Bloomfield School District ("District") enters into this Agreement to resolve allegations and a compliance concern in the above-referenced case. The District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 ("Title II"), 42 U.S.C. Section 12131 et seq., and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

**Term I: Policies and Procedures**

The District will develop policies and procedures regarding the Bloomfield Behavior Intervention (BBI) Program ("Program") at Bloomfield High School ("School"). The policies and procedures will address, at a minimum, the procedures that the District will follow when placing a student in the Program, including how the District will ensure that:

- the placement is made by a properly constituted team;
- the student’s team considers a continuum of placements and a variety of information, and makes an individualized placement decision;
- the Program is the least restrictive environment for the student; and
- the student’s parent(s)/guardian(s) receives a copy of the District’s procedural safeguards; and
- the placement process and decision are documented and the documentation is maintained.

The policies and procedures will also address how the District will ensure that students in the Program:

- have their individualized education programs (IEPs) fully implemented;
- are provided with a free appropriate public education (FAPE);
- have adequate academic instruction, special education, and related services; and
- are reevaluated, as necessary.

After the policies and procedures are approved by OCR, the District will:

- disseminate the approved policies and procedures to all relevant staff; and
- make the approved policies and procedures available to all students and parents, including by posting the policies and procedures on the District’s “Special Services” webpage,¹ the District’s “Policies and Procedures” webpage,² the School’s “For Parents” webpage,³ and the School’s “For Students” webpage.⁴

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Relevant staff will include, at a minimum:

- all administrators, special education staff, and Program staff at the School; and
- all Districtwide special education staff, including related service providers.

**Reporting Requirement A:** Within 45 calendar days of this Agreement being signed, the District will submit to OCR a draft of the policies and procedures. The District will promptly and fully address OCR’s feedback until the District receives notification from OCR that the policies and procedures are approved and that no further reporting is required for Reporting Requirement A.

**Reporting Requirement B:** Within 30 calendar days of receiving notice from OCR that the policies and procedures are approved and that no further reporting is required for Reporting Requirement A, the District will disseminate the policies and procedures as required by Term I and submit to OCR documentation showing that the policies and procedures were disseminated as required by Term I.\(^5\) The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement B or Term I.

**Term II: Staff Training**

The District will train all relevant staff (as defined in Term I of this Agreement) about the policies and procedures approved by OCR pursuant to Term I of this Agreement.

**Reporting Requirement A:** Within 30 calendar days of receiving notice from OCR that no further reporting is required for Term I, the District will submit to OCR for review and approval:

- draft training materials;
- the name(s), title(s) or position(s), and qualifications of one or more qualified individuals to provide the training; and
- a list of proposed individuals to be trained, including each person’s name, work location (i.e., District department or school), and title or position.

The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the training materials, trainer(s), and list of trainees, and notice from OCR that no further reporting is required for Reporting Requirement A.

**Reporting Requirement B:** By August 31, 2022, the District will ensure that the approved trainer(s) conducts the training, using the approved materials, for all individuals on the approved list of trainees. The District will also submit to OCR:

- the date, time, and location of the training;
- confirmation that the approved trainer(s) delivered the training;
- confirmation that the approved materials were used for the training;
- the names and titles or positions of all staff who attended the training; and
- if applicable, the name(s) and title(s) or position(s) of all individuals who did not attend the training, an explanation for each person’s absence, and a plan to train each person (if possible).

\(^5\) *e.g.*, a copy of an email to staff (showing the recipients) with the policies and procedures attached, and a list of hyperlinks.
The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement B or Term II.

**Term III: Compensatory Services and Remedial Measures**

Within 60 calendar days of this Agreement being signed, the District will convene a team meeting for each student who: (a) was in the Program during the 2021-2022 SY; and (b) is still a student in the District.

Each meeting will include a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The District will invite, in writing, the parent(s) or guardian(s) of each student to attend the meeting, and will carefully consider his or her input at the meeting. Each invitation will include an explanation of the purposes of the meeting and an agenda for the meeting.

At each meeting, the team will discuss, at a minimum, whether the student was denied a FAPE during the 2021-2022 SY as a result of being placed in the Program. In doing so, the team will consider all relevant information, including, but not necessarily limited to, whether:

- the decision to place the student in the Program was based on the student’s individual educational needs;
- placement in the Program was the least restrictive environment for the student;
- placement in the Program was consistent with the student’s IEP(s); and
- the student received the full amount of special education services to which the student was entitled in his or her IEP(s) and by qualified service providers; and
- the student received special education services from the qualified provider specified in the student’s IEP(s) (e.g., special education teacher).

Additionally, for each student who was entitled to social work or psychological services pursuant to his or her IEP(s) during the 2021-2022 SY, the student’s team will also discuss whether the full amount of services were offered to the student each week.

Finally, at each meeting, the team will discuss whether the student will participate in the Program at the beginning of the 2022-2023 SY.

If a team determines that the student was denied a FAPE, the team will then create a plan to provide compensatory services and/or other remedial measures (“remedies”) to the student. Each plan will include the:

- type(s) of remedies to be provided;
- amount(s) of remedies to be provided;
- name, title or position, and employer of the person who will provide each type of remedy;
- location where the remedies will be provided; and
- schedule for the provision of the remedies (i.e., dates and times); and

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6 This group may be a properly constituted IEP team.
7 e.g., a specific school, a District central office, a student’s home, etc.
• name, title or position, and employer of the person who will ultimately be responsible for the provision of remedies as planned.

Within 10 calendar days of each meeting, the District will send to each student’s parent(s) or guardian(s):

• written notice of the determinations made at the meeting;
• a copy of the plan to deliver remedies, if any; and
• a copy of the District’s procedural safeguards.

The District will implement plans to deliver remedies, if any, with fidelity.

**Reporting Requirement A:** Within 10 calendar days of this Agreement being signed, the District will send to OCR a draft meeting invitation template. The District will promptly and fully address OCR’s concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement A.

**Reporting Requirement B:** Within 75 calendar days of this Agreement being signed, the District will submit to OCR, for each student in the Program during the 2021-2022 SY:

• copies of all communications with the student’s parent(s) or guardian(s) regarding the meeting, including the invitation to the meeting;
• a copy of the written notice of the determinations made at the meeting that was sent to the parent(s) or guardian(s);
• copies of the records from the meeting showing the perspectives shared, information considered, and decisions made; and
• the plan for remedies created at the meeting, if one was created, or if the team determines that no remedies will be provided, a written explanation of the reasons for that determination, along with any supporting documentation.

OCR will review the documentation submitted to ensure that the District met the procedural requirements of Section 504, at 34 C.F.R. §§ 104.34-36, in making these determinations. The District will promptly and fully address OCR’s concerns, if any, until the District receives notification from OCR that no further reporting is required for Reporting Requirement B.\(^8\)

**Reporting Requirement C:** For any students for whom a plan for remedies is created, the District will submit to OCR, within 90 calendar days of receiving notification from OCR that no further reporting is required for Reporting Requirement B, documentation showing that the District has provided or is in the process of providing the remedies.\(^9\) The District will promptly and fully address OCR’s feedback, if any,

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\(^8\) Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by a group that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the group proposes compensatory services or remedial actions, and those actions are clearly insufficient to provide equitable relief to the Student, OCR will notify the District of its concerns, and the District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures.

\(^9\) This case will remain in monitoring until all remedies (if any) have been provided.
until OCR notifies the District that no further reporting is required for Reporting Requirement C or Term III.

**Term IV: Ongoing Reporting**

The District will report to OCR regarding students with disabilities placed in the Program at any point during the 2022-2023 SY. The reports will include a list of all such students, including for each student:

- first and last name;
- grade;
- start date in the Program;
- the student’s schedule in the Program (*i.e.*, what days and time periods the student spends in the Program); and
- end date in the Program, if applicable.

For each student, the reports will also include copies of:

- minutes or notes from the team meeting(s) at which the student’s team determined that the student would be in the Program;
- a list of individuals who attended the team meeting at which the student’s team determined that the student would be in the Program, including first and last name and title or position for each individual; and
- a copy of the student’s IEP or Section 504 plan that reflects his or her placement in the Program.

**Reporting Requirement A:** By November 15, 2022, the District will submit to OCR the report required by Term IV for all students who were in the Program between the first school day of the 2022-2023 SY and October 31, 2022. The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement A.

**Reporting Requirement B:** By March 15, 2023, the District will submit to OCR the report required by Term IV for all students who were in the Program between November 1, 2022 and February 28, 2023. The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement B.

**Reporting Requirement C:** By June 15, 2023, the District will submit to OCR the report required by Term IV for all students who were in the Program between March 1, 2023 and the last day of the 2022-2023 SY. The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement C or Term IV.

**Understandings and Acknowledgments**

The District understands and acknowledges that:

- OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.
• By signing this Agreement, the District agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement.
• During the monitoring of this 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 of this Agreement and are in compliance with Section 504, Title II, and their implementing regulations.
• Upon completion of the obligations under this Agreement, OCR will close this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations – 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively – which were at issue in this case.

For the District:

/s/ Dr. Kim Mizell, Superintendent  
4/28/22 Date