

Resolution Agreement
Chino Valley Unified School District
09-20-1416

Chino Valley Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement to resolve the compliance concerns identified in the above-referenced case by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and the implementing regulations for each of these statutes.

I. **Policies, Procedures, and Forms**

a. The District will modify its homicide risk threat screening and assessment policies, procedures, and forms in the following ways:

- i. For students with an individualized education program (IEP) or Section 504 Plan who have disabilities that manifest in physical and/or verbal threatening conduct of a homicidal nature, the IEP or Section 504 team will, to the extent possible under the circumstances, proactively consider and determine the role of the homicide risk threat screening and assessment process in appropriately responding to such conduct, should it occur, based on the student's individualized needs.
- ii. In screening a student for homicide risk threat, assessing the student, and reaching a homicide risk threat determination, District staff responsible for conducting said screenings ("First Responders") and assessments (Assessors) will, to the extent possible under the circumstances, request, consider, and document available information concerning whether a student referred for screening or assessment has a disability and, if so, the nature and functional limitations of the disability and whether any behavior-related accommodations, supports, and/or services of a student's IEP or Section 504 Plan were implemented in response to the conduct triggering the homicide threat risk screening and assessment .
- iii. For students with disabilities, the First Responders and Assessors will determine and document the level of concern of the student's conduct. Assessors will determine that the student poses a homicide risk threat if the student qualifies as a direct threat to the health or safety of others. Assessors will make an individualized determination, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices or procedures or the provision of auxiliary aids or services will mitigate the risk.

- iv. For students with disabilities, First Responders and Assessors will, to the extent possible under the circumstances and based on his/her/their professional judgment, afford a reasonable opportunity for parents, guardians, and other knowledgeable members of the student's IEP or Section 504 team, if available, to provide input regarding a student's disability-related behaviors and needs as part of the homicide threat risk screening and assessment process.
- v. If First Responders determine that a student with a disability requires a homicide threat risk assessment or Assessors determine that a student with a disability poses a homicide risk threat, the basis for that decision will be fully documented and a copy of that documentation will be provided to the student's parent or guardian and to designated District personnel.
- vi. If First Responders determine that a student with a disability requires a homicide threat risk assessment or Assessors determine that a student with a disability poses a homicide risk threat, then the school site administrator will notify appropriate members of the student's IEP/Section 504 team within one business day, which will determine whether the student needs additional accommodations, services, supports, modifications, and/or aids by either: convening an IEP or Section 504 team meeting to discuss such determination; or considering the determination at the student's next regularly scheduled (e.g., annual or triennial) IEP or Section 504 team meeting.

b. Reporting requirements:

- i. By May 1, 2021, the District will provide OCR a draft of the modified homicide risk threat screening and assessment policies, procedures, and forms. Incorporating OCR's input, the District will finalize and begin implementing the modified policies, procedures, and forms by August 13, 2021. By the same date, the District will provide OCR a copy of the final policies, procedures, and forms and confirm that the District is implementing them. The August 13, 2021 reporting deadline is contingent on the District's timely receipt of OCR's input.

II. Training and Written Guidance

- a. The District will provide training and written guidance on the modified homicide risk threat screening and assessment policies, procedures, and forms developed under Section I.a. of this Resolution Agreement to all school and District-level personnel who conduct homicide risk threat screenings or assessments and/or who routinely participate in IEP and/or Section 504 team meetings (e.g., District administrators, school site administrators, school psychologists, behavior

specialists, mental health specialists, counselors, special education teachers, general education teachers, and related service providers).

b. Reporting requirements:

By May 30, 2021, the District will provide OCR with draft written guidance and a draft outline of the training content. Incorporating OCR's input, the District will complete the training and distribute the written guidance by August 13, 2021. By the same date, the District will report the following: the dates of the training; a list of participants, by title; the individual(s) conducting the training by title and qualifications; a summary of the training content; and a copy of any training materials used. The District will also provide OCR a copy of the final written guidance documents and confirm distribution. The August 13, 2021 reporting deadline is contingent on the District's timely receipt of OCR's input.


III. Notice to Parents and Guardians

- a. The District will provide written notice of the modified homicide risk threat screening and assessment policies, procedures, and forms developed under Section I.a. of this Resolution Agreement to parents and guardians of students with disabilities. This notice may be provided in the District's Student/Parent Handbook.
- b. By April 30, 2021, the District will provide OCR a draft of the written notice to parents and guardians. Incorporating OCR's input, the District will distribute the written notice by August 13, 2021 and will confirm such distribution to OCR by the same date. The August 13, 2021 reporting deadline is contingent on the District's timely receipt of OCR's input.

Monitoring:

The District understands that by signing the Resolution Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Resolution Agreement. Further, the District understands that during the monitoring of the Resolution Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of the Resolution Agreement. Upon the District's satisfaction of the commitments made under the Resolution Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Resolution Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.



Norm Enfield, Ed.D.
Superintendent

4/14/2021

Date