectations, unified correction procedures, and unified team roles. Within this program rules are clear and concise. The authors see acting consistently and positively when dealing with students as the key to success. Rules are a way to depersonalize a behavior or conflict for the teacher and the student. In this context, the student commits an infraction against a rule rather than the teacher. According to the Unified discipline model, school rules and consequences are developed with input from all staff members. Consequences are then agreed upon. The authors feel this is important because it gives teachers a feeling of competence and confidence by knowing what the rules are and exactly how to enforce them. Consistency is seen as the key to success for students and teachers.

Under the Unified Discipline Model teachers also have a predetermined process for dealing with behaviors in the classroom. This process includes the following steps:

- The teacher states the behavior of the student
- The teacher then identifies the rule broken
- The teacher states the consequence
- The teacher encourages the student to do better.

The researchers monitored the teachers' behaviors indicating whether or not the teachers were actively monitoring the students, and whether or not the teachers used a neutral tone of voice when dealing with discipline issues. The researchers identified student monitoring and voice tone as key elements to successful discipline.

A Transdisciplinary Model: Project DESTINY

Project DESTINY is a transdisciplinary model developed for a school-wide implementation. According to Cheney and Barringer (1999), the purpose of the model is the inclusion of students with emotional or behavioral disorders to the regular classroom. Cheney and Barringer suggest students with emotional or behavioral disorders have a wide range of needs that encompass all aspects of life inside and outside of school. They classify the factors influencing a child's development as biological, interpersonal, cognitive, and affective. Within this model students are given support from a wide variety of sources including teachers, counselors, and administrators. This model also includes support from

community resources, and from the parents of these students. Cheney and Barringer state that the use of family support, teaching skills to identify personal behaviors, teaching conflict resolution strategies, recognition of individual student differences by staff, and use of a common discipline language by staff have benefits for all students. With this in mind, Project DESTINY has five components to teach social skills:

- A school wide social skills curriculum
- An interpersonal problem-solving process
- An in-school counseling program
- A crisis intervention program
- Clearly stated behavioral expectations for students (p.161).

The Project DESTINY model as reported by Cheney and Barringer (1999) attempts to teach positive behavior. The first step was identifying the behaviors teachers valued from students. These behaviors were grouped into four categories: 1) respecting and complying with teachers, 2) respecting and cooperating with peers, 3) taking care of property, and 4) doing one's best academic work (p.161). Specific behaviors include: following directions, asking questions, stating personal opinions, working together with peers, discussing, and helping one another. Project DESTINY employs a five-step problem solving approach when dealing with behavioral issues (Mendler, 1992; Villa, Udis, & Thousand, 1994 as reported by Cheney and Barringer 1999):

1. What are you doing?
2. Is it against the rules?
3. What can you do instead?

4. When will you begin?
5. How long can you do it?

Students who are unable to complete the problem solving process are sent to the Planning Room. In the Planning Room students are again asked to identify his/her behavior, the rule broken, and to develop a plan to return to the classroom. If a student violates Planning Room rules he/she is asked to make a plan to modify his/her behavior to stay in the Planning Room. If he/she is unwilling to write a plan, he/she is sent to the office. If he/she still refuses to write a plan, he/she is sent home. Upon returning to school, the student returns to the Planning Room to write a plan to return to class.

Project DESTINY, uses the Comprehensive Guidance and Counseling Program developed by the New Hampshire Department of Education. The program is designed around students achieving competencies in three areas: emotional expression, the relationship between emotions and behavior, and the connection between knowing and feeling. This is completed through scheduled lessons throughout the school year. At the same time the family support program includes intervention meetings with students, parents, teachers, administrators, and community members along with periodic scheduled reviews. Parents also participate in biweekly parent support meetings.

Cheney and Barringer (1999) state that students with emotional and behavioral disorders have academic as well as social behavioral problems. This is seen through low grades, high retentions, and high rates of dropping out. Teaching social skills and the modifications of curriculum help to connect the students and families to the school. The authors see the connection between the

student and the family to the teachers and administrators as one of the most important determiners of success.

Discipline with Dignity Model

Curwin and Mendler (1995) cite five causes of misbehavior by students in school. These are:

- Boredom
- Low self-concept
- Powerlessness
- Unclear limits
- The lack of emotional outlets.

In addition they give seven principles of discipline which teacher's should consider: long-term change vs. the quick fix; stop doing things that don't work; treat everyone fairly not the same; create rules with a purpose; model acceptable behavior; teach responsibility not obedience; and maintain the student's dignity. Curwin and Mendler believe that students need to be listened to, they need to work cooperatively, and be active in school. This means that teachers need to make school interesting and useful for students. Curwin and Mendler believe that students fail due to a sense of hopelessness. Students fail things on purpose to avoid looking "dumb", or become behavior problems. The authors feel giving students choice helps them to develop a sense of responsibility.

Key to the concept of Discipline with Dignity Model is the idea that students must understand the expectations of the teacher and assignments.

Another key component of the model is replacing behaviors. The authors suggest that when a behavior is taken away or described as inappropriate, an alternative appropriate behavior must be given as a replacement. The goals of Discipline with Dignity are “warmth, clearly defined limits, learning to behave responsibly, skill in recognizing and resolving conflict, and supporting instruction” (p.11).

Curwin and Mendler identify a three-pronged approach to dealing with discipline: prevention, action, and resolution. Prevention includes teaching students responsibility, meeting students' basic needs, and developing social contracts. During the first stage of prevention is an examination of self. Teachers are asked what is missing to bridge the gap between their goals for classroom management, and where they are today. Next, the teacher increases his/her knowledge of the students and their interests to ascertain if their interest in school will decrease their misbehavior. The third step is teaching teachers how to express feelings in the classroom in such a way that classroom tension is decreased. The fourth step is giving teachers a variety of models and ideas for behavior management which can be used in the classroom. The fifth step involves developing a social contract. The social contract is a list of measurable classroom rules and consequences. Curwin and Mendler define the steps for creating a social contract as follows:

- Teacher develops non-negotiable rules for students and explains the consequences for breaking these rules.
- Teacher develops negotiable rules for students with consequences.

- Students develop rules and consequences for the teacher.
- Students develop rules and consequences for each other
- Non-negotiable rules are implemented.
- Discussion and clarification of remaining rules and consequences.
- Voting on negotiable rules.
- Students are tested for comprehension of the contract.
- The contract is posted in the classroom (p.57).

The sixth stage in the process is the implementation of the social contract in the classroom. The last step in prevention is helping students to reduce stress and anxiety in the classroom. Action is defined as using both verbal and non-verbal cues including privacy, proximity, and eye contact, choosing effective consequences, and avoiding and defusing power struggles when dealing with discipline issues. Resolution is stated as "changing attitudes, structures, and using creative techniques" (p.13). As part of the process, teachers practice confrontation and negotiation strategies for use in the classroom.

The Child Development Project Model

The Child Development Project was started through a grant from the William and Flora Hewlett Foundation. The Developmental Studies Center (CDP) in Oakland, California in September, 1998 produced the following report as a project summary. The Child Development Project began in 1980, with the first implementation in three elementary schools in 1982. As of 1998, the CDP had 46 schools in four states using the program. The stated goal of the program is to create schools that function as caring communities based on meeting

students basic needs for belonging, a sense of control, and a feeling of competence. According to the authors, a caring community “satisfies students’ needs, resulting in their becoming effectively bonded to the school and adopting salient norms and values, including a value on learning as well as prosocial values of fairness, concern and respect for others, and personal and social responsibility.” (p.1)

According to the summary report (1998), The Child Development Project is based on four principles: “(1) build warm, stable, supportive relationships, (2) attend to the social and ethical dimensions of learning, (3) honor intrinsic motivation, and (4) teach in ways that support students’ active construction of meaning.

The five components of the Child Development Project are a literature-based approach to reading and writing, cooperative learning, developmental discipline, parent involvement, and schoolwide activities. The first component, a literature based approach to reading and writing, is described as giving students the opportunities to think about and discuss issues of personal and global significance, as well as helping students to empathize with people who are the same or different from them. Aspects of the reading program include teacher read-alouds, student partner-reading, and open-ended discussions. The second component, cooperative learning, is stated as emphasizing meaningful and challenging activities, teaching the benefits of collaboration, teaching fair play, responsibility and caring for others, while developing interpersonal skills. CDP provides lesson formats and sample lessons for teachers to use in their classrooms in all subject areas. The third component, developmental discipline, teaches students to develop caring, respectful relationships with others. The focus is on teaching problem-solving strategies rather than the use of rewards and punishment. The stated goal is maintaining a supportive classroom

environment that promotes intrinsic motivation both academically and behaviorally.

The fourth and fifth components of the Child Development Project are schoolwide activities. The fourth component, parent involvement, consists of involving parents in school activities. The goal of these activities is to involve and inform parents about the school and employ meaningful ways in which parents can participate while respecting and honoring different cultures. This allows the teacher to become better acquainted with the families of students, and then help each student to be successful. The final component is schoolwide activities. The focus of these activities is to promote an inclusive non-competitive environment for students and families. Some of the activities include older student-younger student buddy programs, cooperative science fairs, family read-aloud, and family film nights that bring families into the school.

The summary report of the Child Development Project states three global values that guide schools through the program components. Namely, teaching concern and respect for others, teaching the importance of fairness, and teaching individual responsibility. The authors stress the importance of family involvement as well as the opportunities for students to make meaningful decisions in the classroom.

The Effective Behavioral Support Model

Lewis and Sugai (1999) define Effective Behavioral Support as a systems approach to behavior management rather than a model. Lewis and Sugai state that the most common responses to discipline issues, counseling, psychotherapy and punishment are the least effective methods for dealing with what they term as “antisocial behavior in school.” Lewis and Sugai (1999) state that students

need appropriate models, regular monitoring of behavior, opportunities for both academic and social success, and consistent feedback to guide their behavior. The authors believe that the most common causes for antisocial behavior are unclear rules and expectations, inconsistent consequences, and lack of support for the staff.

Lewis and Sugai (1999) stress a proactive approach to discipline including parent training, social skills training, academic and curricular restructuring, proactive discipline, and individual behavioral interventions as the necessary elements to a strong proactive discipline plan. Under the Effective Behavioral Support model (EBS), teachers receive training in the following areas:

- Systems change and management principles and practices
- Applications of research-validated instructional and management practices at the schoolwide, classroom, nonclassroom, and individual student levels (p.4)

Teams of teachers, administrators, and classified staff establish commitments to the process. EBS structure supports three basic levels of implementation. First, teams develop universal schoolwide policies to manage behavior. The concentration is on developing a common language and focus for schoolwide policies. The goal is to develop policies that can be implemented across all school settings. Second, teams develop specialized plans for small groups of students who need more support to be successful in school either academically, socially, or in the community. The third level of implementation is to develop specialized strategies for dealing with the 1-7% of the population that demonstrates chronic challenging behaviors.

According to Lewis and Sugai, EBS has six essential elements: a statement of purpose; schoolwide expectations; a procedure for teaching schoolwide expectations; continuum of procedures for encouraging schoolwide expectations; continuum of procedures for discouraging problem behaviors; and procedures for monitoring the impact of the schoolwide EBS implementation (p.5). For all problem behaviors that are identified a replacement behavior must be identified to take its place. The replacement behavior must be stated in "positive observable terms, and focus on behaviors that are age-appropriate" (p.5). They state that there should be no more than three to five schoolwide rules. These rules must be taught and shown to students throughout the year in many different settings and with different people. The authors state that using incentives such as chance tickets helps students to learn and maintain the target behaviors. The focus, however, should be on the social acknowledgment, not the reward, and the need for a tangible incentive should be decreased over time and replaced with verbal feedback.

In the Effective Behavioral Support Model Lewis and Sugai identify procedures directed at reducing problem behaviors. These include clearly defining examples of problem behaviors; clearly delineating consequences related to each problem behavior; consistent schoolwide implementation; clear guidelines that determine which behaviors should result in an office referral; and a method for identifying and addressing the needs of students who exhibit chronic behavior problems. Three levels of misbehavior are identified:

- Level I – minor problem behaviors including talkouts, tardies, unprepared.

- Level II – major problem behaviors that include referral to an administrator including fighting, defiance, and insubordination.
- Level III – illegal acts that include school district or community involvement including vandalism and weapons.

EBS also helps to set up a process for monitoring and determining patterns of office referrals within a school.

According to Lewis and Sugai (1999) EBS relies on a system of teaching students what they should do, and not what they should not do. This includes teaching uniform expectations throughout the school, teaching social skills, reviewing and practicing expectations frequently, the use of peers to reinforce desired behaviors, and the use of precorrections to modify behaviors. The use of these structures allow schools to increase the predictability of routines and expectations for students, staff, and visitors, thus decreasing problematic behaviors.

Lewis and Sugai also examine the implementation of EBS in the classroom as a support to a schoolwide model. First, they ask teachers to answer the following questions before developing their discipline plan (Kameenui and Simmons 1990, as cited in Lewis and Sugai 1999):

- What do I want my classroom to look like?
- How do I want children to treat me as a person?
- How do I want children to treat one another?
- What kind of value information do I want to communicate to students about being an adult, and educator, a woman or a man in today's society?

- How do I want children to remember me when the last day of school ends and I am no longer part of their daily lives? (p.10)

Lewis and Sugai (1999) believe classroom structure should include activities that engage students in their learning. These tasks should be broken down to measurable units. Students and teachers should ignore off-task students as much as possible, the classroom should maintain a positive focus rewarding and praising on-task students. The teachers need to show consistent enforcement of expectations, and deliver emotion-free responses when correcting behavior.

EBS on the individual student management level consists of the following procedures related by Lewis and Sugai (1999). Lewis and Sugai identify 3% - 7% of the school population as presenting chronic challenging behaviors. Under EBS students who fall in to this category are identified before their behaviors become chronic and uncontrollable. These students are identified and their behavior is monitored, looking for patterns that require early intervention. Teachers with students needing intervention participate in team brainstorming with teacher assistance teams. A functional behavioral assessment is conducted to determine the problem behavior and the function that behavior serves for the student. Lewis and Sugai suggest students have problem behaviors for one of two reasons: 1) to get something (attention, access), or 2) to avoid something (difficult tasks, attention). A functional behavioral assessment must include a replacement behavior to be taught to the student which is related to the misbehavior. The replacement behavior should show how the school

environment will be modified to increase the use of prosocial behaviors while decreasing the effectiveness of the problem behavior.

Summary

The research and literature reviewed in chapter two supports the following items:

1. Schools need to stress student responsibility and accountability when dealing with these behaviors.
2. Schools need to be structured for student success employing a student-centered environment based on consistency, routines, teaching expectations, and teaching social skills.
3. Schools need to establish interventions for problematic behaviors, monitor individual successes and program effectiveness as a whole.
4. Schools need to train teachers in specific techniques to effectively help high need students.

CHAPTER THREE

PROCEDURES FOR THE PROJECT

The purpose of this project is to examine current research on classroom management strategies and different schoolwide discipline models in order to design a schoolwide elementary discipline plan for the Bethel School District in the State of Washington. The project will relate discipline issues to current research, study current schoolwide discipline plans, and the WAC's and RCW's in the State of Washington along with Bethel School District policies.

Need for the Project

Increasingly our schools today are asked to deal with more and more students who have high academic and/or behavioral needs. With this in mind, the need to develop consistent schoolwide expectations and methods for dealing with academic and behavioral issues is apparent. Students who lack consistency or structure in their lives tend to act out and become more aggressive to those around them. The implementation of a schoolwide discipline plan with expectations and consistent consequences will allow students the opportunity to successfully work within a recognizable structure. This structure will also aid teachers and help support staff to confidently deal with student behavioral issues.

Development of Support for the Project

Support for this project was gathered from research focusing on student discipline and management spanning the past twenty years. Current schoolwide discipline plans were also studied.

Procedures

The development of the project followed the following format. Current research and discipline models were studied. Current elementary and junior high discipline plans were gathered from throughout the Bethel School District in the State of Washington. Bethel School District Policies and Procedures were solicited from school district administrators. Washington State WAC's and RCW's relating to school discipline were identified and studied. Information from all the aforementioned sources were used in the design of a discipline plan for Thompson Elementary in the Bethel School District in the State of Washington.

Implementation

Implementation of a schoolwide discipline plan requires staff buy-in and ownership if it is to be effective. Thus, a schoolwide discipline plan must be reviewed and modified by those involved in order to meet the specific needs and values of the school. This review should start long before the actual date of implementation in order to give the staff enough time to explore issues and make modifications to the initial plan. The plan must also be reviewed consistently in the beginning in order to address any unforeseen problems or inconsistencies. Periodic review of the plan thereafter is appropriate.

Assessment of the Discipline Plan

- The site council will evaluate the schoolwide discipline plan at the end of each school year. The site council members will elicit information from their constituents regarding the plan's effectiveness and any needed

changes to the building discipline plan. Ongoing feedback will also be solicited at staff meetings. Parents on the school site council will also be asked for ideas and opinions.

- Any changes to the school discipline plan will be made by the site council and presented to the staff for input.
- Data will be collected and analyzed regarding the number of student referrals, number of repeat referrals, percentage of students in highly restrictive settings, and parent and teacher feedback

CHAPTER FOUR

PROJECT

The purpose of this project is to examine current research on classroom management strategies and different schoolwide discipline models in order to design a schoolwide elementary discipline plan for the Bethel School District in the State of Washington. The project is presented in the following pages of chapter four.

THOMPSON ELEMENTARY
SCHOOL WIDE DISCIPLINE PLAN

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School Mission / Belief Statement:

We have a vision of Thompson Elementary where the atmosphere is safe for students, parents, staff, and business partners to work together to produce healthy, emotionally stable, and productive members of society.

We Believe:

- All students can enjoy learning and demonstrate knowledge.
- Learning is experiential.
- Children are individuals with differing strengths and needs.
- It is important that instruction be geared to meet the needs of our students using a variety of methods and resources to connect learning to daily living.
- Learning to act with interdependence and responsibility in a democratic society enhances life for all.
- All students can master essential learnings.

School Attributes:

We believe students who are successful learners and successful people have developed skills for life contained within the following 7 attributes. As a staff and community, we will help to develop and nourish these attributes in our students, our community, and ourselves.

As a school, we will be focusing on one attribute each month throughout the year. Students will have opportunities to learn and practice these skills in the context of learning to work and be successful in our new world of technology and a global economy.

We will be using The Heartwood Ethics Curriculum. Fifth and Sixth grade students will act as tutors for younger students and as conflict managers on the playground using the Heartwood Peacemaking process. Central to the Heartwood Program are the following beliefs and concepts:

Courage:

- It takes courage to try new things.
- It takes courage to stand up for one's beliefs.
- It takes courage to tell the truth.
- It takes courage to always try your best even if things are difficult.

Loyalty:

- You can be loyal to your friends and classmates.
- You can be loyal to yourself.
- You can be loyal to your family, school, and community.

Justice:

- Justice is done when everyone plays fair.
- Justice is done when everyone is given equal opportunity to participate.
- Justice is done when the truth is told.

Respect:

- You show respect for yourself and others by listening attentively without interrupting.
- You show respect for yourself and others by making the effort to understand different points of view.
- You show respect for yourself and others by always doing your best.

Hope;

- A sense of hope means believing in yourself.
- A sense of hope means believing in a better way to do something.
- A sense of hope means using creativity to invent solutions.

Honesty:

- Honesty means telling the truth.
- Honesty means sharing feelings and motives.
- Honesty means Acknowledging others feeling and needs.

Love:

- You show love when you validate others feelings, values, and needs.
- You show love when you work through conflicts to make relationships better.

Student Expectations:

Attendance:

- In order for students to be successful in school, they must come to school on time and ready to learn.
- **The following are listed as excused absences: illness, medical or dental appointments, bereavement, and unforeseen emergencies.** All other absences must be cleared through the principal.
- **Please bring an “excuse note” upon returning to school signed by a parent or guardian.**

Student Arrival:

- Students who are walking to school should not arrive on campus more than 10 minutes before the start of the school day due to the fact that there is no supervision available before this time.
- Students arriving at school must go to their assigned place and wait for the classroom teacher to welcome them to class. This is not a recess time. Students will be expected to wait quietly in their assigned place until their teacher welcomes them.
- Students eating breakfast at school may arrive to school 20 minutes before the start of school. Students should go directly to the lunchroom. Normal lunchroom expectations will be enforced. Students will not be allowed to leave until it is time to line up and go to class.

Schoolwide Rules:

Individual teachers will develop classroom rules, rewards, and consequences. Student expectations will be consistent with the 7 attributes for success identified by the school, and will be reviewed periodically throughout the year.

- The following rules will be enforced throughout the school:
 - Follow directions given by staff members.
 - Keep hands, feet, and objects to yourself.
 - Stay in assigned areas unless given permission to leave.

- Students will be expected to have a pass when outside of assigned area(s).
 - Walk in the school and on the sidewalks.
 - Use a 6" voice when inside the building.
 - Stay to the right side of the hall while walking in the building.
 - Leave all toys, electronic, and sports equipment at home. Any items confiscated will be returned to parents if they come to the school.
-
- General School Discipline Steps
 - Warning and reminder of the rule.
 - Time-out, isolation, or removal from the activity
 - Referral to the homeroom teacher
 - Major Offense – referral to the office
-
- Lunchroom Behavior
 - Stand in line quietly while waiting to be served.
 - Keep all food in the lunchroom.
 - Use a 6" voice in the lunchroom.
 - Dispose of garbage properly, and return trays when finished.
 - Lunchroom supervisors will follow the building discipline steps.
-
- Assembly Behavior
 - While in assemblies students are expected to sit quietly, pay attention, and give the speaker enthusiastic applause.
 - Do not move, or leave during an assembly.
 - Take care of personal (restroom) needs before the assembly.
-
- Recess Expectations
 - All recess activities are open to all students.
 - Good sportsmanship is expected of all students.
 - All equipment must be used properly.
 - Students may not push, shove, spit, fight, or use inappropriate language.
 - Stay in assigned areas only.
 - All rules for games and activities will be explained and monitored by the recess supervisors.

- Students will get a pass from the recess supervisors to go to restroom, office, health room, or anywhere outside the designated recess area(s).
 - Discipline – Recess supervisors are responsible for maintaining safety and good order during recess periods. Recess supervisors will follow the building discipline steps.
-
- Bicycle Riders
 - All students riding a bike to school must wear a helmet.
 - Bikes will be locked up at the bike rack while at school.
 - Students must walk their bikes on sidewalks and breezeways.
-
- Bus Riders
 - Parents and guardians are responsible for students while at the bus stop.
 - A note signed by a parent or guardian is required if students are riding a different bus, or will be pick up after school. Any student without a note will ride the designated bus home.
 - For more information about bus expectations refer to the Bethel School District Bus and Discipline Procedure Guide.

Consequences for Inappropriate Behavior

- Individual classroom teachers will be responsible for organizing and maintaining appropriate classroom discipline in conjunction with the seven attributes of the school.
- Each classroom teacher will have a “Buddy Room” to send students for a time-out in accordance with the classroom discipline plan. While in the Buddy Room students will complete the 5 Steps to Problem Solving Sheet, and have the sheet approved by the buddy teacher before returning to class. Buddy Rooms will be as follows:
 - 6th grade / 3rd grade
 - 5th grade / 2nd grade
 - 4th grade / 1st grade
 - K1 / K2.

Students who complete the classroom discipline process and continue to refuse to follow directions, disrupt class, etc. will move to the building level discipline plan.

- Teacher fills out a Planning room / Office (major offenses) referral containing important student and teacher information, reason for referral, and remedies attempted. The Planning Room may only be used for behavior issues.
- Teacher keeps a copy of the referral.

During Recess/Lunch student reports straight to the Planning Room. Student will spend recess in the Planning Room. If it is lunchtime students will eat lunch and spend lunch recess in the planning room.

- The planning room will run on a 4-week cycle.
- A student's first visit will be for 1 day of lunch and recesses (1 lunch/ recess, 1 morning recess). Parent completes bottom the referral and it is returned the following day. A Student's time in the planning room doesn't count until the referral form is returned with a parent signature.
- A student's second visit will be for 2 days. Parent phone call by the classroom teacher. Referral form is returned the following day signed by parent.

- A student's third and subsequent visits will be 3 days each. Parent phone call. Referral form signed and returned to school. Student must attend behavior / anger management group headed up by the counselor during planning room time.
- Student disruption of the Planning Room will be considered a major offense, and that student will be referred to the principal for disciplinary action.
- Students who do not visit the Planning room for 4 weeks will automatically be returned to step one of the Planning Room cycle.
- Subsequent Planning Room referrals while a student is already in the planning room will run consecutively.
- Teachers may not refer more than 2 students to the planning room at a time.
- Students who receive 3 or more referrals to the Planning Room in 4 weeks will be referred to the principal for possible referral to the Family Support Team or the Emergency Intervention Team.

Planning Room Structure

- A recess supervisor will staff the Planning Room. The supervisor will be rotated weekly.
- The school Counselor will conduct group sessions with "frequent fliers" as defined above 2 days per week during lunch recess.
- During their time in the planning room, students will be responsible for writing a detailed plan of action for their success in the classroom or around school. This will include:
 - Name / Date
 - Description of the incident(s) from student's point-of-view.
 - Student written description of other's / teacher's point-of-view.
 - Written 3 examples of alternative solutions that would have been appropriate.
 - Written: "Next time I will – 1) _____ 2) _____ 3) _____"
 - Student signature

- Students must complete an acceptable plan of action before completing their time in the Planning Room.
- Major Offenses – Students who commit major offenses will be referred to the office for disciplinary action as outlined by Bethel School District Policies.

Rewards for Exceptional Behavior

Exceptional students at Thompson deserve recognition for their academic and behavioral achievements.

- Each Trimester there will be an Honor Assembly honoring TRY students, students' academic achievements (honor roll, most improved) and citizenship.
- "Pizza with the Principal" will be held the first week of each month. Staff will nominate students based on academic or behavioral accomplishments. Names will be drawn each month for students to have "Pizza with the Principal".
- Students who are showing good citizenship and effort in class will also have opportunities to participate in special events and assemblies.

TRY Students:

- **Take Responsibility for Yourself**
- TRY students are those students who go above and beyond in everything they do. TRY students demonstrate the 7 Attributes, follow directions given by staff members, participate in class, do their homework, and use the Peacemaking Process to solve problems.
- TRY students are selected by their teacher at the beginning of each month. TRY students by nature are trustworthy and hardworking, thus they are given extra freedoms and privileges as agreed upon by the class and the teacher. These students are also recognized by the staff as highly dependable trustworthy students.
- Students can maintain their TRY buttons throughout the year.

- **TRY** buttons can be taken away from a student immediately for any major offense.
- Students who go through the classroom discipline plan twice in a month and enter the schoolwide discipline plan (i.e. going to a buddy room, the planning room, or the office) will forfeit their **TRY** buttons.
- Students who have a **TRY** button at the end of each trimester will have as a reward an opportunity to participate in a specially organized event.

Intervention Strategies

Family Support – The Family Support Team will meet bi-weekly throughout the school year. Team members on the Family support team will include the school counselor (leader), 1-2 parents, 1 community resource person (i.e. pastor, community leader, social services), 1 primary teacher, and 1 intermediate teacher.

- The goal of the Family support team will be to assist parents and students in an effort to improve school behavior or academic progress.
- Staff members or parents can request a referral to the Family Support Team. The student's teacher, the parents, and the student will take equal part in the meeting.
- At the meeting, Student strengths and needs will be discussed. Team members will agree to goals for academic or behavioral improvement.
- An intervention plan will be agreed upon which encompasses classroom, school, family, and community support or referral to resources.
- The team will meet again in 1 month to evaluate the plan and make changes with the parents and students. The family will meet with the team at least 2 more times during the school year to monitor progress either on the phone or in person.

Emergency Intervention - This team will be headed by the principal. The plan will be used when a student's behavior is consistently out of control, student refuses other interventions, or in the case of severe behavior.

- Under this plan the principal will call a meeting with the student, parents, and all of the adult staff members who come in contact with the student throughout the school day.
- Behaviors will be identified and discussed by staff, parents, and the student.
- A plan of action will be written for improved student behavior. All team members, the parents, and the student will sign the plan.
- Basic plan structure:
 - Observable behavioral goals will be written with a timeline.

- Counselor referral.
- Students will carry a clipboard that contains the written goal(s) for student to refer to for reminder.
 1. Students will complete a problem-solving form each time they do not meet their behavioral goal.
 2. The second time a student is asked to complete a problem-solving form by a staff member the student will call home to talk to parents.
 3. On the third offense within the given time the student will move to the next more restrictive step on the discipline plan.
 4. The student will continue to move to more restrictive settings as his/her behavior determines.
 5. The student will earn his/her way back to less restrictive settings.

Example: Student removed from playground for fighting/ refusing to listen to playground supervisors. (multiple offenses)

- Student meets with Emergency Intervention Team.
- Plan determines student will follow directions by teachers and refrain from fighting while on the playground.
- Timeline for plan 1 week. (i.e. start fresh each Monday)
- On the first violation the student will complete their problem solving sheet.
- On second violation during a week student calls home.
- On third violation these are the possible next steps: removal from playground for a specified period of time, parent shadowing during school day, removal/restriction from other school activities, short-term suspension.

Student Tracking

- Student discipline referrals will be tracked using the attendance and discipline database program.
- Students with 3 or more referrals in a month will be labeled and tracked for a possible move to either the Family Support Team or the Emergency Intervention team.

- Students demonstrating severe behaviors will be labeled and tracked for a possible move to either the Family Support Team or the Emergency Intervention team.

Parent / Community Involvement

- Parents will be asked to participate on the school site council and Family Support Teams.
- Parents will be asked to volunteer in classrooms, at after-school functions, and for the PTA.
- Community members will be asked to participate on the site council and the Family Support Teams.
- Staff and students will participate in community activities such as Turn Off The T.V. and Read Week, food and clothing drives, penny drives, Adopt-A-Family, etc.

Discipline Evaluation Plan

- The site council will evaluate the schoolwide discipline plan at the end of each school year. The site council members will elicit information from their constituents regarding the effectiveness / needed changes to the current building discipline plan. Information will also be asked for at staff meetings. Parents on the site council will be asked to bring ideas and opinions to the site council.
- Changes to the school discipline plan will be made by the site council and presented to the staff for input. The discipline plan will then be revised by the site council and presented for final approval by the staff at a staff meeting.
- Data will be collected and analyzed regarding the number of student referrals, number of repeat referrals, percentage of students in highly restrictive settings, and parent and teacher feedback.

The Attributes in Every Stage of Conflict Resolution

Here are the same ideas sorted under stages of a conflict resolution process. The peacemaking process you use probably has different steps than those listed below. Try reshuffling the lists of attribute-based behaviors and attitudes to fit your process.

Introductory Stage

- ✦ Hope: there is a better way to handle conflict
- ✦ Courage to choose a peacemaking process
- ✦ Courage to try new skills
- ✦ Courage and Love to work through conflicts in relationships
- ✦ Justice and Respect: Groundrules apply to everyone equally

Airing the Viewpoints/Telling the Stories

- ✦ Justice requires a fair process: everyone has time to speak
- ✦ Respect: Listening attentively without interrupting
- ✦ Respect: Taking time to hear everyone's point of view
- ✦ Respect: Avoiding "you messages"
- ✦ Honesty: Speaking about ourselves, using "I messages"
- ✦ Honesty and Courage: Telling the Truth
- ✦ Love: Connecting as human beings

Clarifying Positions and Fundamental Needs or Interests

- ✦ Clarifying Loyalties to individuals, groups, and important values
- ✦ Justice: Everyone's issues are clarified and understood
- ✦ Respect: Making an effort to understand different perspectives and cultures
- ✦ Honesty: Revealing motives and feelings
- ✦ Honesty: Differentiating our wants and our fundamental needs
- ✦ Honesty: Acknowledging others' needs
- ✦ Love: Validating others' feelings, values and needs

Inventing Solutions and Reaching Agreement

- ✦ Hope: Using creativity to find innovative solutions
- ✦ Hope: Coming to consensus with others
- ✦ Justice: Everyone's basic needs are addressed in the solution
- ✦ Honesty: Intending to keep the agreement
- ✦ Loyalty to our promises and agreements: following through!

Forms
FIVE STEPS TO PROBLEM SOLVING

Student: _____ Teacher: _____ Date: _____

1. What did you do? _____

2. Was this right or wrong? _____

3. How could you have dealt with this situation differently? _____

4. If this situation happens again, which of your solutions are you going to use?

5. If this or a similar situation happens again and you behave inappropriately, what do
you think your consequences should be? _____

Family Support Worksheet

DATE: _____ **Student Name:** _____

<p>Student Strengths:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>Student Goals:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>Parent Support:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Student Needs:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>Classroom Support:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>School Support:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
		<p>Community Support:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Student Contract

Name: _____

This contract is an opportunity for you to make good choices while you are at school. When we see you walking in the hall, out on the playground, or in class we expect you to always be doing your best.

****Remember your goals, and follow them through the day.**

My Goals:

- 1) _____
- 2) _____
- 3) _____

If there is a problem you will be asked to fill out the problem-solving worksheet on the back of this sheet.

Remember the Steps:

Timeline: _____

- 1) Warning
 - 2) Call Parents
 - 3) Loose Recess: _____, Special Event: _____,
Parent Shadow at School, Other: _____
 - 4) In-School Suspension: _____
- Out-of-School Suspension: _____

Parent Signature _____

Principal: _____

Student Signature: _____

Teachers Signatures: _____

Student Contract 2

What I did:	What I did:	What I did:
What I should have done:	What I should have done:	What I should have done:

Bethel School District Policies, WAC's and RCW's

Consequence Guidelines

Offense Level	Area	Type of Offense	Consequence Guidelines	Determined by
Minor-Moderate	classrooms, common areas: (LMC, halls, multi-purpose, project areas, rest-rooms, etc. bus	off task, talk outs, noisy, incomplete assignments, ignores adults' directions, poor attendance, unsafe actions, disrespect to adults	warning, counseling, documentation, report to parents, loss of privileges (time out), excluded from classroom, referred to office; reduced grade* * requires stated course objectives	assigned teacher admin. for bus incidents
	playground bus	teasing, unsafe play/wrestling, violating rules of game, ignores adults' directions	warning, counseling, documentation, report to parents & assigned teacher, loss of recesses (time out), refer to office	any one observing offense; report to teacher
	bus	loud, food, unsafe	transportation rules	driver/admin.
	school grounds bus	non-school related objects/substances, disruptive toys	warning, counseling, documentation, report to parents, assigned teacher, loss of recesses (time out), referred to office, suspensions	teacher admin.
Moderate-Major	school grounds bus	fighting, physical assault, physical intimidation	suspension: in-school to short term, parent conference	admin.
	"	insubordination, verbal intimidation	suspension: in-school to short term, parent conference	admin.
	"	disruptive substance or objects	suspension: in-school to short term, parent conference	admin.
	"	dangerous objects or restricted substances, pornographic photos, etc.	parent conference suspensions, substance abuse referral	teacher/ social worker/ admin.
	"	weapons: fire arms, explosives, knives	emergency expulsion	admin.
	"	arson/vandalism	suspension to expulsion	admin.
	classrooms	repeated minor offenses	suspension	admin.
	grounds	unauthorized visitor	warning, call 911 suspension	anyone admin.

<p>INTIMIDATION/ COERCION</p> <p>To willfully and intentionally force someone else into complying in a manner that is threatening.</p>	<p>EXCESSIVE ABSENTEEISM/ TRUANCY/ TARDINESS</p> <p>To fail to attend school to the degree that school performance is negatively affected.</p>	<p>VANDALISM</p> <p>To purposefully damage the property of the district or others.</p>	<p>FIGHTING</p> <p>To physically strike repeatedly with one's fists. May include wrestling, tripping and other physical actions intended to injure the other person.</p>
<p>WEAPONS/ DANGEROUS OBJECTS</p> <p>Fire arms, explosives, knives, "nija-sticks," etc.</p>	<p>ASSAULT</p> <p>To injure another person verbally or physically without provocation.</p>	<p>INSUBORDINATION</p> <p>The refusal to follow directions usually includes disrespectful body language, voice tone or gestures.</p>	<p>REPEATED PATTERN OF MINOR INFRACTIONS</p> <p>The continued and on-going display of behavior that, when viewed over time, has disrupted the school.</p>
<p>THEFT</p> <p>To possess without permission the property of another. May include possession with intent to give to someone else.</p>	<p>DISRUPTION OF THE EDUCATIONAL SETTING</p> <p>To act in a manner that seriously interrupts the teaching/learning process. May include actions outside of the classroom.</p>	<p>HARASSMENT</p> <p>To verbally or physically abuse another. May include statements and actions of a sexual nature, teasing, racial/offensive name calling.</p>	
<p>UNAUTHORIZED VISITOR</p> <p>The presence on school property of students and/or adults without authorization. May include suspended students, enrolled at other schools, non-custodial adults.</p>	<p>CONTROLLED/ RESTRICTED SUBSTANCES AND/OR OBJECTS</p> <p>Possessing drugs/medications, tobacco, alcohol. May include actual or stated possession, imitation and/or display of condoms, feminine hygiene products, pornography, etc.</p>	<p><u>Major Offense Types and Definitions</u></p>	

Definitions of Consequences Imposed For School Rules Violations

Consequence	Definition
Restitution	Damaged or stolen property is replaced or repaired. This may be accomplished by cash payment or student labor. In some cases, apologies or other corrective actions may be considered restitution.
Confiscation	Items inappropriate for school will be taken away.
Removal of Privileges	Student activities or other school-related privileges (recess, after-school activities, school assemblies, classroom parties, award field trips, etc.) are removed.
School Service	The student assists in campus clean-up duties and school beautification projects.
"Buddy" Room	Student is sent to a "Buddy" Room for time out where he/she writes a behavior plan. Before returning to class, the student confers with the teacher.
In-School Suspension *	The student is permitted to remain in school, but spends the day apart from the rest of the students. The student is not allowed to attend classes, but will work on daily assignments.
Short-Term Suspension *	Administered by the building principal, assistant principal, or principal designee, students are removed from school from one to five days. Parents are contacted and formal notification is in writing. The student is responsible for making up all missed work.
Long-Term Suspension **	Administered by the building principal or assistant principal, students are removed from school for a week or longer. Formal notification is made in writing.
Emergency Expulsion **	The student is removed from school when he/she is considered a danger to himself / herself or others, or is considered a continuing disruption to the teaching/learning process. Formal notification is made in writing.
Expulsion **	The student is removed from school for an indefinite period of time and may be assigned to another school.

* Appeal to principal.

** Subject to district-level appeal.

1999 - 2000 Student Rights and Responsibilities

Bethel School District #403 • 516 E. 176th St. • Spanaway, WA 98387



Dear Students, Parents, and Staff members,

One of Bethel School District's primary goals is to provide a safe, positive learning environment for our students. The underlying purpose of a clear, fair discipline policy is to ensure that all Bethel's young people can be confident that their school is a safe, secure place to learn and grow.

This publication contains the rights, responsibilities and regulations for students who attend Bethel Schools. Parents, please join your son or daughter in reviewing the contents of this document. If you have any questions please do not hesitate to contact the principal at your student's school.

Sincerely,
Jill Jacoby
Superintendent

RESPONSIBILITIES, RIGHTS AND AUTHORITY

A primary responsibility of the Bethel School District and its professional staff shall be the development in students of an understanding and appreciation of our representative form of government, the rights and responsibilities of individuals, and the legal processes whereby necessary changes are made.

The school is a community and the rules and regulations of a school are the laws of the community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. A basic responsibility of those who enjoy the rights of citizenship is to respect the laws of the community.

Students must be mindful that the exercise of rights implies the duty not to abuse those rights. Students do not have the right to diminish passively or actively, the right of other students to an orderly learning situation.

STUDENT RESPONSIBILITIES

The mission of the common school system is to provide a learning experience that assists all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to:

- Pursue his/her course of studies and make reasonable efforts to learn.
- Attend school daily and to be on time to all classes.
- Be aware of all rules governing student behavior and to conduct himself/herself accordingly.

- Express his/her opinion and ideas in a respectful manner so as not to libel or slander others.
- Conduct himself/herself in a manner which will not disrupt his/her education nor disrupt or deprive others of their education.
- Respect the rights of others and to exercise the highest degree of self-discipline in observing and adhering to established rules and regulations.
- Follow established procedures in seeking changes in those policies, rules or regulations which affect him/her and with which he/she disagrees.
- Identify himself/herself, upon request, to any school district personnel or authorities in the school building, on school grounds, at school sponsored events, or on school buses.
- Follow the reasonable request of school employees who are acting in the performance of their duties.
- Comply with the rules of the district and school.
- Submit to reasonable corrective action or punishment imposed by the district and its professional staff for violation(s) of its rules.

STUDENT RIGHTS

Students as citizens have certain constitutional rights. The school system cannot unduly infringe on those rights. The schools may, however, set some reasonable limits on those rights in order to meet the district's obligations to educate.

No student shall be lawfully denied an equal educational opportunity or be unlawfully discriminated

against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental, or sensory disability.

All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of a common school district.

All students possess the right to peaceably assemble and to petition the school and its representatives for a redress of grievances subject to reasonable limitations upon time, place, and manner.

All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures, recognizing that no right or expectation of privacy exists as to the use of any school locker issued to a student.

All students possess the constitutional right to freedom of speech and press to the degree courts have applied it within the public schools. This means that the right is subject to limitation in official publications of the school and in compliance with legitimate instructional concerns. Students also have the constitutional right to peaceably assemble and to petition the government and its representatives for the redress of grievances, the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place and manner of exercising such right.

Other Rights Granted to Students

- To be involved in school activities provided they meet the reasonable qualifications of the sponsoring organizations.
- To have fair and just treatment from school authorities and freedom from mistreatment and physical abuse.
- To know the requirements of the course of study and to know on what basis the grade will be determined. To consult with teachers, counselors, and administrators and other school personnel.
- To have free election of their peers in student government, and all students have the right to seek and hold office subject to the provisions of A.S.B. constitutions.
- To open inspection of a student's records by the student and the student's parent(s) or guardian(s) by appointment, during regular school hours.

Student Attendance at School

The 1992 legislature revised the Compulsory Attendance Law. All students aged 8 to 18 in the Bethel School District are required to attend classes on a regular basis. Daily attendance is one of the most important keys to a student's educational success. Every subject taught in the school system requires a student's active and continuous involvement to develop skills and understanding in that particular area.

An absent student loses forever experience of lecture, discussion and active participation.

Excused Absences—Personal illness or injury, quarantine or death in the family, family emergencies, and professional appointments (doctor, dentist, etc.) are the approved reasons for absences from school. If your child will need to miss classes for a day or longer, please call the student's school in advance with the information, if possible. Also, it is helpful if you contact the school's attendance office on the day of an excused absence as well as with a written note upon the student's return.

Students missing the bus must make every effort to get to school by their own means. A missed bus is not a valid excuse for absence.

Unexcused Absences (Truancy and Tardiness)—Each school has designed its own program to inform parents of unexcused absences and to ask for parental cooperation in improving student attendance. It is the responsibility of the student to be on time for classes. Chronic or disruptive tardiness may result in disciplinary action.

Truancy is defined as failure to attend two or more periods without prior parental and school consent. According to state law, parents must be notified in writing or by phone if a student has one truancy within any month during the school year. A conference, either by phone or in person will be scheduled after two truanancies within any month during the current school year.

PROHIBITED CONDUCT

The commission of, or participation in, the following activities or acts in school buildings, or on school property, is prohibited. In addition, students at school-sponsored, off-campus events, and those using district-sponsored transportation, shall be governed by school district rules and regulations and are subject to the authority of school district officials. Failure to obey rules and regulations and/or failure to obey the lawful instructions of a school district official shall result in loss of eligibility to attend school-sponsored off-campus events and/or other disciplinary action.

Criminal Offenses/Exceptional Misconduct - Any conduct which materially and substantially interferes with the educational process is prohibited. However, the following infractions have been judged to be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s), that students may be subject to long term suspension and/or expulsion for a first-time offense. Administrative discretion is allowed in each individual case and law enforcement may be informed. All of these acts are specifically prohibited on school grounds, school sponsored transportation, and at school events off school grounds.

DUE PROCESS

Each student served by, or in behalf of, a public school district in Washington State is guaranteed the equal opportunity to have access to the public schools and no district may limit this right except for good and sufficient cause and without due process as provided in WAC 180-40.

DISCIPLINE

Defined - Discipline shall mean all forms of correction or punishment other than suspension and expulsion. It shall include the exclusion of a student from a class or activity by a teacher or administrator for not longer than the balance of the immediate class or activity. The student so excluded from a class or activity must remain under the control and general supervision of a district employee.

EMERGENCY REMOVAL

Notwithstanding any other provision of this statement, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the principal or a designated school authority, provided that the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal shall continue only until danger or threat ceases or the principal/designated school authority acts to impose discipline, a short-term suspension, to initiate a long-term suspension or an expulsion, or to impose an emergency expulsion. The principal or designated school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such a meeting be delayed beyond the commencement of two school days.

SHORT-TERM SUSPENSION

Defined - Short-term suspension shall mean a denial of attendance (other than for the balance of the immediate class, subject, or activity for discipline purposes) at any single subject or class or at any full schedule of subjects or classes, or at any other types of activity conducted by or in behalf of the district, and any combination of the foregoing for any portion of a school day up to and not exceeding ten (10) consecutive school days. A suspension may also include a denial of admission to or entry upon property that is owned, leased, rented or controlled by the district.

Procedure for Short-Term Suspension - Prior to the short-term suspension of any student, a con-

ference shall be conducted by the suspending officer with the student as follows:

- An oral or written notice of the alleged misconduct and violation(s) of the district rules shall be provided to the student;
- An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student;
- An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student;
- The student shall be provided the opportunity to present an explanation.

In the event a short-term suspension is to exceed one school day, the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by mailed letter as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference as outlined below and that the suspension may possibly be reduced as a result of such conference.

Grievance Procedure for Discipline and Short-Term Suspension Any student, parent, or guardian aggrieved by the imposition of discipline shall have the right, upon two days written notice, to an informal conference with the principal or designee. During the conference, the student, parent, or guardian shall be subject to questioning by the principal or designee, and shall be entitled to question school personnel involved in the matter.

The employee whose action is being grieved shall be notified as soon as reasonably possible of the initiation of the grievance.

Subsequent to this conference, the student, parent, or guardian, upon two school business days prior notice, shall have the right to present a written and/or oral grievance to the Board of Directors. The grievance before the Board shall be heard in a closed meeting unless an open meeting is specifically requested by the student, parent, or guardian. The Board shall notify the student, parent, or guardian of its response to the grievance within ten school business days following the meeting. The disciplinary action shall continue despite the grievance procedure unless the principal or designee elects to postpone such action.

LONG-TERM SUSPENSION

Defined - A long-term suspension shall mean a denial of attendance (other than for the balance of the immediate class, subject, or activity period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes, or any other type of activity conducted by or in behalf of the district, and any combination of the foregoing for a period of time which exceeds ten (10) consecutive school days but not to exceed 90 days. A suspension may also include a

denial of admission to or entry upon real and personal property that is owned, leased, rented or controlled by the district.

EXPULSION

Defined - Expulsion shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes, or any other type of activity conducted by or in behalf of the district, and any combination of the foregoing, for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented or controlled by the district.

EMERGENCY EXPULSION

A student may be expelled immediately in emergency situations provided that the suspending official has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the suspending official or until a hearing is held and a final determination reached.

Procedure for Long-Term Suspension and Expulsion - Prior to the long-term suspension of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to the student's parent(s) or guardian(s). The notice shall:

- To the extent feasible, be provided in the language of a student and/or a parent(s) if they predominantly speak a language other than English,
- Specify the alleged misconduct and the school district rule(s) alleged to have been violated,
- Set forth the corrective action or punishment proposed,
- Set forth the right to a hearing for the purpose of contesting the allegation(s). A hearing should be requested if the student and/or the student's parent(s) or guardian(s) believe the charges are not true; or the school administration did not follow district rules/regulations; or the disciplinary action is unreasonable; or the due process or rights of the student have been deprived.

After receipt of the notice of opportunity for a hearing, a written or oral request for a hearing must be received by the designated school district employee, or by employee's office, or before the end of the third school business day and,

If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed

long-term suspension may be imposed by the school district without any further opportunity for the student or the student's parent(s) or guardian(s) to contest the matter. A schedule of school days involved in such a possible hearing should be included with the notice.

A request for a hearing shall be accepted if in writing and may be accepted orally.

School Board Hearing Procedure for Long-Term Suspension and Expulsion - A hearing officer assigned by the school district will review the disciplinary sanction imposed on the student and will determine guilt or innocence based solely on evidence presented at the hearing. Appeals of decisions rendered by the district hearing officer may be directed to the school board.

- Written notice of the appeal from the student, parent(s), or guardian(s) shall be provided to the district hearing officer or superintendent *within three school/business days* after receipt of the hearing officer's decision.
- The school board will schedule a meeting to review the matter within ten (10) school/business days to confer with all individuals involved. Following the hearing, the board will render a decision within ten (10) school/business days or schedule another meeting.
- An appeal of the school board decision is made to superior court.

Discipline and short-term suspension may be imposed and continue notwithstanding the implementation of the grievance process. However, if a non-emergency long-term suspension or expulsion is imposed the imposition of it is delayed until after a hearing opportunity. After a hearing decision, the non-emergency long-term suspension or expulsion may be imposed for up to ten days pending a school board review.

RE-ADMISSION

A student who has been suspended or expelled and wishes to re-enter school prior to termination of the imposed sanction may be re-admitted by submitting a written request to the principal who initially imposed the sanction. Specific procedure may be obtained from building principal or designee.

BETHEL SCHOOL DISTRICT #403
Transportation Department
School Bus Discipline Plan

The Transportation Department is responsible for the safe transportation of students To and From School. The School Bus Driver is responsible to see that students abide by the Rules for Students riding Buses. It is expected that in most cases the Driver will by informal means such as verbal warning or special seat assignment, effectively correct students' misconduct. It is recognized that instances will arise when the Driver will find it necessary to seek the help of parents and/or school officials in correcting specific problems.

Three formal procedures are established for the driver to follow in seeking to correct student misconduct: (1) Written Warning Notice, (2) Suspension of Bus Riding Privileges, and (3) Emergency Discipline Procedure. Related records will be maintained at the Transportation Office.

Student Discipline Procedures

Driver Responsibilities

1. To enforce the rules and regulations in accordance with the applicable RCW/WAC Manuals and policies adopted by the Bethel School District for transporting pupils.
2. To be reasonable, uniform, and consistent in dealing with student behavior.
3. To inform parents of pupil misbehavior by personal contact and through issuance of school bus misconduct report before recurring student behavior becomes serious.
4. To work in a cooperative and positive manner with the appropriate supervisor in solving student discipline problems.

Driver Authority

The Driver is in full charge of the bus and pupils, which includes authority to:

1. Assign seats.
2. Enforce adopted bus riding policies and regulations.
3. Issue school bus misconduct reports that must be signed by parent/guardians according to district policy.
4. To temporarily suspend riding privileges.

BETHEL SCHOOL DISTRICT #403
Transportation Department

Student Discipline Process

In the event it becomes necessary for a driver to discipline a student, the following procedures must be followed:

1. Remember proper discipline is not a form of punishment but a means to instruct and help in changing a student's behavior to what is acceptable to the rules and regulations set forth by the school district and transportation center. Discipline should always be handled in a fair and just way; not performed with anger.
2. Always try to verbally work with the student in order to bring about an acceptable behavior. Identify the problem, explain what they are doing is unsafe, and note the consequences if the problem continues. Follow through with what you say. As much as possible, work one-on-one with students. Do not conduct discipline in front of a group.
3. There should never be negative physical contact with a student. If you are angry or mad, **DO NOT TOUCH!**

Prior to issuing a Bus Misconduct Report

If a student continues to misbehave, the Driver will notify the parent/guardian of the misbehavior, seeking help in this matter. The Driver may use either a letter or a phone call to notify the parent/guardian. All phone conversations will be documented (Form 1, Student Behavior Telephone Conversation Record) noting the student's behavior, time and date of the phone call and response of the parent/guardian. *Documentation of parent contact will be forwarded to the Transportation Manager.*

Written Procedures (Bus Misconduct Report)

Step One

If a student continues to misbehave or presents an endangerment to the safety of other students or the driver, the Driver will issue a **Misconduct Report, Step One** (clearly identifying the infractions). It will include instructions to the parent/guardian to sign and return the next school day. A space will be on the form that the parent/guardian may check and list their phone number if they wish to have the Driver to call them. *A copy of the report will be forwarded to the Principal, and a copy to the Transportation Manager.*

If the student requires special handling, such as special education or a student at "risk", it will be the responsibility of the Principal or Designee to contact the parent/guardian and the Transportation Department for special arrangements. In accordance with District Policy 5363, a Transportation Representative will be a member of the MDT in formulating transportation requirements for an IEP on students.

BETHEL SCHOOL DISTRICT #403
Transportation Department

Step Two

Step Two will be issued only after the Driver and parent/guardian have not been able to correct the student's behavior. Prior to issuance of Misconduct Report, the Driver will contact the parent/guardian. The Driver will make a phone call to the parent/guardian the evening prior, or the same day the Misconduct Report is administered. *The second report will warrant a one day suspension of bus riding privileges.* The Driver will note on the Misconduct Report the effective date of suspension. *The Driver will forward a copy of the Report to the Principal and the Transportation Manager.*

Step Three

The third Misconduct Report will warrant a three to five day suspension of bus riding privileges. Prior to giving the report to the student, the Driver will discuss their concerns with the Transportation Manager. Step Three must be authorized and signed by the Transportation Manager or Director. The effective date of suspension is the day following telephone notification to parent/guardian. Transportation Manager will also inform the Principal of student's bus suspension.

The Manager will forward a copy of the report to the Principal.

The parent/guardian will be expected to take part in a conference with the Driver, the Student, and the Manager prior to reinstatement of bus riding privileges. The Principal or designee may be invited to attend. At the conference, a plan will be decided on in an attempt to encourage improved bus riding conduct by the student.

Step Four

Continued misbehavior by the student will warrant a 10 to 30 day suspension of bus riding privileges under Step Four. Prior to giving the report to the student, the Driver will discuss their concerns with the Transportation Manager. Step Four must be authorized and signed by the Transportation Manager or Director. Transportation Manager will inform the Principal and the parent/guardian of the student's suspension (number of days and dates of inclusion). The effective date will be the following day. The parent/guardian has the right to appeal the suspension. *The request for appeal must be in writing and received within two school days of notification by telephone call from the Manager.*

The Manager will forward a copy of the Report to the Principal. The parent/guardian will be expected to take part in a conference with the Driver, the Student, and the Manager prior to reinstatement of bus riding privileges. The Principal or designee may be invited to attend. At the conference, a plan will be decided on in an attempt to encourage improved bus riding conduct by the student.

BETHEL SCHOOL DISTRICT #403
Transportation Department

Step Five

If it is necessary to issue a Step Five Misconduct Report, *bus riding privileges will be suspended for the remaining school year.*

Serious Infractions

First offense for possession of alcoholic beverages, illegal drugs, use of tobacco products, the use of physical force against another student or the Driver will warrant bypassing Steps One and Two. Step Three procedures will be followed. *The resulting suspension will warrant five days bus riding privileges.* Obscenities directed towards the Driver will be handled on a case by case basis under District guidelines.

The possession of weapon (firearms, knives, clubs, blackjacks, throwing stars, and other weapons within the martial arts area) is prohibited and will warrant *suspension of bus riding privileges for entire school year.* Bethel School District has a **zero tolerance** for weapon carrying. Step Five procedures will be followed.

Suspension of bus riding privileges applies to ALL District buses.

BETHEL SCHOOL DISTRICT #403
Transportation Department

Posted School Bus Rules

1. OBEY THE SCHOOL BUS DRIVER

- The Driver is in charge of the bus and students.
- Students are to comply promptly and fully with such requests.

2. SPEAK QUIETLY, NO BAD LANGUAGE.

3. KEEP YOUR BODY AND OBJECTS WITH YOU TO YOURSELF.

- Throwing articles in or from the bus is not allowed.
- Pushing, hitting, or shoving others is not acceptable.
- Students will not extend their hands, arms, or head out of bus windows.

4. STAY SEATED AND FACE FORWARD.

- The Driver may assign seats.
- Stay seated until the bus comes to a full stop.

5. LOADING AND UNLOADING PROCEDURES:

- Students who cross the road must cross in front of the bus, never behind it.
- Pushing, shoving or crowding other students in the bus loading area is not appropriate.
- Students must be on time. The bus cannot wait for tardy students.
- Students can leave the bus only at school or their regularly assigned bus stop. Exceptions will be authorized through appropriate procedures.

6. SHARP OBJECTS, WEAPONS, SKATEBOARDS, BREAKABLE AND AEROSOL CONTAINERS, LIVE ANIMALS (except for guide dogs), REPTILES, FISH, OR FOWL ARE NOT PERMITTED ON THE BUS.

Failure to obey these rules may result in loss of bus riding privileges.

Rules are in accordance with WAC 392-145-035.

BETHEL SCHOOL DISTRICT #403
Transportation Department

Bus Misconduct Report

Student Name: _____ Date: _____ Time: _____

School: _____ Route No: _____ Bus No. _____

Dear Parent or Guardian:

This notice is to inform you of *inappropriate conduct* by the student named above and the *consequences* of that inappropriate conduct.

_____ Violation of a Safety Rule _____ Violation of a Bus Rule

Driver comments:

(CIRCLE ONE BELOW)

STEP 1: Written Warning report. Notice sent home with student. Would you like the driver to call you?

Phone: _____ Time: _____

Parent/guardian Signature: _____

Signed slip must be return slip to driver on student's next ride.

STEP 2: Written Suspension report. *Telephone parent*. One-day suspension of bus riding privileges from: ___/___/___ through ___/___/___.

STEP 3: Written Suspension (three to five days) report requires signature of Transportation Administrator. *Telephone parents*. Bus riding privileges suspended from: ___/___/___ through ___/___/___ . Parent conference requested prior to return of bus ridership. Please contact Transportation Office at 539-6626 for an appointment.

STEP 4: Written Suspension (10 to 30 days) report requires signature of Transportation Administrator. *Telephone parent*. Bus riding privileges suspended from: ___/___/___ through ___/___/___ . If parent wishes to appeal, it must be in writing within two days of telephone notification. Parent conference required prior to return of bus ridership. Please contact Transportation Office at 539-6626.

STEP 5: Bus riding privileges suspended for remaining school year.

Fighting, use of tobacco products, illegal drugs/alcohol, physical/verbal abuse will warrant five-day suspension of bus riding privileges without any prior steps taken. Possession of a weapon will warrant suspension of bus riding privileges for remaining school year..

Transportation Administrator's Signature

Bus Driver's Signature

SUSPENSION OF BUS RIDING PRIVILEGES APPLIES TO ALL DISTRICT BUSES

COPIES: WHITE-STUDENT YELLOW-TRANSPORTATION OFFICE PINK-PRINCIPAL

Bethel School District 1999-2000

Chapter 28A.600 RCW STUDENTS

Sections			
28A.600.005	Waivers.	28A.600.420	Firearms on school premises, transportation, or facilities—Penalty—Exemptions.
28A.600.010	Government of schools, pupils, employees, rules for—Due process guarantees—Enforcement.	28A.600.455	Gang activity—Suspension or expulsion.
28A.600.020	Government of schools, pupils, and employees—Exclusion of student by teacher—Written disciplinary procedures—Appropriate disciplinary action.	28A.600.460	Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions
28A.600.025	Students' rights of religious expression—Duty of superintendent of public instruction to inform school districts.	28A.600.475	Exchange of information with law enforcement and juvenile court officials—Notification of parents and students.
28A.600.030	Grading policies—Option to consider attendance		
28A.600.035	Policies on secondary school access and egress		
28A.600.040	Pupils to comply with rules and regulations.		
28A.600.050	State honors awards program established—Purpose		
28A.600.060	State honors awards program—Areas included.		
28A.600.070	State honors awards program—Rules.		
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			RCW 28A.600.005 Waivers. (Expires June 30, 1999.) (1) Schools may obtain, in accordance with RCW 28A.320.017, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with RCW 28A.320.017, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements.
			(2) This section expires June 30, 1999. [1997 c 431 § 19.]
			Intent—1997 c 431: See note following RCW 28A.320.017.
			RCW 28A.600.010 Government of schools, pupils, employees, rules for—Due process guarantees—Enforcement. Every board of directors, unless otherwise specifically provided by law, shall:
			(1) Enforce the rules 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 regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, the rules of the superintendent of public instruction, and the state board of education. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.305.160. Commencing with the 1976-77 school year, when such rules 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 of the school district.
			For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.
			(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160. [1997 c 265 § 4; 1990 c 33 § 496; 1979 ex.s. c 173 § 2; 1975-'76 2nd ex.s. c 97 § 2; 1975 1st

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ex.s. c 254 § 1; 1971 ex.s. c 268 § 1; 1969 ex.s. c 223 § 28A.58.101. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.101, 28.58.100(2), (6).]

Severability—1997 c 265: See note following RCW 13.40.160.

Severability—1975 1st ex.s. c 254: See note following RCW 28A.410.120.

RCW 28A.600.020 Government of schools, pupils, and employees—Exclusion of student by teacher—Written disciplinary procedures—Appropriate disciplinary action. (1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to insure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the state board of education and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(a) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

(b) Engages in one or more of the offenses listed in RCW 13.04.155.

The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action. [1997 c 266 § 11; 1990 c 33 § 497; 1980 c 171 § 1; 1972 ex.s. c 142 § 5. Formerly RCW 28A.58.101.1.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

RCW 28A.600.025 Students' rights of religious expression—Duty of superintendent of public instruction to inform school districts. (1) The First Amendment to the United States Constitution, and Article I, sections 5 and 11 of the Washington state Constitution guarantee that students retain their rights of free speech and free exercise of religion, notwithstanding the student's enrollment and attendance in a common school. These rights include, but are not limited to, the right of an individual student to freely express and incorporate the student's religious beliefs and opinions where relevant or appropriate in any and all classwork, homework, evaluations or tests. School personnel may not grade the class work, homework, evaluation, or test on the religious expression but may grade the student's performance on scholastic content such as spelling, sentence structure, and grammar, and the degree to which the student's performance reflects the instruction and objective established by the school personnel. School personnel may not subject an individual student who expresses religious beliefs or opinions in accordance with this section to any form of retribution or negative consequence and may not penalize the student's standing, evaluations, or privilege. An employee of the school district may not censure student's expression of religious beliefs or opinions, where relevant or appropriate, in any class work, homework, evaluations or tests, extracurricular activities, or other activities under the sponsorship or auspices of the school district.

(2) This section is not intended to impose any limit on the exchange of ideas in the common schools of this state. No officer, employee, agent, or contractor of a school district may impose his or her religious beliefs on any student class work, homework, evaluations or tests, extracurricular activities, or other activities under the auspices of the school district.

(3) The superintendent of public instruction shall distribute to the school districts information about laws governing students' rights of religious expression in schools. [1998 c 13] § 2.]

Findings—1998 c 131: "The legislature recognizes the right of free speech and freedom of religion as guaranteed through the First Amendment to the United States Constitution and Article I, sections 5 and 11 of Washington state Constitution and that these rights extend to students enrolled in the common schools of our state.

The legislature also recognizes that students may choose to exercise these rights, as protected under the law, in response to the challenge of academic pursuit. While the legislature upholds the rights of students to freely express their religious beliefs and right of free speech, it also believes firmly that it is not the role of education to solicit student responses.

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force students to reveal, analyze, or critique their religious beliefs." [1998 c 131 § 1.]

RCW 28A.600.030 Grading policies—Option to consider attendance. Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the state board of education under RCW 28A.305.160. [1990 c 33 § 498; 1984 c 278 § 7. Formerly RCW 28A.58.195.]

Severability—1984 c 278: See note following RCW 28A.185.010.

RCW 28A.600.035 Policies on secondary school access and egress. School district boards of directors shall review school district policies regarding access and egress by students from secondary school grounds during school hours. Each school district board of directors shall adopt a policy specifying any restrictions on students leaving secondary school grounds during school hours. [1995 c 312 § 82.]

Effective date—1995 c 312 §§ 71 and 82: See note following RCW 28A.225.095

Short title—1995 c 312: See note following RCW 13.32A.010.

RCW 28A.600.040 Pupils to comply with rules and regulations. All pupils who attend the common schools shall comply with the 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. [1969 ex.s. c 223 § 28A.58.200. Prior: 1909 c 97 p 263 § 6; RRS § 4690; prior: 1897 c 118 § 69; 1890 p 372 § 48. Formerly RCW 28A.58.200, 28.58.200.]

RCW 28A.600.050 State honors awards program established—Purpose. The Washington state honors awards program is hereby established for the purpose of promoting academic achievement among high school students enrolled in public or approved private high schools by recognizing outstanding achievement of students in academic core subjects. This program shall be voluntary on the part of each school district and each student enrolled in high school. [1985 c 62 § 1. Formerly RCW 28A.03.440.]

State scholars' program: RCW 28A.600.100 through 28A.600.150.

RCW 28A.600.060 State honors awards program—Areas included. The recipients of the Washington state honors awards shall be selected based on student achievement in both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and languages other than English, which may be American Indian languages. The

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performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year. [1993 c 371 § 4; 1991 c 116 § 22; 1985 c 62 § 2. Formerly RCW 28A.03.442.]

RCW 28A.600.070 State honors awards program—Rules. The superintendent of public instruction shall adopt rules for the establishment and administration of the Washington state honors awards program. The rules shall establish: (1) The test or tests of general achievement that are used to measure verbal and quantitative achievement, (2) academic subject performance levels, (3) timelines for participating school districts to notify students of the opportunity to participate, (4) procedures for the administration of the program, and (5) the procedures for providing the appropriate honors award designation. [1991 c 116 § 23; 1985 c 62 § 3. Formerly RCW 28A.03.444.]

RCW 28A.600.080 State honors awards program—Materials—Recognition by business and industry encouraged. The superintendent of public instruction shall provide participating high schools with the necessary materials for conferring honors. The superintendent of public instruction shall require participating high schools to encourage local representatives of business and industry to recognize students in their communities who receive an honors designation based on the Washington state honors awards program. [1985 c 62 § 4. Formerly RCW 28A.03.446.]

RCW 28A.600.100 State scholars' program—Purpose. Each year high schools in the state of Washington graduate a significant number of students who have distinguished themselves through outstanding academic achievement. The purpose of RCW 28A.600.100 through 28A.600.150 is to establish a consistent and uniform program which will recognize and honor the accomplishments of these students; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of this state. [1990 c 33 § 499; 1985 c 341 § 14; 1981 c 54 § 1. Formerly RCW 28A.58.820.]

Severability—1981 c 54: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 54 § 10.]

State honors awards program: RCW 28A.600.050 through 28A.600.080.

Waiver of tuition and fees for recipients of the Washington scholars award: RCW 28B.15.543.

RCW 28A.600.110 State scholars' program—Established—Scope. There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers.

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tional-technical education, running start, and preparation for technical college, community college, or university education. [1998 c 225 § 2.]

RCW 28A.600.200 Interschool athletic and other extracurricular activities for students, regulation of—Delegation, conditions. Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington Interscholastic Activities Association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;

(2) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(3) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written and subject to the annual review and approval of the state board of education at such time as it shall establish;

(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board; and

(5) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.645.010 through 28A.645.030. [1990 c 33 § 502; 1975-'76 2nd ex.s. c 32 § 1. Formerly RCW 28A.58.125.]

School buses, transport of general public to interscholastic activities—Limitations: RCW 28A.160.100.

RCW 28A.600.210 School locker searches—Findings. The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole. [1989 c 271 § 244. Formerly RCW 28A.67.300.]

Severability—1989 c 271: See note following RCW 9.94A.310

RCW 28A.600.220 School locker searches—No expectation of privacy. No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240. [1990 c 33 § 503; 1989 c 271 § 245. Formerly RCW 28A.67.310.]

Severability—1989 c 271: See note following RCW 9.94A.310.

RCW 28A.600.230 School locker searches—Authorization—Limitations. (1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070. [1989 c 271 § 246. Formerly RCW 28A.67.320.]

Severability—1989 c 271: See note following RCW 9.94A.310

RCW 28A.600.240 School locker searches—Notice and reasonable suspicion requirements. (1) In addition to the provisions in RCW 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW 28A.600.230(2). [1990 c 33 § 504; 1989 c 271 § 247. Formerly RCW 28A.67.330.]

Severability—1989 c 271: See note following RCW 9.94A.310.

RCW 28A.600.300 High school students' options—Definition. For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(1) A community or technical college as defined in RCW 28B.50.030; and

(2) Central Washington University, Eastern Washington University, and Washington State University, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400. [1994 c 205 § 1; 1990 1st ex.s. c 9 § 401.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220

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RCW 28A.600.310 High school students' options—Enrollment in institutions of higher education—Transmittal of funds. (1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at state-wide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated state-wide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The institution of higher education shall not require the pupil to pay any other fees. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the institution of higher education. [1994 c 205 § 2; 1993 c 222 § 1; 1990 1st ex.s. c 9 § 402.]

Effective date—1993 c 222: "This act shall take effect September 1, 1993." [1993 c 222 § 2]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.320 High school students' options—Information on enrollment. A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education. [1994 c 205 § 3; 1990 1st ex.s. c 9 § 403.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.330 High school students' options—Maximum terms of enrollment for high school credit. A pupil who enrolls in an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and postsecondary credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and postsecondary credit for more than the equivalent of the course work for one academic year. [1994 c 205 § 4; 1990 1st ex.s. c 9 § 404.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.340 High school students' options—Enrolled students not displaced. Once a pupil has been enrolled in a postsecondary course or program under RCW 28A.600.300 through 28A.600.400, the pupil shall not be displaced by another student. [1994 c 205 § 5; 1990 1st ex.s. c 9 § 405.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.350 High school students' options—Enrollment for secondary and postsecondary credit. A pupil may enroll in a course under RCW 28A.600.300 through 28A.600.390 for both high school credit and postsecondary credit. [1994 c 205 § 6; 1990 1st ex.s. c 9 § 406.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.360 High school students' options—Enrollment in postsecondary institution—Determination of high school credits—Application toward graduation requirements. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in an institution of higher education shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at an institution of higher education. [1994 c 205 § 7; 1990 1st ex.s. c 9 § 407.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.370 High school students' options—Postsecondary credit. Any state institution of higher education may award postsecondary credit for college level academic and vocational courses successfully completed by a student while in high school and taken at an institution of

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higher education. The state institution of higher education shall not charge a fee for the award of the credits. [1994 c 205 § 8; 1990 1st ex.s. c 9 § 408.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.380 High school students' options—School district not responsible for transportation. Transportation to and from the institution of higher education is not the responsibility of the school district. [1994 c 205 § 9; 1990 1st ex.s. c 9 § 409.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.385 High school students' options—Cooperative agreements with community colleges in Oregon and Idaho. (1) School districts in Washington and community colleges in Oregon and Idaho may enter into cooperative agreements under chapter 39.34 RCW for the purpose of allowing eleventh and twelfth grade students who are enrolled in the school districts to earn high school and college credit concurrently.

(2) Except as provided in subsection (3) of this section, if a school district exercises the authority granted in subsection (1) of this section, the provisions of RCW 28A.600.310 through 28A.600.360 and 28A.600.380 through 28A.600.400 shall apply to the agreements.

(3) A school district may enter an agreement in which the community college agrees to accept an amount less than the state-wide uniform rate under RCW 28A.600.310(2) if the community college does not charge participating students tuition and fees. A school district may not pay a per-credit rate in excess of the state-wide uniform rate under RCW 28A.600.310(2).

(4) To the extent feasible, the agreements shall permit participating students to attend the community college without paying any tuition and fees. The agreements shall not permit the community college to charge participating students nonresident tuition and fee rates.

(5) The agreements shall ensure that participating students are permitted to enroll only in courses that are transferable to one or more institutions of higher education as defined in RCW 28B.10.016. [1998 c 63 § 2.]

Finding—1998 c 63: "The legislature finds that students may have difficulty attending community college for the purpose of the running start program due to the distance of the nearest community college. In these cases, it may be more advantageous for students in border counties to attend community colleges in neighboring states. The legislature encourages school districts to pursue interagency agreements with community colleges in neighboring states when it is in the best interests of the student's educational progress." [1998 c 63 § 1.]

RCW 28A.600.390 High school students' options—Rules. The superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380. [1994 c 205 § 10; 1990 1st ex.s. c 9 § 410.]

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Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.400 High school students' options—Existing agreements not affected. RCW 28A.600.300 through 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and institutions of higher education in effect on April 11, 1990, and in the future. [1994 c 205 § 11; 1990 1st ex.s. c 9 § 412.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.600.410 Alternatives to suspension—Encouraged. School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension. [1992 c 155 § 1.]

RCW 28A.600.415 Alternatives to suspension—Community service encouraged—Information provided to school districts. (1) The superintendent of public instruction shall encourage school districts to utilize community service as an alternative to student suspension. Community service shall include the provision of volunteer services by students in social and educational organizations including, but not limited to, hospitals, fire and police stations, nursing homes, food banks, day care organizations, and state and local government offices.

(2) At a minimum, by February 1, 1993, the superintendent shall prepare and distribute information to school districts regarding existing programs, the potential benefits and considerations of using community service as an alternative to suspension, and recommended guidelines for starting new programs. The superintendent also shall address, and attempt to clarify and resolve, any potential liability, supervision, and transportation issues associated with using community service as an alternative to suspension. [1992 c 155 § 2.]

RCW 28A.600.420 Firearms on school premises, transportation, or facilities—Penalty—Exemptions. (1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9A.10.010.

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Students

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the state school for the deaf, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appeared [appears] to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. [1997 c 265 § 5; 1995 c 335 § 304; 1995 c 87 § 2.]

Severability—1997 c 265: See note following RCW 13.40.160.

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

RCW 28A.600.455 Gang activity—Suspension or expulsion. (1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.

(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes. [1997 c 266 § 2.]

Findings—Intent—1997 c 266: "The legislature finds that the children of this state have the right to an effective public education and that both students and educators have the need to be safe and secure in the classroom if learning is to occur. The legislature also finds, however, that children in many of our public schools are forced to focus on the threat and message of violence contained in many aspects of our society and reflected through and in gang violence activities on school campuses.

The legislature recognizes that the prevalence of weapons, including firearms and dangerous knives, is an increasing problem that is spreading rapidly even to elementary schools throughout the state. Gang-related apparel and regalia compound the problem by easily concealing weapons that threaten and intimidate students and school personnel. These threats have resulted in tragic and unnecessary bloodshed over the past two years and must be eradicated from the system if student and staff security is to be restored on school campuses. Many educators believe that school dress significantly influences student behavior in both positive and negative ways. Special school dress up and color days signify school spirit and provide students with a sense of unity. Schools that have adopted school uniforms report a feeling of togetherness, greater school pride, and better student behavior in and out of the classroom. This sense of unity provides students with the positive attitudes needed to avert the pressures of gang involvement.

The legislature also recognizes there are other more significant factors that impact school safety such as the pervasive use of drugs and alcohol in

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school. In addition to physical safety zones, schools should also be drug-free zones that expressly prohibit the sale, use, or possession of illegal drugs on school property. Students involved in drug-related activity are unable to benefit fully from educational opportunities and are disruptive to the learning environment of their fellow students. Schools must be empowered to make decisions that positively impact student learning by eradicating drug use and possession on their campuses. This flexibility should also be afforded to schools as they deal with other harmful substance abuse activities engaged in by their students.

Toward this end, the legislature recognizes the important role of the classroom teacher who must be empowered to restore discipline and safety in the classroom. Teachers must have the ability to control the conduct of students to ensure that their mission of educating students may be achieved. Disruptive behavior must not be allowed to continue to divert attention, time, and resources from educational activities.

The legislature therefore intends to define gang-related activities as criminal behavior disruptive not only to the learning environment but to society as a whole, and to provide educators with the authority to restore order and safety to the student learning environment, eliminate the influence of gang activities, and eradicate drug and substance abuse on school campuses, thus empowering educators to regain control of our classrooms and provide our students with the best educational opportunities available in our schools.

The legislature also finds that students and school employees have been subjected to violence such as rapes, assaults, or harassment that has not been gang or drug-related criminal activity. The legislature intends that all violence and harassment directed at students and school personnel be eradicated in public schools." [1997 c 266 § 1.]

Severability—1997 c 266: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 266 § 16.]

RCW 28A.600.460 Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions. (1) School district boards of director shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.011; willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimand; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity directed toward the teacher, shall not be assigned to the teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school. The information shall be m

28A.600.420

Students

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(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appeared [appears] to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. [1997 c 265 § 5; 1995 c 335 § 304; 1995 c 87 § 2.]

Severability—1997 c 265: See note following RCW 13.40.160.

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

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Toward this end, the legislature recognizes the important role of the classroom teacher who must be empowered to restore discipline and safety in the classroom. Teachers must have the ability to control the conduct of students to ensure that their mission of educating students may be achieved. Disruptive behavior must not be allowed to continue to divert attention, time, and resources from educational activities.

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Severability—1997 c 266: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstance is not affected." [1997 c 266 § 16.]

RCW 28A.600.460 Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions. (1) School district boards of director shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.011 willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimand, written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity directed toward the teacher, shall not be assigned to the teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school. The information shall be made

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available to the public upon request. This collection of data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address. [1997 c 266 § 9.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

RCW 28A.600.475 Exchange of information with law enforcement and juvenile court officials—Notification of parents and students. School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Except as provided in RCW 13.40.480, parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them. [1998 c 269 § 11; 1992 c 205 § 120.]

Intent—Finding—Effective date—1998 c 269: See notes following RCW 72.05.020.

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010

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when, with criminal negligence, he causes the death of another person.

(2) Manslaughter in the second degree is a class B felony. [1997 c 365 § 6; 1975 1st ex.s. c 260 § 9A.32.070.]

Chapter 9A.36

ASSAULT—PHYSICAL HARM

Sections

9A.36.011	Assault in the first degree
9A.36.021	Assault in the second degree.
9A.36.031	Assault in the third degree.
9A.36.041	Assault in the fourth degree.
9A.36.045	Drive-by shooting.
9A.36.050	Reckless endangerment.
9A.36.060	Promoting a suicide attempt
9A.36.070	Coercion.
9A.36.078	Malicious harassment—Finding.
9A.36.080	Malicious harassment—Definition and criminal penalty.
9A.36.083	Malicious harassment—Civil action.
9A.36.090	Threats against governor or family.
9A.36.100	Custodial assault.
9A.36.120	Assault of a child in the first degree
9A.36.130	Assault of a child in the second degree.
9A.36.140	Assault of a child in the third degree.
9A.36.150	Interfering with the reporting of domestic violence.

9A.36.011 Assault in the first degree. (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers, exposes, or transmits to or causes to be taken by another, poison, the human immunodeficiency virus as defined in chapter 70.24 RCW, or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony. [1997 c 196 § 1; 1986 c 257 § 4.]

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

9A.36.021 Assault in the second degree. (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby recklessly inflicts substantial bodily harm; or

(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or

(c) Assaults another with a deadly weapon; or

(d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(e) With intent to commit a felony, assaults another; or

(f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.

(2) Assault in the second degree is a class B felony. [1997 c 196 § 2. Prior: 1988 c 266 § 2; 1988 c 206 § 916; 1988 c 158 § 2; 1987 c 324 § 2; 1986 c 257 § 5.]

Effective date—1988 c 266: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1988." (1988 c 266 § 3.)

Effective date—1988 c 206 §§ 916, 917: "Sections 916 and 917 of this act shall take effect July 1, 1988." [1988 c 206 § 922.]

Severability—1988 c 206: See RCW 70.24.900.

Effective date—1988 c 158: See note following RCW 9A.04.110.

Effective date—1987 c 324: See note following RCW 9A.04.110.

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

9A.36.031 Assault in the third degree. (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW.

(2) Assault in the third degree is a class C felony. [1998 c 94 § 1; 1997 c 172 § 1; 1996 c 266 § 1; 1990 c 236 § 1; 1989 c 169 § 1; 1988 c 158 § 3; 1986 c 257 § 6.]

Effective date—1988 c 158: See note following RCW 9A.04.110.

Severability—1986 c 257: See note following RCW 9A.56.010.

Assault—Physical Harm

9A.36.031

Effective date—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

9A.36.041 Assault in the fourth degree. (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor. [1987 c 188 § 2; 1986 c 257 § 7.]

Effective date—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

Effective date—1987 c 188: See note following RCW 9A.36.100.

Severability—1986 c 257: See note following RCW 9A.36.010.

9A.36.045 Drive-by shooting. (1) A person is guilty of drive-by shooting when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Drive-by shooting is a class B felony. [1997 c 338 § 44; 1995 c 129 § 8 (Initiative Measure No. 159); (1994 sp.s. c 7 § 511 repealed by 1995 c 129 § 19 (Initiative Measure No. 159)); 1989 c 271 § 109.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Findings and intent—Short title—Severability—Captious not law—1995 c 129: See notes following RCW 9.94A.310.

Finding—Intent—Severability—Effective dates—Contingent expiration date—1994 sp.s. c 7: See notes following RCW 43.70.540.

Finding—Intent—1989 c 271 §§ 102, 109, and 110: See note following RCW 9A.36.050.

Application—1989 c 271 §§ 101-111: See note following RCW 9.94A.310.

Severability—1989 c 271: See note following RCW 9.94A.310.

9A.36.050 Reckless endangerment. (1) A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment is a gross misdemeanor. [1997 c 338 § 45; 1989 c 271 § 110; 1975 1st ex.s. c 260 § 9A.36.050.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Finding—Intent—1989 c 271 §§ 102, 109, and 110: "The legislature finds that increased trafficking in illegal drugs has increased the likelihood of 'drive-by shootings.' It is the intent of the legislature in sections 102, 109, and 110 of this act to categorize such reckless and criminal activity into a separate crime and to provide for an appropriate

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punishment." (1989 c 271 § 108) "Sections 102, 109, and 110 of this act" consist of the enactment of RCW 9A.36.045 and the 1989 c 271 amendments to RCW 9.94A.320 and 9A.36.050.

Application—1989 c 271 §§ 101-111: See note following RCW 9.94A.310.

Severability—1989 c 271: See note following RCW 9.94A.310.

Criminal history and driving record: RCW 46.61.513.

9A.36.060 Promoting a suicide attempt. (1) A person is guilty of promoting a suicide attempt when he knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a class C felony. [1975 1st ex.s. c 260 § 9A.36.060.]

9A.36.070 Coercion. (1) A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in RCW 9A.04.110(25)(a), (b), or (c).

(3) Coercion is a gross misdemeanor. [1975 1st ex.s. c 260 § 9A.36.070.]

9A.36.078 Malicious harassment—Finding. The legislature finds that crimes and threats against persons because of their race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicaps are serious and increasing. The legislature also finds that crimes and threats are often directed against interracial couples and their children or couples of mixed religions, colors, ancestries, or national origins because of bias and bigotry against the race, color, religion, ancestry, or national origin of one person in the couple or family. The legislature finds that the state interest in preventing crimes and threats motivated by bigotry and bias goes beyond the state interest in preventing other felonies or misdemeanors such as criminal trespass, malicious mischief, assault, or other crimes that are not motivated by hatred, bigotry, and bias, and that prosecution of those other crimes inadequately protects citizens from crimes and threats motivated by bigotry and bias. Therefore, the legislature finds that protection of those citizens from threats of harm due to bias and bigotry is a compelling state interest.

The legislature also finds that in many cases, certain discrete words or symbols are used to threaten the victims. Those discrete words or symbols have historically or traditionally been used to connote hatred or threats towards members of the class of which the victim or a member of the victim's family or household is a member. In particular, the legislature finds that cross burnings historically and traditionally have been used to threaten, terrorize, intimidate, and harass African Americans and their families. Cross burnings often preceded lynchings, murders, burning of homes, and other acts of terror. Further, Nazi swastikas historically and traditionally have been used to threaten, terrorize, intimidate, and harass Jewish people and their families. Swastikas symbolize the massive destruction of the

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Jewish population, commonly known as the holocaust. Therefore, the legislature finds that any person who burns or attempts to burn a cross or displays a swastika on the property of the victim or burns a cross or displays a swastika as part of a series of acts directed towards a particular person, the person's family or household members, or a particular group, knows or reasonably should know that the cross burning or swastika may create a reasonable fear of harm in the mind of the person, the person's family and household members, or the group.

The legislature also finds that a hate crime committed against a victim because of the victim's gender may be identified in the same manner that a hate crime committed against a victim of another protected group is identified. Affirmative indications of hatred towards gender as a class is the predominant factor to consider. Other factors to consider include the perpetrator's use of language, slurs, or symbols expressing hatred towards the victim's gender as a class; the severity of the attack including mutilation of the victim's sexual organs; a history of similar attacks against victims of the same gender by the perpetrator or a history of similar incidents in the same area; a lack of provocation; an absence of any other apparent motivation; and common sense. [1993 c 127 § 1.]

Severability—1993 c 127: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 127 § 2.]

9A.36.080 Malicious harassment—Definition and criminal penalty. (1) A person is guilty of malicious harassment if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap:

(a) Causes physical injury to the victim or another person;

(b) Causes physical damage to or destruction of the property of the victim or another person; or

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. For purposes of this section, a "reasonable person" is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the victim that the person does not have the ability to carry out the threat.

(2) In any prosecution for malicious harassment, unless evidence exists which explains to the trier of fact's satisfaction that the person did not intend to threaten the victim or victims, the trier of fact may infer that the person intended to threaten a specific victim or group of victims because of the person's perception of the victim's or victims' race, color, religion, ancestry, national origin, gender, sexual

orientation, or mental, physical, or sensory handicap if the person commits one of the following acts:

(a) Burns a cross on property of a victim who is or whom the actor perceives to be of African American heritage; or

(b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

This subsection only applies to the creation of a reasonable inference for evidentiary purposes. This subsection does not restrict the state's ability to prosecute a person under subsection (1) of this section when the facts of a particular case do not fall within (a) or (b) of this subsection.

(3) It is not a defense that the accused was mistaken that the victim was a member of a certain race, color, religion, ancestry, national origin, gender, or sexual orientation, or had a mental, physical, or sensory handicap.

(4) Evidence of expressions or associations of the accused may not be introduced as substantive evidence at trial unless the evidence specifically relates to the crime charged. Nothing in this chapter shall affect the rules of evidence governing impeachment of a witness.

(5) Every person who commits another crime during the commission of a crime under this section may be punished and prosecuted for the other crime separately.

(6) "Sexual orientation" for the purposes of this section means heterosexuality, homosexuality, or bisexuality.

(7) Malicious harassment is a class C felony.

(8) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.

(9) Nothing in this section confers or expands any civil rights or protections to any group or class identified under this section, beyond those rights or protections that exist under the federal or state Constitution or the civil laws of the state of Washington. [1993 c 127 § 2; 1989 c 95 § 1; 1984 c 268 § 1; 1981 c 267 § 1.]

Severability—1993 c 127: See note following RCW 9A.36.078.

Construction—1989 c 95: "The provisions of this act shall be liberally construed in order to effectuate its purpose." [1989 c 95 § 3.]

Severability—1989 c 95: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 95 § 4.]

Harassment: Chapters 9A.46 and 10.14 RCW.

9A.36.083 Malicious harassment—Civil action. In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action. [1993 c 127 § 3.]

Severability—1993 c 127: See note following RCW 9A.36.078.

9A.36.090 Threats against governor or family. (1) Whoever knowingly and wilfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to

9A.40.010

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9A.40.010 Definitions. The following definitions apply in this chapter:

(1) "Restrain" means to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his liberty. Restraint is "without consent" if it is accomplished by (a) physical force, intimidation, or deception, or (b) any means including acquiescence of the victim, if he is a child less than sixteen years old or an incompetent person and if the parent, guardian, or other person or institution having lawful control or custody of him has not acquiesced.

(2) "Abduct" means to restrain a person by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly force;

(3) "Relative" means an ancestor, descendant, or sibling, including a relative of the same degree through marriage or adoption, or a spouse. [1975 1st ex.s. c 260 § 9A.40.010.]

9A.40.020 Kidnapping in the first degree. (1) A person is guilty of kidnapping in the first degree if he intentionally abducts another person with intent:

(a) To hold him for ransom or reward, or as a shield or hostage; or

(b) To facilitate commission of any felony or flight thereafter; or

(c) To inflict bodily injury on him; or

(d) To inflict extreme mental distress on him or a third person; or

(e) To interfere with the performance of any governmental function.

(2) Kidnapping in the first degree is a class A felony. [1975 1st ex.s. c 260 § 9A.40.020.]

9A.40.030 Kidnapping in the second degree. (1) A person is guilty of kidnapping in the second degree if he intentionally abducts another person under circumstances not amounting to kidnapping in the first degree.

(2) In any prosecution for kidnapping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) the abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnapping in the second degree is a class B felony. [1975 1st ex.s. c 260 § 9A.40.030.]

9A.40.040 Unlawful imprisonment. (1) A person is guilty of unlawful imprisonment if he knowingly restrains another person.

(2) Unlawful imprisonment is a class C felony. [1975 1st ex.s. c 260 § 9A.40.040.]

9A.40.060 Custodial interference in the first degree. (1) A relative of a child under the age of eighteen or of an incompetent person is guilty of custodial interference in the first degree if, with the intent to deny access to the child or incompetent person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of

such person, the relative takes, entices, retains, detains, or conceals the child or incompetent person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person and:

(a) Intends to hold the child or incompetent person permanently or for a protracted period; or

(b) Exposes the child or incompetent person to a substantial risk of illness or physical injury; or

(c) Causes the child or incompetent person to be removed from the state of usual residence; or

(d) Retains, detains, or conceals the child or incompetent person in another state after expiration of any authorized visitation period with intent to intimidate or harass a parent, guardian, institution, agency, or other person having lawful right to physical custody or to prevent a parent, guardian, institution, agency, or other person with lawful right to physical custody from regaining custody.

(2) A parent of a child is guilty of custodial interference in the first degree if the parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan, and:

(a) Intends to hold the child permanently or for a protracted period; or

(b) Exposes the child to a substantial risk of illness or physical injury; or

(c) Causes the child to be removed from the state of usual residence.

(3) A parent or other person acting under the directions of the parent is guilty of custodial interference in the first degree if the parent or other person intentionally takes, entices, retains, or conceals a child, under the age of eighteen years and for whom no lawful custody order or parenting plan has been entered by a court of competent jurisdiction, from the other parent with intent to deprive the other parent from access to the child permanently or for a protracted period.

(4) Custodial interference in the first degree is a class C felony. [1998 c 55 § 1; 1994 c 162 § 1; 1984 c 95 § 1.]

Severability—1984 c 95: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 95 § 8.]

9A.40.070 Custodial interference in the second degree. (1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person. This subsection shall not apply to a parent's noncompliance with a court-ordered parenting plan.

(2) A parent of a child is guilty of custodial interference in the second degree if: (a) The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; or (b) the parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of

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contempt under RCW 26.09.160(3); or (c) if the court finds that the parent has engaged in a pattern of willful violations of the court-ordered residential provisions.

(3) Nothing in (b) of this subsection prohibits conviction of custodial interference in the second degree under (a) or (c) of this subsection in absence of findings of contempt.

(4) The first conviction of custodial interference in the second degree is a gross misdemeanor. The second or subsequent conviction of custodial interference in the second degree is a class C felony. [1989 c 318 § 2; 1984 c 95 § 2.]

Severability—1989 c 318: See note following RCW 26.09.160.

Severability—1984 c 95: See note following RCW 9A.40.060.

9A.40.080 Custodial interference—Assessment of costs—Defense—Consent defense, restricted. (1) Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under RCW 9A.40.060 or 9A.40.070.

(2) In any prosecution of custodial interference in the first or second degree, it is a complete defense, if established by the defendant by a preponderance of the evidence, that:

(a) The defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm, that the belief in the existence of the imminent physical harm was reasonable, and that the defendant sought the assistance of the police, sheriff's office, protective agencies, or the court of any state before committing the acts giving rise to the charges or within a reasonable time thereafter;

(b) The complainant had, prior to the defendant committing the acts giving rise to the crime, for a protracted period of time, failed to exercise his or her rights to physical custody or access to the child under a court-ordered parenting plan or order granting visitation rights, provided that such failure was not the direct result of the defendant's denial of access to such person;

(c) The acts giving rise to the charges were consented to by the complainant; or

(d) The offender, after providing or making a good faith effort to provide notice to the person entitled to access to the child, failed to provide access to the child due to reasons that a reasonable person would believe were directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time. The burden of proof that the denial of access was reasonable is upon the person denying access to the child.

(3) *Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under RCW 9A.40.060 or 9A.40.070.* [1989 c 318 § 5; 1984 c 95 § 3.]

Severability—1989 c 318: See note following RCW 26.09.160.

Severability—1984 c 95: See note following RCW 9A.40.060.

Child custody, action by relative: RCW 26.09.255.

9A.40.090 Luring. A person commits the crime of luring if the person:

(1)(a) Orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public or into a motor vehicle;

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(b) Does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; and

(c) Is unknown to the child or developmentally disabled person.

(2) It is a defense to luring, which the defendant must prove by a preponderance of the evidence, that the defendant's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the minor or the person with the developmental disability.

(3) For purposes of this section:

(a) "Minor" means a person under the age of sixteen;

(b) "Person with a developmental disability" means a person with a developmental disability as defined in RCW 71A.10.020.

(4) Luring is a class C felony. [1995 c 156 § 1; 1993 c 509 § 1.]

Chapter 9A.42

CRIMINAL MISTREATMENT

Sections

9A.42.005 Findings and intent—Christian Science treatment—Rules of evidence.

9A.42.010 Definitions.

9A.42.020 Criminal mistreatment in the first degree.

9A.42.030 Criminal mistreatment in the second degree.

9A.42.040 Withdrawal of life support systems.

9A.42.045 Palliative care for terminally ill persons.

9A.42.050 Defense of financial inability.

9A.42.060 Abandonment of a dependent person in the first degree.

9A.42.070 Abandonment of a dependent person in the second degree.

9A.42.080 Abandonment of a dependent person in the third degree.

9A.42.090 Abandonment of a dependent person—Defense.

9A.42.005 Findings and intent—Christian Science treatment—Rules of evidence. The legislature finds that there is a significant need to protect children and dependent persons, including frail elder and vulnerable adults, from abuse and neglect by their parents, by persons entrusted with their physical custody, or by persons employed to provide them with the basic necessities of life. The legislature further finds that such abuse and neglect often takes the forms of either withholding from them the basic necessities of life, including food, water, shelter, clothing, and health care, or abandoning them, or both. Therefore, it is the intent of the legislature that criminal penalties be imposed on those guilty of such abuse or neglect. It is the intent of the legislature that a person who, in good faith, is furnished Christian Science treatment by a duly accredited Christian Science practitioner in lieu of medical care is not considered deprived of medically necessary health care or abandoned. Prosecutions under this chapter shall be consistent with the rules of evidence, including hearsay, under law. [1997 c 392 § 507.]

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.

9A.42.010 Definitions. As used in this chapter:

(1) "Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but

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(a) The prosecutor alleges and the court concurs that the child will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;

(b) The defendant can observe and hear the child by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the child by electronic transmission and be granted reasonable court recesses during the child's examination for person-to-person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the child shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(5) This section may not preclude the presence of both the victim and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child.

(8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.

(9) The state shall bear the costs of the closed-circuit television procedure. [1990 c 150 § 2.]

Legislative declaration—1990 c 150: "The legislature declares that protection of child witnesses in sexual assault and physical abuse cases is a substantial and compelling interest of the state. Sexual and physical abuse cases are some of the most difficult cases to prosecute, in part because frequently no witnesses exist except the child victim. When abuse is prosecuted, a child victim may suffer serious emotional and mental trauma from exposure to the abuser or from testifying in open court. In rare cases,

the child is so traumatized that the child is unable to testify at trial and is unavailable as a witness or the child's ability to communicate in front of the jury or defendant is so reduced that the truth-seeking function of trial is impaired. In other rare cases, the child is able to proceed to trial but suffers long-lasting trauma as a result of testifying in court or in front of the defendant. The creation of procedural devices designed to enhance the truth-seeking process and to shield child victims from the trauma of exposure to the abuser and the courtroom is a compelling state interest." [1990 c 150 § 1.]

Severability—1990 c 150: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 150 § 3.]

9A.44.900 Decodifications and additions to this chapter. RCW 9.79.140, 9.79.150, 9.79.160, 9.79.170 as now or hereafter amended, 9.79.180 as now or hereafter amended, 9.79.190 as now or hereafter amended, 9.79.200 as now or hereafter amended, 9.79.210 as now or hereafter amended, 9.79.220 as now or hereafter amended, 9A.88.020, and 9A.88.100 are each decodified and are each added to Title 9A RCW as a new chapter with the designation chapter 9A.44 RCW. [1979 ex.s. c 244 § 17.]

9A.44.901 Construction—Sections decodified and added to this chapter. The sections decodified by RCW 9A.44.900 and added to Title 9A RCW as a new chapter with the designation chapter 9A.44 RCW shall be construed as part of Title 9A RCW. [1979 ex.s. c 244 § 18.]

9A.44.902 Effective date—1979 ex.s. c 244. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979. [1979 ex.s. c 244 § 19.]

9A.44.903 Section captions—1988 c 145. Section captions as used in this chapter do not constitute any part of the law. [1988 c 145 § 22.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

Chapter 9A.46 HARASSMENT

Sections

9A.46.010	Legislative finding.
9A.46.020	Definition—Penalties.
9A.46.030	Place where committed.
9A.46.040	Court-ordered requirements upon person charged with crime—Violation.
9A.46.050	Arrestment—No-contact order.
9A.46.060	Crimes included in harassment.
9A.46.070	Enforcement of orders restricting contact.
9A.46.080	Order restricting contact—Violation.
9A.46.090	Nonliability of peace officer.
9A.46.100	"Convicted," time when.
9A.46.110	Stalking.
9A.46.120	Criminal gang intimidation.
9A.46.900	Short title.
9A.46.905	Effective date—1985 c 288.
9A.46.910	Severability—1985 c 288.

Disclosure of information to person threatened or harassed by mentally ill person: RCW 71.05.390.

Harassment: RCW 9A.36.080, chapter 10 14 RCW

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9A.46.010 Legislative finding. The legislature finds that the prevention of serious, personal harassment is an important government objective. Toward that end, this chapter is aimed at making unlawful the repeated invasions of a person's privacy by acts and threats which show a pattern of harassment designed to coerce, intimidate, or humiliate the victim.

The legislature further finds that the protection of such persons from harassment can be accomplished without infringing on constitutionally protected speech or activity. [1985 c 288 § 1.]

9A.46.020 Definition—Penalties. (1) A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or

(ii) To cause physical damage to the property of a person other than the actor; or

(iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

(2) A person who harasses another is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW, except that the person is guilty of a class C felony if either of the following applies: (a) The person has previously been convicted in this or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order; or (b) the person harasses another person under subsection (1)(a)(i) of this section by threatening to kill the person threatened or any other person.

(3) The penalties provided in this section for harassment do not preclude the victim from seeking any other remedy otherwise available under law. [1997 c 105 § 1; 1992 c 186 § 2; 1985 c 288 § 2.]

Severability—1992 c 186: See note following RCW 9A.46.110.

9A.46.030 Place where committed. Any harassment offense committed as set forth in RCW 9A.46.020 or 9A.46.110 may be deemed to have been committed where the conduct occurred or at the place from which the threat or threats were made or at the place where the threats were received. [1992 c 186 § 3; 1985 c 288 § 3.]

Severability—1992 c 186: See note following RCW 9A.46.110.

9A.46.040 Court-ordered requirements upon person charged with crime—Violation. (1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) An intentional violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW. A certified copy of the order shall be provided to the victim by the clerk of the court. [1985 c 288 § 4.]

9A.46.050 Arraignment—No-contact order. A defendant who is charged by citation, complaint, or information with an offense involving harassment and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information. At that appearance, the court shall determine the necessity of imposing a no-contact or no-harassment order, and consider the provisions of RCW 9.41.800, or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment. [1994 sp.s. c 7 § 447; 1985 c 288 § 5.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

9A.46.060 Crimes included in harassment. As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);

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- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Residential burglary (RCW 9A.52.025); and
- (35) Violation of a temporary or permanent protective order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW. [1997 c 338 § 52. Prior: 1994 c 271 § 802; 1994 c 121 § 2; prior: 1992 c 186 § 4; 1992 c 145 § 12; 1988 c 145 § 15; 1985 c 288 § 6.]
- Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.
- Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.
- Purpose—Severability—1994 c 271: See notes following RCW 9A.28.020.
- Severability—1992 c 186: See note following RCW 9A.46.110.
- Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.46.070 Enforcement of orders restricting contact. Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others. [1985 c 288 § 7.]

9A.46.080 Order restricting contact—Violation. The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW and will subject a violator to arrest. [1985 c 288 § 8.]

9A.46.090 Nonliability of peace officer. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of harassment brought by any party to the incident. [1985 c 288 § 9.]

9A.46.100 "Convicted," time when. As used in RCW 9.61.230, 9A.46.020, or 9A.46.110, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, posttrial motions, and appeals. [1992 c 186 § 5; 1985 c 288 § 10.]

Severability—1992 c 186: See note following RCW 9A.46.110.

9A.46.110 Stalking. (1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

- (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and
- (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

- (i) Intends to frighten, intimidate, or harass the person; or
- (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed "private detective acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person.

(5) A person who stalks another person is guilty of a gross misdemeanor except that the person is guilty of a class C felony if any of the following applies: (a) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (b) the stalking violates any protective order protecting the person being stalked; (c) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (d) the stalker was armed with a deadly weapon, as defined in RCW

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9.94A.125, while stalking the person; (c) the stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community correction's officer, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (f) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(b) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(c) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(d) "Repeatedly" means on two or more separate occasions. [1994 c 271 § 801; 1992 c 186 § 1.]

*Reviser's note: "Private detective" redesignated "private investigator" by 1995 c 277

Purpose—Severability—1994 c 271: See notes following RCW 9A.28.020.

Severability—1992 c 186: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 186 § 10.]

9A.46.120 Criminal gang intimidation. A person commits the offense of criminal gang intimidation if the person threatens another person with bodily injury because the other person refuses to join or has attempted to withdraw from a gang, as defined in RCW 28A.600.455, if the person who threatens the victim or the victim attends or is registered in a public or alternative school. Criminal gang intimidation is a class C felony. [1997 c 266 § 3.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

9A.46.900 Short title. This act shall be known as the anti-harassment act of 1985. [1985 c 288 § 12.]

9A.46.905 Effective date—1985 c 288. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1985. [1985 c 288 § 15.]

9A.46.910 Severability—1985 c 288. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1985 c 288 § 14.]

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Chapter 9A.48

ARSON, RECKLESS BURNING, AND MALICIOUS MISCHIEF

Sections

9A.48.010	Definitions.
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9A.48.110	Defacing a state monument

Explosives: Chapter 70.74 RCW.

9A.48.010 Definitions. (1) For the purpose of this chapter, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in RCW 9A.04.110(5), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;

(b) "Damages", in addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage, and shall include any diminution in the value of any property as a consequence of an act.

(2) To constitute arson it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire. [1975-'76 2nd ex.s. c 38 § 6; 1975 1st ex.s. c 260 § 9A.48.010.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020

9A.48.020 Arson in the first degree. (1) A person is guilty of arson in the first degree if he knowingly and maliciously:

(a) Causes a fire or explosion which is manifestly dangerous to any human life, including firemen; or

(b) Causes a fire or explosion which damages a dwelling; or

(c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime; or

(d) Causes a fire or explosion on property valued at ten thousand dollars or more with intent to collect insurance proceeds.

(2) Arson in the first degree is a class A felony. [1981 c 203 § 2; 1975 1st ex.s. c 260 § 9A.48.020.]

9A.48.030 Arson in the second degree. (1) A person is guilty of arson in the second degree if he knowingly and maliciously causes a fire or explosion which damages a building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, machine, engine, automobile, or other motor vehicle, watercraft, aircraft, bridge, or trestle, or hay, grain, crop, or timber, whether cut or standing or any range land, or pasture land, or any fence, or any lumber, shingle, or other timber products, or any property.

(1998 Ed.)

Arson, Reckless Burning, and Malicious Mischief

9A.48.030

(2) Arson in the second degree is a class B felony. [1975 1st ex.s. c 260 § 9A.48.030.]

9A.48.040 Reckless burning in the first degree. (1) A person is guilty of reckless burning in the first degree if he recklessly damages a building or other structure or any vehicle, railway car, aircraft or watercraft or any hay, grain, crop, or timber whether cut or standing, by knowingly causing a fire or explosion.

(2) Reckless burning in the first degree is a class C felony. [1975 1st ex.s. c 260 § 9A.48.040.]

9A.48.050 Reckless burning in the second degree. (1) A person is guilty of reckless burning in the second degree if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning in the second degree is a gross misdemeanor. [1975 1st ex.s. c 260 § 9A.48.050.]

9A.48.060 Reckless burning—Defense. In any prosecution for the crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant had a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose. [1975 1st ex.s. c 260 § 9A.48.060.]

9A.48.070 Malicious mischief in the first degree. (1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony. [1983 1st ex.s. c 4 § 1; 1975 1st ex.s. c 260 § 9A.48.070.]

Severability—1983 1st ex.s. c 4: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 1st ex.s. c 4 § 6.]

9A.48.080 Malicious mischief in the second degree. (1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a class C felony. [1994 c 261 § 17; 1979 c 145 § 2; 1975 1st ex.s. c 260 § 9A.48.080.]

Finding—Intent—1994 c 261: See note following RCW 16.52.011.
Action by owner of stolen livestock: RCW 4 24 320.

9A.48.090 Malicious mischief in the third degree.

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property, under circumstances not amounting to malicious mischief in the first or second degree.

(2)(a) Malicious mischief in the third degree under subsection (1)(a) of this section is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.

(b) Malicious mischief in the third degree under subsection (1)(b) of this section is a gross misdemeanor. [1996 c 35 § 1; 1975 1st ex.s. c 260 § 9A.48.090.]

9A.48.100 Malicious mischief—"Physical damage" defined. For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

(1) "Physical damage", in addition to its ordinary meaning, shall include the total or partial alteration, damage, obliteration, or erasure of records, information, data, computer programs, or their computer representations, which are recorded for use in computers or the impairment, interruption, or interference with the use of such records, information, data, or computer programs, or the impairment, interruption, or interference with the use of any computer or services provided by computers. "Physical damage" also includes any diminution in the value of any property as the consequence of an act;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree. [1984 c 273 § 4; 1981 c 260 § 2. Prior: 1979 ex.s. c 244 § 11; 1979 c 145 § 3; 1977 ex.s. c 174 § 1; 1975 1st ex.s. c 260 § 9A.48.100.]

Effective date—1979 ex.s. c 244: See RCW 9A 44 902

Chapter 180-40 WAC

PUPILS

180-40-200	Purpose and application.	180-40-030	Regulatory provisions relating to RCW 28.04.120(7) and 28.58.100(2)—Personal cleanliness and grooming. SBE 40-4-22, filed 3/29/65, effective 4/29/65. Repealed by Order 1-72, filed 1/28/72.
180-40-205	Definitions.		
180-40-210	Student responsibilities and duties.	180-40-040	Use of motor vehicles. SBE 40-4-23, filed 3/29/65, effective 4/29/65. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-215	Student rights.		
180-40-220	Student disciplinary boards—Establishment at option of school district—Functions.	180-40-050	Detaining of pupils. SBE 40-4-24, filed 3/29/65, effective 4/29/65. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-225	School district rules defining misconduct—Distribution of rules.		
180-40-227	School district rules defining students religious rights.	180-40-060	Rights and responsibilities of pupils and due process guarantees—Basic policies. Order 1-72, § 180-40-060, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-230	Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.		
	DISCIPLINE		
180-40-235	Discipline—Conditions and limitations.	180-40-065	Rights and responsibilities of pupils and due process guarantees—School district board of directors to adopt written rules. Order 1-72, § 180-40-065, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-240	Discipline—Grievance procedure.		
	SHORT-TERM SUSPENSION		
180-40-245	Short-term suspension—Conditions and limitations.	180-40-070	Rights and responsibilities of pupils and due process guarantees—Terms defined—Limitations prescribed. Order 2-74, § 180-40-070, filed 5/23/74; Order 1-72, § 180-40-070, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-250	Short-term suspension—Prior conference required—Notice to parent.		
180-40-255	Short-term suspension—Grievance procedure.		
	LONG-TERM SUSPENSION		
180-40-260	Long-term suspension—Conditions and limitations.	180-40-075	Rights and responsibilities of pupils and due process guarantees—Attendance right and responsibility. Order 1-72, § 180-40-075, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-265	Long-term suspension—Notice of hearing—Waiver of hearing.		
180-40-270	Long-term suspension—Prehearing and hearing process.	180-40-080	Rights and responsibilities of pupils and due process guarantees—Pupils to comply with written rules and submit to disciplinary action—Refusal cause for discipline and suspension. Order 1-72, § 180-40-080, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
	EXPULSION		
180-40-275	Expulsion—Conditions and limitations.	180-40-085	Rights and responsibilities of pupils and due process guarantees—Refusal to comply with written rules cause for expulsion under certain conditions—Conditions prescribed. Order 1-72, § 180-40-085, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-280	Expulsion—Notice of hearing—Waiver of hearing.		
180-40-285	Expulsion—Prehearing and hearing process.		
	EMERGENCY ACTIONS		
180-40-290	Emergency removal from a class, subject, or activity.	180-40-090	Rights and responsibilities of pupils and due process guarantees—Disorderly conduct cause for disciplinary action—Conditions prescribed. Order 1-72, § 180-40-090, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-295	Emergency expulsion—Limitations.		
180-40-300	Emergency expulsion—Notice of hearing—Waiver of hearing right.	180-40-095	Rights and responsibilities of pupils and due process guarantees—Substantive rights enumerated. Order 1-72, § 180-40-095, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-305	Emergency expulsion—Prehearing and hearing process.		
	APPEALS		
180-40-310	Appeals—Long-term suspension and expulsion.	180-40-100	Rights and responsibilities of pupils and due process guarantees—Enumerated rights applicable to all pupils—School district to make related rules. Order 1-72, § 180-40-100, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-315	Appeals—Hearing before school board or disciplinary appeal council—Procedures.		
180-40-317	Appeals—Discipline and short-term suspension grievances.	180-40-105	Rights and responsibilities of pupils and due process guarantees—Constitutional and citizenry rights recognized. Order 1-72, § 180-40-105, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-320	School board or disciplinary appeal council decisions.		
	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER		
180-40-005	Regulatory provisions relating to RCW 28A.04.120(6), 28A.04.132 and 28A.58.101. Order 1-72, § 180-40-005, filed 1/28/72; SBE 40-4-1, filed 3/29/65, effective 4/29/65. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.	180-40-110	Rights and responsibilities of pupils and due process guarantees—Expulsion, suspension and discipline restricted to school-related matters. Order 1-72, § 180-40-110, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-007	Rules applicable to grades K-12. Order 2-74, § 180-40-007, filed 5/23/74; Order 1-72, § 180-40-007, filed 1/28/72; SBE 40-4-2, filed 3/29/65, effective 4/29/65. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.	180-40-115	Rights and responsibilities of pupils and due process guarantees—Readmission provisions. Order 1-72, § 180-40-115, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
180-40-010	Attendance and adherence to district rules. SBE 40-4-20, filed 3/29/65, effective 4/29/65. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.		
180-40-020	Regulatory provisions relating to RCW 28.04.120(7) and 28.58.100(2)—Cause for suspension or expulsion. SBE 40-4-21, filed 3/29/65, effective 4/29/65. Repealed by Order 1-72, filed 1/28/72.		

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180-40-200

Pupils

- 180-40-120 Rights and responsibilities of pupils and due process guarantees—Pupil disciplinary boards—Establishment of school districts—Functions prescribed. Order 1-72, § 180-40-120, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-123 Discipline involving a denial of attendance—Informal due process conference required. Emergency and Permanent Order 10-76, § 180-40-123, filed 8/30/76. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-125 Rights and responsibilities of pupils and due process guarantees—Rights of person aggrieved by disciplinary action to informal conference and formal protest—Procedure prescribed. Order 1-72, § 180-40-125, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-130 Rights and responsibilities of pupils and due process guarantees—Interim suspension in emergency situation—Conditions defined—Procedure prescribed. Order 2-74, § 180-40-130, filed 5/23/74; Order 1-72, § 180-40-130, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-135 Rights and responsibilities of pupils and due process guarantees—Delegation of authority to suspend or expel. Order 1-72, § 180-40-135, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-140 Rights and responsibilities of pupils and due process guarantees—Board of directors to adopt rules for expulsion or suspension hearing before delegated authority—Provisions for protection of pupil rights and appeal prescribed. Order 2-74, § 180-40-140, filed 5/23/74; Order 1-72, § 180-40-140, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-145 Rights and responsibilities of pupils and due process guarantees—Appeal to board of directors from expulsion decision of delegated hearing authority—Procedure prescribed. Order 2-74, § 180-40-145, filed 5/23/74; Order 1-72, § 180-40-145, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-150 Rights and responsibilities of pupils and due process guarantees—Expulsion or suspension hearing directly before board of directors—Procedure prescribed. Order 1-72, § 180-40-150, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-155 Rights and responsibilities of pupils and due process guarantees—Appeal to superior court from action by board of directors regarding discipline, suspension or expulsion—Procedure prescribed. Order 2-74, § 180-40-155, filed 5/23/74; Order 1-72, § 180-40-155, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.
- 180-40-160 Severability. Order 1-72, § 180-40-160, filed 1/28/72. Repealed by Order 6-77, filed 6/2/77, effective 8/1/77.

WAC 180-40-200 Purpose and application. The purpose of this chapter is to implement RCW 28A.305.160 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district. *Provided*, That the enforcement of rules promulgated by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW 28A.600.200 and approved by the state board of education—not by this chapter. The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

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The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-145 WAC governing the operation of school buses, particularly WAC 392-145-015(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-145-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

[Statutory Authority: 1990 c 33, 90-17-009, § 180-40-200, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.132, 82-20-052 (Order 4-82), § 180-40-200, filed 10/1/82; Order 6-77, § 180-40-200, filed 6/2/77, effective 8/1/77.]

WAC 180-40-205 Definitions. As used in this chapter the term: (1) "Discipline" shall mean all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: *Provided*, That the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or in behalf of a school district.

(2) "Suspension" shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

(4) "Long-term suspension" shall mean a suspension which exceeds a "short-term suspension" as defined in subsection (3) of this section.

(5) "Expulsion" shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(6) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-205, filed 7/22/96, effective 8/22/96. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-205, filed 10/16/79; Order 6-77, § 180-40-205, filed 6/2/77, effective 8/1/77.]

WAC 180-40-210 Student responsibilities and duties. The mission of the common school system is to provide

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learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC 180-40-225 and RCW 28A.600.010, and submit to reasonable corrective action or punishment imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

[Statutory Authority: 1990 c 33, 90-17-009, § 180-40-210, filed 8/6/90, effective 9/6/90; Order 6-77, § 180-40-210, filed 6/2/77, effective 8/1/77.]

WAC 180-40-215 Student rights. In addition to other rights established by law, each student served by or in behalf of a common school district shall possess the following substantive rights, and no school district shall limit these rights except for good and sufficient cause:

(1) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap.

(2) All students possess the constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.

(3) All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.

(4) All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of a common school district.

(5) No student shall be deprived of the right to an equal educational opportunity in whole or in part by a school district without due process of law.

The foregoing enumeration of rights shall not be construed to deny or disparage other rights set forth in the constitution and the laws of the state of Washington or the rights retained by the people.

[Statutory Authority: RCW 28A.04.132, 85-04-009 (Order 3-85), § 180-40-215, filed 1/25/85; Order 6-77, § 180-40-215, filed 6/2/77, effective 8/1/77.]

WAC 180-40-220 Student disciplinary boards—Establishment at option of school district—Functions. The board of directors of any school district may authorize the establishment of one or more student disciplinary boards composed of students, teachers, administrators, or parents, or any combination thereof. Disciplinary boards may be authorized to prescribe reasonable discipline and may recommend, but not prescribe, suspension or expulsion to the appropriate school authority. Such school authority shall be granted the

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power to set aside or modify any such prescription or recommendation. In addition, disciplinary boards may be authorized to periodically review rules of the school district defining the types of misconduct for which corrective action or punishment may be imposed and to recommend amendments thereto to the board of directors.

[Order 6-77, § 180-40-220, filed 6/2/77, effective 8/1/77.]

WAC 180-40-225 School district rules defining misconduct—Distribution of rules. (1) It shall be the responsibility and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed. In addition, written procedures for administering corrective action shall be developed and reviewed periodically as follows:

(a) Each school district shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW 28A.600.020(3).

(b) In a manner consistent with the district procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW 28A.400.110.

(2) Rules that establish types of misconduct pursuant to this section must have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules set forth in this chapter, the rules of a school district that establish types of misconduct pursuant to subsection (1) above, and the written procedures of a district for administering corrective action adopted pursuant to subsection (1)(a) above, shall be published and made available to all students and parents on an annual basis. If a school district chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

[Statutory Authority: 1990 c 33, 90-17-009, § 180-40-225, filed 8/6/90, effective 9/6/90. Statutory Authority: 1980 c 171, 80-10-030 (Order 11-80), § 180-40-225, filed 8/4/80; Order 6-77, § 180-40-225, filed 6/2/77, effective 8/1/77.]

WAC 180-40-227 School district rules defining students religious rights. It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted by December 1, 1985 and shall be transmitted to the superintendent of public instruction by December 10, 1985.

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180-40-230

Pupils

[Statutory Authority: RCW 28A.04.132, 85-09-049 (Order 6-85), § 180-40-227, filed 4/16/85; 85-04-009 (Order 3-85), § 180-40-227, filed 1/25/85.]

WAC 180-40-230 Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students. (1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors of a school district shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to WAC 180-40-225 and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC 180-40-290.

(2) The board of directors of any school district may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the school district established pursuant to WAC 180-40-225. Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

(3) Any board of directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion.

(4) Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: *Provided*, That except in emergency circumstances as provided for in WAC 180-40-290, the teacher shall have first attempted one or more alternative forms of corrective action; *Provided further*, That in no event without the consent of the teacher shall an excluded student be returned during the balance of the particular class or activity period from which the student was initially excluded.

[Statutory Authority: 1980 c 171, 80-10-030 (Order 11-80), § 180-40-230, filed 8/4/80; Order 6-77, § 180-40-230, filed 6/2/77, effective 8/1/77.]

DISCIPLINE

WAC 180-40-235 Discipline—Conditions and limitations. Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 180-40-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC 180-40-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

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(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited. This prohibition shall take effect in all school districts September 1, 1994.

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or

(d) Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800, et seq.

[Statutory Authority: RCW 28A.410.010, 94-03-102 (Order 3-94), § 180-40-235, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.305.160, 93-01-077, § 180-40-235, filed 12/14/92, effective 1/14/93. Statutory Authority: RCW 28A.04.132, 90-17-004, § 180-40-235, filed 8/2/90, effective 9/2/90; 87-09-040 (Order 6-87), § 180-40-235, filed 4/14/87; Order 6-77, § 180-40-235, filed 6/2/77, effective 8/1/77.]

WAC 180-40-240 Discipline—Grievance procedure.

Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 180-40-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

(3/25/97)

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-240, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-240, filed 6/2/77, effective 8/1/77.]

SHORT-TERM SUSPENSION

WAC 180-40-245 Short-term suspension—Conditions and limitations. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and most reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

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(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 97-01-047, § 180-40-245, filed 12/12/96, effective 1/12/97. Statutory Authority: 1990 c 33, 90-17-009, § 180-40-245, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.122, 85-12-042 (Order 14-85), § 180-40-245, filed 6/5/85. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-245, filed 10/16/79; Order 13-77, § 180-40-245, filed 10/18/77; Order 6-77, § 180-40-245, filed 6/2/77, effective 8/1/77.]

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WAC 180-40-250 Short-term suspension—Prior conference required—Notice to parent. (1) Prior to the short-term suspension of any student a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student,

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student,

(c) An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student, and

(d) The student shall be provided the opportunity to present his/her explanation.

(2) In the event a short-term suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to WAC 180-40-255 and that the suspension may possibly be reduced as a result of such conference.

(3) All short-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

[Order 6-77, § 180-40-250, filed 6/2/77, effective 8/1/77.]

WAC 180-40-255 Short-term suspension—Grievance procedure. Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 180-40-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-255, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-255, filed 6/2/77, effective 8/1/77.]

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LONG-TERM SUSPENSION

WAC 180-40-260 Long-term suspension—Conditions and limitations. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/c (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be consulted with the intent and purpose of representing various socio economic minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first

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imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

[Statutory Authority: RCW 28A.305.160. 97-08-019, § 180-40-260, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW 28A.305.160 and 1996 c 321. 97-01-047, § 180-40-260, filed 12/12/96, effective 1/12/97. Statutory Authority: 1990 c 33. 90-17-009, § 180-40-260, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.132. 85-12-042 (Order 14-85), § 180-40-260, filed 6/5/85. Statutory Authority: 1979 1st ex.s. c 173 and c 201. 79-11-049 (Order 14-79), § 180-40-260, filed 10/16/79; Order 6-77, § 180-40-260, filed 6/2/77, effective 8/1/77.]

WAC 180-40-265 Long-term suspension—Notice of hearing—Waiver of hearing. (1) Prior to the long-term suspension of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:

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(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated,

(c) Set forth the corrective action or punishment proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

[Order 6-77, § 180-40-265, filed 6/2/77, effective 8/1/77.]

WAC 180-40-270 Long-term suspension—Prehearing and hearing process. (1) If a request for a hearing is received pursuant to WAC 180-40-265 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

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(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

[Order 6-77, § 180-40-270, filed 6/2/77, effective 8/1/77.]

EXPULSION

WAC 180-40-275 Expulsion—Conditions and limitations. A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the notice requirements set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary ser-

vices that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

[Statutory Authority: 1990 c 33, 90-17-009, § 180-40-275, filed 8/6/90 effective 9/6/90. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-1049 (Order 14-79), § 180-40-275, filed 10/16/79; Order 6-77, § 180-40-27 filed 6/2/77, effective 8/1/77.]

WAC 180-40-280 Expulsion—Notice of hearing—Waiver of hearing. (1) Prior to the expulsion of a student written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak language other than English, to the extent feasible.

(b) Specify the alleged misconduct and the school district rule(s) or policy alleged to have been violated.

(c) Set forth the corrective action or punishment proposed.

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed expulsion may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing request a hearing within three school business days after date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and be accepted orally if expressly provided for and allowed by rule or policy of the school district.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed expulsion may be imposed.

[Order 6-77, § 180-40-280, filed 6/2/77, effective 8/1/77.]

WAC 180-40-285 Expulsion—Prehearing and hearing process. (1) If a request for a hearing is received pursuant to WAC 180-40-280 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing.

(b) Be represented by legal counsel.

(c) Question and confront witnesses.

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

[Order 6-77, § 180-40-285, filed 6/2/77, effective 8/1/77.]

EMERGENCY ACTIONS

WAC 180-40-290 Emergency removal from a class, subject, or activity. (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority: *Provided*, That the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal from classes, subjects, or activities shall continue only until:

(a) The danger or threat ceases, or

(b) The principal or designated school authority acts to impose discipline, impose a short-term suspension, initiate a

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long-term suspension or an expulsion, or impose an emergency expulsion, pursuant to this chapter.

(2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher or administrator who removed the student therefrom of the action which has been taken or initiated.

[Order 6-77, § 180-40-290, filed 6/2/77, effective 8/1/77.]

WAC 180-40-295 Emergency expulsion—Limitations. Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: *Provided*, That the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or reversed pursuant to the hearing provisions set forth in WAC 180-40-305 or the appeal provisions set forth in WAC 180-40-315.

[Order 6-77, § 180-40-295, filed 6/2/77, effective 8/1/77.]

WAC 180-40-300 Emergency expulsion—Notice of hearing—Waiver of hearing right. (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion: *Provided*, That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter 180-38 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible.

(b) Specify the alleged reason(s) for the emergency expulsion.

(c) Set forth the corrective action or punishment taken and proposed.

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

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(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required ten school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

[Statutory Authority: RCW 28A.04.132, 86-20-055 (Order 12-86), § 180-40-300, filed 9/29/86; Order 6-77, § 180-40-300, filed 6/2/77, effective 8/1/77.]

WAC 180-40-305 Emergency expulsion—Prehearing and hearing process. (1) If a request for a hearing within the required ten school business days is received pursuant to WAC 180-40-300, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

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(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

(Order 6-77, § 180-40-305, filed 6/2/77, effective 8/1/77.)

APPEALS

WAC 180-40-310 Appeals—Long-term suspension and expulsion. Appeals from decisions rendered pursuant to WAC 180-40-270, 180-40-285 and 180-40-305 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

(3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decision upon may be imposed as of the calendar day following expiration of the three school business day period.

(4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than

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ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

[Statutory Authority: RCW 28A.305.160, 97-08-019, § 180-40-310, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-310, filed 7/22/96, effective 8/22/96; Order 13-77, § 180-40-310, filed 10/18/77; Order 6-77, § 180-40-310, filed 6/27/77, effective 8/1/77.]

WAC 180-40-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures. (1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC 180-40-310(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

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(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing.

(ii) Question and confront witnesses,

(iii) Present his or her explanation of the alleged misconduct, and

(iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-315, filed 7/22/96, effective 8/22/96. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-315, filed 10/16/79; Order 6-77, § 180-40-315, filed 6/27/77, effective 8/1/77.]

WAC 180-40-317 Appeals—Discipline and short-term suspension grievances. Any school district board of directors may delegate its authority to hear and decide discipline and short-term suspension grievance appeals filed pursuant to WAC 180-40-240 and 180-40-253 to a school district disciplinary appeal council established pursuant to WAC 180-40-310(1).

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-317, filed 7/22/96, effective 8/22/96.]

WAC 180-40-320 School board or disciplinary appeal council decisions. Any decision by a school board of directors or school district disciplinary appeal council pursuant to this chapter to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:

(1) Only by those board or council members who have heard or read the evidence.

(2) Only by those board or council members who have not acted as a witness in the matter.

(3) Only at a meeting at which a quorum of the board or council is present and by majority vote.

[Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-320, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-320, filed 6/27/77, effective 8/1/77.]

CHAPTER FIVE

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

The purpose of this project was to examine current research on classroom management strategies and different schoolwide discipline models for the purpose of designing a schoolwide discipline plan that could be implemented in Thompson Elementary School. As a result of reading the current research and school discipline plans, it was apparent that the key issues regarding school discipline were student responsibility, developing empathy for other students, and reflecting on ones own motivations. The schoolwide discipline plan developed reflects these beliefs in a variety of ways. First, students will be taught what responsible behaviors look like through use of classroom instruction and materials from The Hearwood Project. Second, students will be given opportunities to reflect on their behavior and determine alternate courses of action through use of both written and oral problem solving strategies. Finally, students will develop an understanding of underlying similarities between different ethnic, racial, and gender groups through the use of children's literature activities and cooperative learning.

Conclusions

Conclusions reached as a result of the completion of this project were:

1. Consistent enforcement of rules and expectations within a classroom and throughout a school helps students become successful.

2. Developing individual responsibility in the classroom is essential to a student's success in school.
3. Helping students to reflect on their behavior and developing alternative solutions to problems is a powerful way to promote long-term change in student behavior.
4. Using literature in the classroom that reflects the diversity of people helps students to develop empathy for others.
5. Using value-based literature and modeling appropriate behaviors in the classroom will help students to carry over these behaviors into their daily lives.
6. Recognizing students for their successes is an essential element in the development of long-term behaviors.

Recommendations

As a result of this project the following recommendations are presented:

1. Implementation of a schoolwide discipline plan requires staff buy-in and ownership of the plan.
2. A schoolwide discipline plan should undergo continuous review and modification in respect to specific procedures and overall effectiveness.

BIBLIOGRAPHY

Algozzine, B., Marr, M.B., Audette, R., & White, R. (1998). Improving the Lives of Children: An SED Primary Prevention Project. Final Report: University of North Carolina at Charlotte.

Cheney, D., Manning, B., & Upham, D. (1997). Project DESTINY: Engaging Families of Students with Emotional and Behavioral Disabilities. Teaching Exceptional Children, Sept/Oct, p.24-29.

Cheney, D. & Barringer C. (1999). A Transdisciplinary Model for Students' Social and Emotional Development. Behavioral Intervention: Principles, Models, and Practices (pp. 149-173). Scotti, J.R. & Meyer L.H. (eds), Paul H. Brookes Publishing Co. Baltimore.

Cheney, D. & Muscott, H.S. (1996). Preventing School Failure for Students with Emotional and Behavioral Disabilities Through Responsible Inclusion. Preventing School Failure, 40(3), 109-116.

Cheney, D., Manning, B., & Upham, D. (1997). Project DESTINY: Engaging families of Students with Emotional and Behavioral Disabilities. Teaching Exceptional Children. 24-29.

Corno, L. (1992). Encouraging Students to Take Responsibility for Learning and Performance. The Elementary School Journal, 93(1). 69-83.

Curwin, R.L. & Mendler, A.N. (1984). High Standards for Effective Discipline. Educational Leadership, 41(8). 75-76.

Curwin, R.L. & Mendler, A.N. (1988). Packaged Discipline Programs: Let the buyer beware. Educational Leadership, 46(2). 68-71.

Curwin, R.L. (1993). The Healing Power of Altruism. Educational Leadership, 51(3). 36-39.

Curwin, R.L. & Mendler, A.N. (1995). Discipline with Dignity, Resource Handbook. Bureau of Education & Research: Bellevue, WA.

Developmental Studies Center. (1998). The Child Development Project: A Brief Summary of the Project and Findings from Three Evaluation Studies. 1-16.

Emmer, E.T., Evertson, C.M. & Anderson, L.M. (1980). Effective Classroom Management at the Beginning of the School Year. The Elementary School Journal, 80(5). 219-231.

Fraser, B.J., O'Brian, P. (1985). Student and Teacher Perceptions of the Environment of Elementary School Classrooms. The Elementary School Journal, 85(5). 567-580.

Gaustad, J. (1992). School Discipline. ERIC Digest, 78.

Johnson, D.W., Johnson, R., Dudley, B. & Acikgoz, K. (1994). Effects of Conflict Resolution Training on Elementary School Students. The Journal of Social Psychology, 134(6). 803-812.

Lewis, C.C., Schaps, E. & Watson, M.S. (1996). The Caring Classroom's Academic Edge. Educational Leadership, 54(1). 16-20.

Lewis, T., & Sugai, G. (1999). Effective Behavioral Support: A Systems Approach to Proactive Schoolwide Management. Focus on Exceptional Children, 31(6) 1-24.

Mayer, G.R. (1997). *Constructive Discipline for School Personnel*.
California State University, Los Angeles.

Mendler, A. & Curwin, R. (1999). *Seven Keys to Motivating Difficult Students*. Reaching Today's Youth, Spring, p.13-15.

Schaps, E. & Solomon, D. (1990). *Schools and Classrooms as Caring Communities*. Educational Leadership, 48(3). 38-42.

Smith, M.A. & Misra, A. (1992). *A Comprehensive Management System for Students in Regular Classrooms*. The Elementary School Journal, 92(3). 353-371.