



## Chapter Listing

### Chapter 28A.635 RCW

#### OFFENSES RELATING TO SCHOOL PROPERTY AND PERSONNEL

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##### NOTES:

*Educational employment relations act: Chapter 41.59 RCW.*

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### RCW 28A.635.010

#### Abusing or insulting teachers, liability for—Penalty.

Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his or her official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars.

[ **1990 c 33 § 536**; **1984 c 258 § 314**; **1969 ex.s. c 199 § 55**; **1969 ex.s. c 223 § 28A.87.010**. Prior: 1909 c 97 p 360 § 11; RRS § 5054; prior: **1903 c 156 § 11**; **1897 c 118 § 169**; **1890 p 383 § 86**. Formerly RCW **28A.87.010**, **28.87.010**.]

## NOTES:

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW **3.30.010**.

**Intent—1984 c 258:** See note following RCW **3.34.130**.

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## RCW 28A.635.020

### **Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.**

(1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW **9A.84.030**.

(3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

(4) Any person guilty of violating this section shall be deemed guilty of a gross misdemeanor punishable as provided in chapter **9A.20** RCW.

[ **1997 c 266 § 6**; **1981 c 36 § 1**; 1975-'76 2nd ex.s. c 100 § 1. Formerly RCW **28A.87.055**.]

## NOTES:

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

**Severability—1975-'76 2nd ex.s. c 100:** "If any provision of this 1976 amendatory 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." [1975-'76 2nd ex.s. c 100 § 3.]

## RCW 28A.635.030

### Disturbing school, school activities or meetings—Penalty.

Any person who shall willfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars.

[ **1984 c 258 § 315**; **1969 ex.s. c 199 § 57**; **1969 ex.s. c 223 § 28A.87.060**. Prior: 1909 c 97 p 361 § 12; RRS § 5055; prior: **1903 c 156 § 12**; **1897 c 118 § 170**; **1890 p 383 § 87**. Formerly RCW **28A.87.060**, **28.87.060**.]

## NOTES:

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW **3.30.010**.

**Intent—1984 c 258:** See note following RCW **3.34.130**.

## RCW 28A.635.040

### Examination questions—Disclosing—Penalty.

Any person having access to any question or questions prepared for the examination of

teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars.

[ **1984 c 258 § 316**; **1969 ex.s. c 199 § 58**; **1969 ex.s. c 223 § 28A.87.070**. Prior: 1909 c 97 p 357 § 1; RRS § 5043; prior: **1903 c 156 § 1**; **1897 c 118 § 159**. Formerly RCW **28A.87.070**, **28.87.070**.]

## NOTES:

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW **3.30.010**.

**Intent—1984 c 258:** See note following RCW **3.34.130**.

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## RCW 28A.635.050

### Certain corrupt practices of school officials—Penalty.

(1) Except as otherwise provided in chapter **42.23** RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of the superintendent's office, any educational service district superintendent, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, anything of value for or on account of his or her influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of educational service district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

(2) Any willful violation of this section is a misdemeanor.

[ **2003 c 53 § 168**; **1990 c 33 § 537**; **1975 1st ex.s. c 275 § 143**; **1969 ex.s. c 176 § 150**; **1969 ex.s. c 223 § 28A.87.090**. Prior: **1917 c 126 § 1**; RRS § 5050. Formerly RCW **28A.87.090**, **28.87.090**.]

## NOTES:

**Intent—Effective date—2003 c 53:** See notes following RCW **2.48.180**.

**Rights preserved—Severability—1969 ex.s. c 176:** See notes following RCW **28A.310.010**.

**RCW 28A.635.060****Defacing or injuring school property—Liability of pupil, parent, or guardian—Withholding grades, diploma, or transcripts—Suspension and restitution—Voluntary work program as alternative—Rights protected.**

\*\*\* CHANGE IN 2021 \*\*\* (SEE **1176-S.SL**) \*\*\*

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

[ **1997 c 266 § 13**; **1994 c 304 § 1**; **1993 c 347 § 3**; **1989 c 269 § 6**; **1982 c 38 § 1**; **1969 ex.s. c 223 § 28A.87.120**. Prior: 1909 c 97 p 361 § 41; RRS § 5057; prior: **1903 c 156 § 14**; **1897 c 118 § 172**; **1890 p 372 § 48**. Formerly RCW **28A.87.120**, **28.87.120**.]

**NOTES:**

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

**Effective date—1994 c 304:** "This act shall take effect July 1, 1994." [ **1994 c 304 § 4**.]

*Action against parent for willful injury to property by minor—Monetary limitation—Common law liability preserved: RCW **4.24.190**.*

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## RCW 28A.635.070

### Property, failure of officials or employees to account for—Mutilation by—Penalties.

Any school district official or employee who shall refuse or fail to deliver to his or her qualified successor all books, papers, and records pertaining to his or her position, or who shall willfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred.

[ **1990 c 33 § 538**; **1984 c 258 § 317**; **1969 ex.s. c 199 § 60**; **1969 ex.s. c 223 § 28A.87.130**. Prior: 1909 c 97 p 359 § 7, part; RRS § 5049, part; prior: 1907 c 240 § 16, part; 1903 c 156 § 7, part; 1897 c 118 § 165, part. Formerly RCW **28A.87.130**, **28.87.130**, part.]

### NOTES:

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW **3.30.010**.

**Intent—1984 c 258:** See note following RCW **3.34.130**.

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## RCW 28A.635.080

### Director's connivance to employ uncertified teachers—Liability.

Any school district director who shall aid in or give his or her consent to the employment of a teacher who is not the holder of a valid teacher's certificate issued under authority of chapter **28A.410** RCW authorizing him or her to teach in the school district by which employed shall be personally liable to his or her district for any loss which it may sustain by reason of the employment of such person.

[ **1990 c 33 § 539**; **1969 ex.s. c 223 § 28A.87.135**. Prior: 1909 c 97 p 359 § 7, part; RRS § 5049, part; prior: 1907 c 240 § 16, part; 1903 c 156 § 7, part; 1897 c 118 § 165, part. Formerly RCW **28A.87.135**, **28.87.130**, part, **28.87.160**.]

## RCW 28A.635.090

### Interference by force or violence—Penalty.

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

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment.

[ 2003 c 53 § 169; 1996 c 321 § 3; 1990 c 33 § 540; 1988 c 2 § 1; 1971 c 45 § 3. Formerly RCW 28A.87.230.]

### NOTES:

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

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## RCW 28A.635.100

### Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty.

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

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment.

[ 2003 c 53 § 170; 1990 c 33 § 541; 1988 c 2 § 2; 1971 c 45 § 4. Formerly RCW 28A.87.231.]

### NOTES:

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**RCW 28A.635.110****Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception.**

The crimes defined in RCW 28A.635.090 and 28A.635.100 shall not apply to school administrators, teachers, or classified employees who are engaged in the reasonable exercise of their disciplinary authority.

[ 1990 c 33 § 542; 1988 c 2 § 3; 1971 c 45 § 5. Formerly RCW 28A.87.232.]