Tigard-Tualatin School District 23J
Code: JFCP
Adopted: 12/11/23

Student Acts of Physical Aggression or Violence

The Tigard-Tualatin School District is committed to providing every student with a safe and welcoming learning environment. The Board denounces school violence and will not tolerate student acts of aggression or violence against students or staff on district property or at activities under the jurisdiction of the district. The Board charges the superintendent to follow research-based practices that are equitable, fair, and just when responding to acts of student aggression and violence. The district will support students' Constitutional rights, including the right to due process.

Definitions of Prohibited Acts

The Tigard-Tualatin School District adopts the state definitions for assault as set forth in ORS 163.160-163.185[1], namely that assault is intentionally, knowingly or recklessly causing physical injury to another.

For its disciplinary response to incidents, the district also adheres to ODE's definitions listed below:

- Physical aggression means making contact with another with the intent to cause minor harm.
- Fighting means mutually engaging in physical violence with others with the intent to injure or cause harm.
- Assault means attacking another with intent to cause serious harm.
- Encouraging violence means encouraging a peer to engage in a violent act either verbally, through writing, or via a social media post.

Using an electronic device to record a physical altercation, act of physical aggression, fighting, or assault and posting such a recording to social media, or sharing via text message or messaging app, is considered an act requiring disciplinary action when such a posting is anticipated to result or does result in a substantial disruption to the educational environment[2].

The Student Handbook

The Board directs the superintendent to oversee the development of the *Student Rights and Responsibilities Handbook*. This handbook will be reviewed and approved by the Board as outlined in policy CHCA – Handbooks. This handbook should include guidelines outlining violations, consequences and disposition in alignment with the district's culturally responsive and restorative practices as affirmed in the EASH (education, accountability, solutions, and

[1] ORS 163.160-163.185.
[2] *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

healing) framework[3]. Administrators and staff will follow these guidelines when determining appropriate disciplinary action in response to acts of aggression and violence. The guidelines should include a continuum of responses that allow the building administrator or staff member to take into consideration both aggravating and mitigating circumstances. Such circumstances may include the originator's age and cognitive development, the context of the event, the severity of the aggression, the impact on the community of the event, and/or the frequency with which the originator has previously violated district policy or state or federal law.

Reporting

Students may report any incident:

- To school staff who shall report the incident to the building administrator,
- To a school administrator, and/or
- To the Safe Oregon tip line.

Parents/Guardians and others are also encouraged to report relevant incidents to the building administrator.

Staff members who learn of a potential incident will prioritize the safety and well-being of all persons impacted and promptly report the incident to the building administrator. Building administrators have the responsibility of addressing and investigating all reported incidents. Responding staff shall recognize the experience of all persons impacted, acknowledge the impact, and prevent further harm against those impacted from taking place.

Investigation

The building administrator or designee receiving the report of an incident shall notify the victim(s) and originator(s), as well as their parents/guardians in a timely fashion. The notification will include the nature of the incident and that an investigation has been initiated. In support of the investigation process, the building administrator will arrange such meetings as may be necessary with all concerned parties after receipt of the information concerning the incident. The parties will have an opportunity to submit evidence and a list of witnesses. The building administrator must consider whether behavior implicates other district policies or civil rights laws, and if so, respond accordingly. All reports of prohibited acts of aggression will be investigated in a timely fashion and in accordance with the procedures outlined in the handbook.

District Accountability

Substantiated incidents shall be tracked and filed with the building and district offices, and recorded in the District Student Information System. The data will be reviewed quarterly for adjustment in disciplinary practice by the district PBIS team, district behavior committee,

[3] Policy ACC – Educational Equity and Racial Justicemight put "District Student Information System" (for future proofing)

Education Equity Advisory Committee, cabinet and superintendent to determine if a more targeted or systemic response is required either for an individual school or the district system as a whole. The superintendent will provide a quarterly report to the Board regarding the data and all systems reviews.

If a victim or an originator is not satisfied with the final determination, they may submit a written appeal following policy KL-AR(1) – Public Complaint Procedure.

Communication

The building administrator or designee who is conducting the investigation will notify the victim(s), originator(s), and their parents/guardians again when the investigation has been concluded. The investigator may release information as to the findings and outcome of the investigation to the victim(s) and their parents/guardians only if permitted by state or federal law (such as FERPA). If a law prohibits releasing such information, the investigator will cite the law and explain how the law applies to the current situation.

The building administrator will notify and consult with the originator's teacher(s) and relevant staff members about the investigation and outcomes that directly impact classroom instruction or supervisory duties.

The building administrator may also communicate with families of other students who were impacted by the incident.

Discipline

Students found in violation of this policy will be subject to discipline as determined using the guidelines described in the Handbook, up to and including expulsion. The building administrator or designee will notify the parent or guardian of any student in violation of this policy and the disciplinary action imposed. Infractions that result in a violation of state or federal law will be referred to law enforcement authorities.

Documentation related to substantiated incidents will be maintained as a part of the student's education records.

The district will enforce this policy consistently, fairly and without bias against any student. Incidents involving bullying, sexual violence, or intimidation will follow policy JFCF – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence (Student). Disciplinary procedures for a student who is identified as having a disability must follow policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation. Incidents involving child abuse by a student must follow policy JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements.

Legal Reference(s):
ORS 163.160-163.185
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Cross Reference(s):
Student Rights and Responsibilities Handbook
ACC – Educational Equity and Racial Justice
CHCA – Handbooks
JF/JFA – Student Rights and Responsibilities
JFC – Student Conduct
JFCF – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence (Student)
JFCM – Threats of Violence
JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements
JGDA – Discipline of Students with Disabilities
KL-AR(1) – Public Complaint Procedure