

STUDENTS

Student Exceptional Misconduct

Exceptional misconduct means misconduct, which the school district has judged as follows:

- (a) To 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 or expulsion, and/or
- (b) To be so serious in nature and/or serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension, long-term suspension, or emergency expulsion.

Students shall refrain from exceptional misconduct while on school property during or immediately before or after school hours, at any time the school or grounds are being used for a school activity or event, or while attending a school activity or event off the school grounds. School events include, but are not limited to, athletic events and athletic team camps, co-curricular events and co-curricular camps, Kennewick School District bus stops, and incidents that occur within the proximity of the campus or has a nexus to school. Acts that occur off-campus and/or after school hours will be reviewed by its effect upon the safety and operation of the school and whether it, in fact, is detrimental to the good order and to the welfare of the pupils.

Administrators investigating incidents of exceptional misconduct shall conduct thorough investigations and carefully review the circumstances of the incident. Administrators have the discretion to take appropriate disciplinary actions and to differentiate consequences based on the involvement of various students in the exceptional misconduct. If action is taken to long-term suspend or expel, the exclusion from school must have an end date of not more than the length of an academic term as defined by the school board (90 days) unless the offense involves a firearm.

The Kennewick School District views weapons violations, violence, threats, or threats of violence, acts that could result in bodily harm or any other conduct that results in a disruption of the educational process as exceptional misconduct. Students engaged in such conduct are subject to corrective action or punishment, including, but not limited to, suspension and expulsion. As a matter of practice, law enforcement may be called anytime a student commits any of the following acts:

1. Firearms and Explosives – Students who possess, carry, deliver, transfer, or use a firearm, explosive or explosive device on school grounds, at a school-sponsored event, or event off school grounds, will be expelled for no less than one school year.

An exploding device is one that is capable of causing substantial property damage or bodily harm or producing destructive effects on contiguous objects. This shall include, but not be limited to, fireworks, pyrotechnic devices, and ammunition for firearms.

Policy No. 3314
Student Exceptional Misconduct – Continued

Explosives means gun powders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices, destructive devices, any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

Unloaded and/or inoperable firearms or explosives remain a firearm or explosive for purposes of this section.

2. Weapons and Dangerous Instruments - Weapons may include, but are not limited to, air, aerosol, gas or pump-action chemical agents, air, aerosol, gas or pump-action firearms, nunchu-ka sticks, throwing stars, clubs, knives of all kinds, silencers, and objects similar in form or use to those listed above. Any item used with the intent, or perceived intent to threaten, intimidate, or harm another person would be considered a weapon.

Blunt or heavy objects used or displayed during a fight may be considered weapons for purposes of enforcing this policy.

Weapon use, transmission, or possession shall result in emergency expulsion by building administrators. Such expulsion shall continue until appropriate investigation has been made by school and law enforcement authorities.

- a. A student who brings a handgun or explosives to school or school-sponsored events will be expelled for one calendar year.
- b. School officials shall notify the student's parents or guardians and the appropriate law enforcement agency of known or suspected violations of this policy.
- c. Students who violate this policy shall be subject to discipline, including a one-year expulsion for a violation involving a firearm.
- d. The superintendent or designee may modify the one-year expulsion on a case-by-case basis.

Administrators shall use discretion and may select alternative disciplinary measures when investigating incidents involving small pocketknives not used or displayed as a weapon.

3. Intimidation by threat of force or violence. A student shall not singly or in concert with others intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school, or other person legitimately on school grounds, who is in the peaceful discharge or conduct of his or her duties or studies.

Policy No. 3314
Student Exceptional Misconduct – Continued

Double penalties will be imposed whenever "group" or "gang" fighting is involved. "Group" or "gang" fighting as used herein shall mean two (2) or more individuals who are involved in one side of a fight.

Double penalties will be imposed on all high school students who are involved as provokers of fights with middle and elementary school students, and on middle school students who are involved as provokers of fights with elementary students.

4. Harassment – Harassment is prohibited and maybe in the form of:
 - a) Slurs or
 - b) Other harassment based on sex, race, religion, ethnic origin, sexual orientation, or disability (physical, mental, or sensory).
5. Bullying – Bullying is prohibited and is defined as any intentional written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.35.080(3), which includes race, color, religion, ancestry, national origin, gender, sexual orientation, mental physical disability, physical appearance, clothing and other apparel, socioeconomic status, gender identity, marital status, or other distinguishing characteristics, when the intentional written, verbal, or physical act:
 - a) Physically harms a student or damages the student’s property; or
 - b) Has the effect of substantially interfering with a student’s education; or
 - c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
 - d) Has the effect of substantially disrupting the orderly operation of school.
6. Extortion, Assault, or Causing Physical Injury - A student shall not extort anything of value, threaten injury or attempt to cause physical injury or intentionally behave in such a way as could reasonably be expected to cause physical injury to any person.
7. Substantial Disruption of School - A student shall not intentionally cause the substantial and material disruption of any school operation. This may include but is not limited to the following:
 - a. Copy cat acts and
 - b. Contributing to or knowing involvement in a potentially dangerous activity and failing to report the misconduct, this shall include passive resistance and any overt act toward the commission of a crime.
8. Damage or Theft of Property - A student shall not recklessly, negligently, intentionally, or with gross carelessness, damage school or private property. Additionally, they shall not be involved in the theft of any school property or private property on school grounds. Where school property is damaged or stolen, the Superintendent may seek restitution from the

Policy No. 3314
Student Exceptional Misconduct – Continued

student or his/her parents as permitted by law. A student shall not knowingly damage or vandalize the home or property of any Kennewick School District employee.

9. Narcotics, Alcoholic Beverages and Stimulant Drugs - A student shall not knowingly possess, use, transmit, be under the influence of, or show evidence of having used any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind or look-alikes on campus or at any school-sponsored event.

Appropriate and prescribed use of a drug by a student that has been authorized by a medical prescription from a registered physician shall not be considered a violation of this rule.

10. Repeated Misconduct - A student shall not repeatedly fail to comply with the district policies or school rules or with the directions of school personnel during any period of time when he/she is properly under the authority of school personnel.

11. Forgery - A student shall not make any false entry or alter any school document used or intended to be used in connection with the operation of the school.

12. Lewd Conduct - A student shall not use or exhibit obscene or vulgar behavior through language, writing, pictures, signs, or acts.

13. Gambling - A student shall not engage in gambling of any form. This includes accepting, recording and registering bets, or any form of lottery for money.

14. Cheating - A student shall not intentionally obtain test questions and/or answers through fraudulent means and shall not plagiarize written material.

15. False Accusations - A student shall not intentionally make false accusations against staff or students.

16. Cigarettes, Cigars, Tobacco - A student shall not possess or use cigarettes (including electronic delivery devices), cigars, chewing tobacco, or tobacco of any kind on school property, Kennewick School District bus stop, Kennewick School District vehicle, or at any school-sponsored event.

17. Computer Misuse – Students will NOT be permitted to:
- a. Damage any part of the computer system by attempting to harm, modify, or destroy computer hardware, software, or the data of fellow students.
 - b. Send, receive, or display offensive, inappropriate, or sexually explicit material,
 - c. Use obscene language,
 - d. Use other people's passwords,
 - e. Harass, insult, or attack others,

Policy No. 3314
Student Exceptional Misconduct – Continued

- f. Seek to receive or provide unauthorized access to resources,
- g. Trespass in files and/or folders of others,
- h. Violate copyright laws and/or plagiarize the material of others,
- i. Steal equipment or software,
- j. Intentionally waste resources, and
- k. Use a network computer for commercial purposes, personal gain, and fraud.

18. Exceptional misconduct will not include absenteeism.

Cross Reference: [Policy 3200](#) Student Rights and Responsibilities
 [Policy 3207](#) Prohibition of Harassment,
 [Policy 3210](#) Intimidation, and Bullying
 Nondiscrimination

Legal Reference: [WAC 392-400](#) Pupils:
 Discipline
 Short-term Suspension
 Long-term Suspension
 Expulsion
 Emergency Actions
 Appeals

RCW [9A.46.120](#) Criminal Gang Intimidation
[28A.600.455](#) Gang Activity – Suspension - Expulsion
[28A.635.020](#) Willfully Disobeying School Administration
[28A.635.060](#) Defacing or Injuring School Property - Liability
[28A.600.010](#) Enforcement of Rules of Conduct
[28A.600.420](#) Firearms on School Premises, Transportation, or
 Facilities

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