



Bullying/Harassment Information Packet

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Tenn. Code Ann. § 49-6-4503
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*** Current through the 2016 Session ***

Title 49 Education

Chapter 6 Elementary and Secondary Education

Part 45 Harassment, Intimidation, Bullying and Cyber-Bullying.

Tenn. Code Ann. § 49-6-4503 (2016)

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

- (1) A statement prohibiting harassment, intimidation, bullying or cyber-bullying;
- (2) A definition of harassment, intimidation, bullying or cyber-bullying;
- (3) A description of the type of behavior expected from each student;
- (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;
- (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
- (6) A procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal's designee, teacher, or school counselor. The principal or the principal's designee shall initiate the investigation within forty-eight (48) hours of receipt of the report, unless the need for more time is appropriately documented, and the principal or the principal's designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report, unless the need for more time is appropriately documented;
- (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
- (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;

(9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

(12) The identification by job title of school officials responsible for ensuring that the policy is implemented;

(13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity; and

(14) A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available.

(c) (1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

(B) Beginning August 1, 2016, and annually thereafter, complete and submit a report to the department of education. The report shall be in a format provided by the department and shall include:

(i) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention of school officials during the preceding year;

(ii) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place;

(iii) The number of harassment, intimidation, bullying, or cyber-bullying case investigations not initiated within forty-eight (48) hours of the receipt of the report and the reason the investigation was not initiated within forty-eight (48) hours;

(iv) The number of harassment, intimidation, bullying, or cyber-bullying cases where an appropriate intervention was not initiated within twenty (20) calendar days of receipt of the report and the reason the intervention took longer than twenty (20) calendar days to initiate; and

(v) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying.

(3) The department shall annually submit a report to the education administration and planning committee of the house of representatives, the education instruction and programs committee of the house of representatives, and the education committee of the senate updating membership on the number of harassment, intimidation, bullying, or cyber-bullying cases reported statewide, the number of LEAs implementing this part, the status of any investigations, including disciplinary actions against students, and any other information relating to the subjects of harassment, intimidation, bullying, or cyber-bullying as will be helpful to the committees in establishing policy in this area.

(d) (1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying, or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the students of the availability of counseling and support services that may be necessary.

(3) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.

HISTORY: Acts 2005, ch. 202, § 1; 2009, ch. 153, § 1; 2011, ch. 251, § 1; 2012, ch. 992, § 2; T.C.A. § 45-6-1016; Acts 2015, ch. 182, § 54; 2016, ch. 783, §§ 1-5.

Tenn. Code Ann. § 49-6-4503



Bullying and Harassment Compliance Report

Updated December 2023



Introduction

Pursuant to Tenn. Code Ann. § 49-6-4501, a safe and civil environment is necessary for students to learn and achieve high academic standards. The Tennessee Department of Education (department) recognizes the negative effects that bullying and harassment have on students, their educational achievement, and their overall growth. Bullying and harassment have no part in our schools, and the department is dedicated to assisting local education agencies (LEAs) to responsibly and effectively address bullying and harassment in Tennessee public schools.

Based on the information available to the department, each LEA in Tennessee satisfied the requirements of the state bullying and harassment laws (Tenn. Code Ann. § 49-6-4501 through § 49-6-4506) and submitted bullying compliance information to the department on its compliance report form for the 2022-23 school year.¹ The bullying compliance information for each LEA is included in the Appendix.

Total Number of Bullying Cases Reported Statewide

According to the data submitted to the department, 13,377 cases of bullying were reported to LEAs during the 2022-23 school year. Approximately 44% of those cases – 5,996 – were confirmed as bullying after an investigation.

| 2022-23 Tennessee Bullying Cases | | |
|--|--------|------|
| Total number of bullying cases reported in the 2022-23 school year | 13,377 | |
| Total number of confirmed cases of bullying | 5,996 | 44% |
| Total number of confirmed cases involving race, color, or national origin | 635 | 4.7% |
| Total number of confirmed cases involving sex or gender | 929 | 6.9% |
| Total number of confirmed cases involving disability | 227 | 1.6% |
| Total number of confirmed cases involving the use of electronic technology | 1,009 | 7.5% |
| Total number of cases still pending | 102 | <1% |

¹ Prior to the passage of the state bullying laws, the department annually collected civil rights compliance information from LEAs in order to comply with federal civil rights laws. To facilitate the submission of all compliance information, the department merged the compliance information into one document – the Civil Rights and Bullying Compliance Report. LEA-specific information is included as an appendix to this document.

Discussion

Although several definitions of bullying exist, Tennessee law includes the definition that is required to be used by LEAs. The law provides that “harassment, intimidation, or bullying” is any act that substantially interferes with a student's educational benefits, opportunities, or performance and:

- If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop, the act has the effect of:
 1. Physically harming a student or damaging a student's property;
 2. Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
 3. Causing emotional distress to a student or students; or
 4. Creating a hostile educational environment; or
- If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.²

“Cyber-bullying” is defined as bullying undertaken through using electronic devices.³

a. Total Number of Reported and Confirmed Bullying Cases

While the 2022-23 school year saw an increase in the number of bullying cases reported, there was a slight decrease in the percentage of confirmed bullying cases compared to the previous school year. In the 2022-23 school year, 44% of reported cases were confirmed bullying. During the 2021-22 school year, there were 10,112 bullying cases reported and 4,704 confirmed cases of bullying, representing 47% of cases. The 2022-23 school year reports show a 3% decrease in the number of confirmed bullying cases compared to the 2021-22 school year.

In contrast, the 2022-23 school year reports show a 6% increase in the number of confirmed bullying cases compared to the 2020-21 school year. There were 5,355 bullying cases reported and 2,012 confirmed cases of bullying during the 2020-21 school year. The department suggests these low numbers of reported and confirmed cases of bullying could be related to large numbers of students participating in online and virtual learning during the 2020-21 school year due to the COVID 19 pandemic.

² Tenn. Code Ann. § 49-6-4502(3)(A)-(B).

³ Tenn. Code Ann. § 49-6-4502(1).

The department continues to solicit feedback and insights from LEAs to continue to assess how the department can further support LEAs to reduce bullying. The department suspects the slight decrease in the number of confirmed bullying cases during the 2022-23 school year could be explained by several factors. These factors may include:

1. An increase in training for students and school staff on bullying issues to better identify the type of conduct that can be identified as bullying under the definition in state law. Students, parents, and LEA staff may have improved their ability to distinguish between peer conflict and bullying.
2. Stronger, more comprehensive policies addressing bullying and the expectation that such conduct will not be tolerated among students. This may also include additional education on bullying prevention strategies and programs.
3. Increased awareness of bullying and reporting among students. Some schools may have encouraged students to report bullying incidents earlier, resulting in the initial increase in the raw number of reported bullying cases. However, the improved reporting may have also led to earlier intervention and a reduction of the number of confirmed cases.
4. Increased focus on counseling and mental health supports. Schools may have provided more access to counseling and mental health supports for students to address the underlying causes of bullying behavior.
5. Increased supervision and monitoring of students to deter bullying behavior more effectively.

b. *Bullying Cases Involving Protected Classes*

For the 2022-23 school year, there were 635 bullying cases involving race, color, or national origin. This represents 4.7% of total cases. When compared to the 2021-22 school year, where the number of cases involving race, color, or national origin represented 5.8% of cases, there was almost a full percentage point decrease in cases. While this decrease could be attributed to several factors, including those previously mentioned, it may also be that students are taking a more active role in speaking out against racial discrimination and harassment in schools.

For the 2022-23 school year, there were 929 bullying cases involving sex or gender, 6.9% of total cases when compared to the 8.7% of cases for the 2021-22 school year. In May 2020, the U.S. Department of Education amended its Title IX regulations to add “specific, legally binding steps” schools must take to respond to allegations of sexual harassment.⁴ These steps provided for a detailed grievance process, including notices and disclosures to parties as well as providing adequate supportive measures.

⁴ *Questions and Answers on the Title IX Regulations on Sexual Harassment*, U.S. DEPT. OF ED., <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf> (June 28, 2022).

The almost 2% decrease in bullying cases compared to the 2021-22 school year may be attributed to these more prescriptive regulations as schools may have been better equipped to address sexual harassment as they applied the new legal standards.

Bullying cases involving disability represented 1.6% of cases for the 2022-23 school year. By comparison, these cases represented 1.4% of cases for the 2021-22 school year. For the 2020-21 school year, these cases also represented 1.6% of total bullying cases. Given that the numbers for this year are consistent with 2020-21, is possible that this slight increase is not statistically significant. However, the department will continue to monitor these numbers for subsequent school years to determine whether they demonstrate a problematic trend in these cases.

c. *Bullying Cases Involving Electronic Devices*

For the 2022-23 school year, the number of bullying cases involving electronic devices represented 7.5%. In the 2021-22 school year, these cases represented 9.9%.

As noted in the 2021-22 Bullying and Harassment Compliance Report, the use of technology is necessary in today's educational environments. The increase of social media and technology has changed the way educators teach, how students learn, and the way teachers and students communicate. According to the Cyberbullying Research Center, 45.5% of middle and high school students reported being the target of cyberbullying nationwide.⁵ Given the ubiquity of cellphones, social media, and increased use of technology in the classroom, the department expected this trend to rise.

In addition to the factors previously mentioned, this decrease in cases could be attributed to an increased awareness of the potential adverse impacts social media may have on student mental health. It is important that LEAs balance the inclusion of technology in schools and maintain a safe environment for students to use technology. As found by our General Assembly, "[t]he use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers electronic mail, instant messaging, text messaging, and websites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology."⁶ Accordingly, schools, LEAs, and parents must be vigilant and explore safe ways for students to use technology. Parents must pay attention to what children do online and set rules regarding the use of technology and school policies regarding the use of technology must be effectively communicated to students and parents.

⁵Justin W. Patchin, Cyberbullying Research Center, *Summary of Our Cyberbullying Research (2007-2021)*, <https://cyberbullying.org/Cyberbullying-Research-In-Review.pdf> (June 22, 2022).

⁶ Tenn. Code Ann. § 49-6-4501(4).

Although the department is pleased to see this percentage decreased for the 2022-23 school year, the department will continue to monitor these numbers and provide support for LEAs and families as they navigate new developments in technology in the classroom.

Conclusion

As always, the department remains committed to assisting LEAs in their implementation of initiatives and policies to prevent and address bullying, harassment, intimidation, and cyber-bullying. The department anticipates and remains hopeful that bullying, harassment, intimidation, and cyber-bullying cases will decline in the years ahead. The department trusts that the state anti-bullying and harassment laws, this report, and the attached compliance information will continue to help eliminate bullying, harassment, intimidation, and cyber-bullying in Tennessee public schools. The department renews its commitment to improving in this area, in addition to many others, during the upcoming school years.

School Failure to Address Bullying Can Violate Federal Law

In August the U.S. Department of Education's Office of Special Education and Related Services (OSERS) issued a letter to school districts stating that a school's failure to address bullying of a student with a disability could result in denial of a free and appropriate public education (FAPE) under the IDEA and must be remedied. There is a denial of FAPE if the bullying results in the student being bullied not receiving meaningful educational benefit. Even if the bullying did not rise to a level that resulted in a denial of FAPE, the OSERS said that bullying can undermine a student's ability to reach his/her full academic potential.

According to the letter, students who are targets of bullying are more likely to experience lower academic achievement and aspirations, higher truancy rates, feelings of alienation from school, poor relationships with peers, loneliness, or depression. Students with learning disabilities, ADHD, autism and other disabilities are more likely than their peers to be victims of bullying. The letter indicated that prompt response to bullying is critical.

As part of its appropriate response to bullying, the school should convene the IEP team to determine if the effects of the bullying have resulted in the student's needs changing such that the IEP is no longer designed to provide meaningful educational benefit and make changes as needed. While the team may consider the appropriateness of a different placement for the student, the OSERS stated that the team should be mindful that a "more protective" placement could violate the least restrictive environment obligation. If the student engaged in the bullying also has a disability that student's IEP should be evaluated to determine if additional supports and services can address the inappropriate behavior. Along with the letter OSERS included strategies for school districts to use to prevent and address bullying.

[You can see the Dear Colleague letter here:](http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf)

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>

Information provided by:

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

AUG 20 2013

Dear Colleague:

The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) is committed to working with States to ensure that school districts provide all children with positive, safe, and nurturing school environments in which they can learn, develop, and participate. OSERS is issuing this letter to provide an overview of a school district's responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities.¹

As discussed in this letter, and consistent with prior Dear Colleague Letters the Department has published, bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education (FAPE) under the IDEA that must be remedied.² However, even when situations do not rise to a level that constitutes a denial of FAPE, bullying can undermine a student's ability to achieve his or her full academic potential. Attached to this letter are specific strategies that school districts and schools³ can implement to effectively prevent and respond to bullying, and resources for obtaining additional information.

Bullying of any student by another student, for any reason, cannot be tolerated in our schools.⁴ Bullying is no longer dismissed as an ordinary part of growing up, and every effort should be made to structure environments and provide supports to students and staff so that bullying does not occur. Teachers and adults should respond quickly and consistently to bullying behavior and

¹ This letter is intended to supplement the July 25, 2000, joint Dear Colleague Letter from OSERS and the Department's Office for Civil Rights (OCR), which addressed disability harassment under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II of the ADA), and the IDEA (available at: <http://www.ed.gov/ocr/docs/disabharassltr.html>).

² Some bullying of students with disabilities may also constitute discriminatory harassment and trigger additional responsibilities under the civil rights laws that OCR enforces, including Section 504, Title II of the ADA, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. See OCR's October 26, 2010, Dear Colleague Letter on Harassment and Bullying (available at: <http://www.ed.gov/ocr/letters/colleague-201010.html>).

³ In the context of this letter "school" includes public preschools; elementary, middle, and high schools; and public agencies, including the State Educational Agency (SEA), Educational Service Agencies (ESA), Local Educational Agencies (LEA), nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities. See 34 C.F.R. §300.33.

⁴ Although the focus of this letter is peer-to-peer bullying, it is important to acknowledge that it is also intolerable for teachers and school staff to be party to school bullying and disability harassment (*i.e.*, being active participants in bullying), or observers to school bullying without taking action to address the behavior. While teacher-student disability harassment also may constitute a denial of FAPE, those issues are beyond the scope of this letter. We recommend that States and school districts consult with legal counsel regarding their responsibilities and duties in cases of bullying that involve school personnel, including taking the matter seriously, and promptly addressing any problematic behaviors.

send a message that bullying is not acceptable. Intervening immediately to stop bullying on the spot can help ensure a safer school environment.

Bullying is characterized by aggression used within a relationship where the aggressor(s) has more real or perceived power than the target, and the aggression is repeated, or has the potential to be repeated, over time. Bullying can involve overt physical behavior or verbal, emotional, or social behaviors (*e.g.*, excluding someone from social activities, making threats, withdrawing attention, destroying someone's reputation) and can range from blatant aggression to far more subtle and covert behaviors. Cyberbullying, or bullying through electronic technology (*e.g.*, cell phones, computers, online/social media), can include offensive text messages or e-mails, rumors or embarrassing photos posted on social networking sites, or fake online profiles.

Addressing and reporting bullying is critical. Students who are targets of bullying behavior are more likely to experience lower academic achievement and aspirations, higher truancy rates, feelings of alienation from school, poor relationships with peers, loneliness, or depression.⁵ Bystanders, or those who only see or hear about bullying, also may be negatively affected as bullying tends to have harmful effects on overall school climate. Bullying can foster fear and disrespect and negatively affect the school experience, norms, and relationships of all students, families, and school personnel.⁶ The consequences may result in students changing their patterns of school participation or schools eliminating school activities (*e.g.*, dances, sporting events) where bullying has occurred. Teachers, school personnel, parents, and students should report bullying when they become aware of it.

Students with disabilities are disproportionately affected by bullying.⁷ For example, students with learning disabilities, attention deficit or hyperactivity disorder, and autism are more likely to be bullied than their peers.⁸ Any number of factors -- physical characteristics, processing and social skills, or intolerant environments -- may increase the risk that students with disabilities will be bullied. Due to the characteristics of their disabilities, students with intellectual, communication, processing, or emotional disabilities may not understand the extent to which bullying behaviors are harmful, or may be unable to make the situation known to an adult who can help. In circumstances involving a student who has not previously been identified as a child with a disability under the IDEA, bullying may also trigger a school's child find obligations under the IDEA. 34 C.F.R. §§300.111, 300.201.

Whether or not the bullying is related to the student's disability, any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a

⁵ Gini G., & Pozzoli T. (2009). Association between bullying and psychosomatic problems: A meta-analysis. *Pediatrics*, 123(3):1059-1065.

⁶ O'Brennan, L. M., Bradshaw, C. P., & Sawyer, A. L. (2009). Examining developmental differences in the social-emotional problems among frequent bullies, victim, and bully/victims. *Psychology in the Schools*, 46(2), 100-115.

⁷ Swearer, S. M., Wang, C., Maag, J. M., Siebecker, A., B., & Frerichs, L. J. (2012). Understanding the bullying dynamic among students in special and general education. *Journal of School Psychology*, 50, 503-520.

⁸ Twyman, K. A., Saylor, C. F., Saia, D., Macias, M. M., Taylor, L. A., & Spratt, E. (2010). Bullying and ostracism experiences in children with special health care needs. *Journal of Developmental Behavioral Pediatrics*, 31, 1-8.

denial of FAPE under the IDEA that must be remedied.⁹ States and school districts have a responsibility under the IDEA, 20 U.S.C. § 1400, *et seq.*, to ensure that FAPE in the least restrictive environment (LRE) is made available to eligible students with disabilities. In order for a student to receive FAPE, the student's individualized education program (IEP) must be reasonably calculated to provide meaningful educational benefit.¹⁰

Schools have an obligation to ensure that a student with a disability who is the target of bullying behavior continues to receive FAPE in accordance with his or her IEP. The school should, as part of its appropriate response to the bullying, convene the IEP Team to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP is no longer designed to provide meaningful educational benefit. If the IEP is no longer designed to provide a meaningful educational benefit to the student, the IEP Team must then determine to what extent additional or different special education or related services are needed to address the student's individual needs; and revise the IEP accordingly. Additionally, parents have the right to request an IEP Team meeting at any time, and public agencies generally must grant a parental request for an IEP Team meeting where a student's needs may have changed as a result of bullying. The IDEA placement team (usually the same as the IEP Team) should exercise caution when considering a change in the placement or the location of services provided to the student with a disability who was the target of the bullying behavior and should keep the student in the original placement unless the student can no longer receive FAPE in the current LRE placement. While it may be appropriate to consider whether to change the placement of the child who was the target of the bullying behavior, placement teams should be aware that certain changes to the education program of a student with a disability (*e.g.*, placement in a more restrictive "protected" setting to avoid bullying behavior) may constitute a denial of the IDEA's requirement that the school provide FAPE in the LRE. Moreover, schools may not attempt to resolve the bullying situation by unilaterally changing the frequency, duration, intensity, placement, or location of the student's special education and related services. These decisions must be made by the IEP Team and consistent with the IDEA provisions that address parental participation.

If the student who engaged in the bullying behavior is a student with a disability, the IEP Team should review the student's IEP to determine if additional supports and services are needed to address the inappropriate behavior. In addition, the IEP Team and other school personnel should consider examining the environment in which the bullying occurred to determine if changes to the environment are warranted.

As discussed above, any bullying of a student with a disability that results in the student not receiving meaningful educational benefit from the special education and related services provided by the school is a denial of FAPE. A student must feel safe in school in order to fulfill his or her full academic potential. We encourage States and school districts to alert Boards of Education, school administrators, teachers, and staff that bullying can result in a denial of FAPE

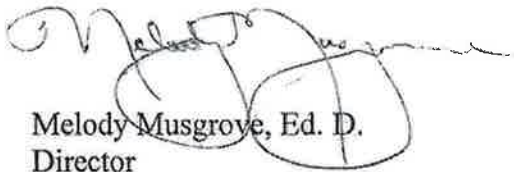
⁹ OCR also has authority to investigate complaints alleging denial of FAPE under Section 504 and Title II. See the July 25, 2000, joint Dear Colleague Letter on Disability Harassment; (available at: <http://www.ed.gov/ocr/docs/disabharassltr.html>); and OCR's October 26, 2010, Dear Colleague Letter on Harassment and Bullying (available at: <http://www.ed.gov/ocr/letters/colleague-201010.html>).

¹⁰ See *Hendrick Hudson Central Sch. Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 201 (1982).

for students with disabilities. We also encourage States and school districts to reevaluate their policies and practices addressing problematic behaviors, including bullying, in light of the information provided in this letter, as well as in OSERS' July 25, 2000, joint Dear Colleague Letter and OCR's October 26, 2010, Dear Colleague Letter. The enclosure to this letter, "Effective Evidence-based Practices for Preventing and Addressing Bullying," includes practices for use as part of any bullying prevention and intervention program to help ensure that school and classroom settings are positive, safe, and nurturing environments for all children and adults.

We look forward to continuing to work with you to ensure that students with disabilities have access to high-quality services in positive, safe, and respectful school environments.

Sincerely,



Melody Musgrove, Ed. D.
Director
Office of Special Education Programs



Michael K. Yudin
Acting Assistant Secretary

Enclosure: Effective Evidence-based Practices for
Preventing and Addressing Bullying



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

October 21, 2014

Dear Colleague:

While there is broad consensus that bullying is wrong and cannot be tolerated in our schools, the sad reality is that bullying persists in our schools today, and especially so for students with disabilities.¹ In recent years, the Office for Civil Rights (OCR) in the U.S. Department of Education (Department) has received an ever-increasing number of complaints concerning the bullying of students with disabilities and the effects of that bullying on their education, including on the special education and related services to which they are entitled. This troubling trend highlights the importance of OCR's continuing efforts to protect the rights of students with disabilities through the vigorous enforcement of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). It also underscores the need for schools to fully understand their legal obligations to address and prevent disability discrimination in our schools.

Today's guidance follows a long history of guidance issued by the Department in this critical area of disability discrimination. In 2000, OCR and the Office of Special Education and Rehabilitative Services (OSERS) issued joint guidance informing schools that disability-based harassment may deny a student equal educational opportunities under Section 504 and Title II.² The 2000 guidance also noted the responsibilities of schools under Section 504 and the Individuals with Disabilities Education Act (IDEA) to ensure that students receive a free appropriate public education (FAPE),

¹ These students are bullied or harassed more than their nondisabled peers. *See* Office of Special Education and Rehabilitative Services (OSERS) 2013 Dear Colleague Letter on Bullying of Students with Disabilities, <http://www.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.doc>, at page 2 ("Students with disabilities are disproportionately affected by bullying."). That letter explains that, "[b]ullying can involve overt physical behavior or verbal, emotional, or social behaviors (e.g., excluding someone from social activities, making threats, withdrawing attention, destroying someone's reputation) and can range from blatant aggression to far more subtle and covert behaviors. Cyberbullying, or bullying through electronic technology (e.g., cell phones, computers, online/social media), can include offensive text messages or e-mails, rumors or embarrassing photos posted on social networking sites, or fake online profiles." *Id.* Throughout this guidance, the terms "bullying" and "harassment" are used interchangeably to refer to these types of conduct. *See* Office for Civil Rights (OCR) 2010 Dear Colleague Letter on Harassment and Bullying, <http://www.ed.gov/ocr/letters/colleague-201010.pdf>, at page 3 ("The label used to describe an incident (e.g., bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications.").

² OCR-OSERS 2000 Dear Colleague Letter: Prohibited Disability Harassment, <http://www.ed.gov/ocr/docs/disabharassltr.html>.

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and alerted schools that harassment of a student based on disability may adversely impact the school's provision of FAPE to the student.³ In 2010, OCR issued a Dear Colleague Letter on Harassment and Bullying that provided further guidance concerning when a school's inappropriate response to bullying or harassment of a student based on disability constitutes a disability-based harassment violation under Section 504 and Title II.⁴ In 2013, OSERS issued a Dear Colleague Letter on Bullying of Students with Disabilities that, in turn, provided additional guidance to schools that the bullying of a student with a disability on *any* basis can result in a denial of FAPE under IDEA that must be remedied.⁵

Building on OSERS's 2013 guidance, today's guidance explains that the bullying of a student with a disability on *any* basis can similarly result in a denial of FAPE under Section 504 that must be remedied; it also reiterates schools' obligations to address conduct that may constitute a disability-based harassment violation and explains that a school must also remedy the denial of FAPE resulting from disability-based harassment. Following an overview of the federal protections for students with disabilities in schools, the guidance elaborates on the elements of a disability-based harassment violation and a FAPE violation, discusses how OCR generally analyzes complaints involving bullying of students with disabilities on each of these bases, and then concludes with a series of hypothetical examples that illustrate varying circumstances when conduct may constitute both a disability-based harassment violation and FAPE violation, a FAPE violation, or neither. Although by no means exhaustive, in the context of this discussion, the guidance also offers some insight into what OCR might require of a school to remedy instances of bullying upon a finding of disability discrimination. OCR urges schools to consider these hypothetical resolution agreement provisions in proactively working to ensure a safe school environment, free from discrimination, for all students.⁶

I. Overview of Federal Protections for Students with Disabilities in Schools

OCR enforces Section 504 and Title II, both of which prohibit disability discrimination. Section 504 prohibits disability discrimination by recipients of Federal financial assistance.⁷ OCR enforces Section 504 against entities that receive Federal financial assistance from the Department, including all public schools and school districts as well as all public charter schools and magnet schools. Under Section 504, recipients that operate a public elementary or secondary education program must

³ The terms "school" and "school district" are used interchangeably in this letter and refer to public elementary and secondary schools that receive financial assistance from the Department.

⁴ OCR 2010 Dear Colleague Letter on Harassment and Bullying, <http://www.ed.gov/ocr/letters/colleague-201010.pdf>.

⁵ OSERS 2013 Dear Colleague Letter on Bullying of Students with Disabilities, <http://www.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.doc>.

⁶ This guidance addresses only student-on-student bullying and harassment. Under Section 504 and Title II, students with disabilities are also protected from bullying by teachers, other school employees, and third parties. Such bullying can trigger a school's obligation to address disability-based harassment, remedy a denial of FAPE, or both. *See* 34 C.F.R. §§ 104.4, 104.33; 28 C.F.R. pt. 35. OCR recommends that States and school districts consult with legal counsel regarding their responsibilities and duties in cases of bullying that involve school personnel.

⁷ 29 U.S.C. § 794; 34 C.F.R. pt. 104.

provide students with disabilities equal educational opportunities. Among other things, this means they must ensure that students with disabilities receive FAPE, defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that satisfy certain requirements concerning educational setting, evaluation, placement, and procedural safeguards.⁸ Schools also have an obligation under Section 504 to evaluate students who need or are believed to need special education or related services. Further, schools have an obligation to ensure that Section 504 FAPE services are provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.⁹ Schools often document these services in written plans, sometimes referred to as Section 504 plans, or, if the child is receiving IDEA FAPE services, through the required individualized education program (IEP).¹⁰

Title II prohibits disability discrimination by public entities, including all public schools and school districts, as well as all public charter schools and magnet schools, regardless of whether they receive Federal financial assistance.¹¹ OCR, along with the U.S. Department of Justice (DOJ), enforces Title II in public elementary and secondary schools. Title II is generally construed to provide no less protection than Section 504. Therefore, violations of Section 504, including the failure to provide needed regular or special education and related aids and services to students with disabilities, also constitute violations of Title II.¹²

IDEA is another key Federal law addressing the needs of students with disabilities. OSERS, not OCR or DOJ, administers IDEA.¹³ OCR, however, enforces the Section 504 and Title II rights of IDEA-eligible students.¹⁴ Under Part B of IDEA, the Department provides Federal funds to State educational agencies and through them to local educational agencies (school districts), to assist

⁸ For Section 504 and Title II, the term “disability” means a physical or mental impairment that substantially limits one or more major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment. 29 U.S.C. § 705(9)(B), (20)(B); 42 U.S.C. § 12102. The Americans with Disabilities Act Amendments Act (Amendments Act), Pub. Law No. 110-325, amended the disability definition for Section 504 and Title II. Most notably, the Amendments Act required that “disability” under these statutes be interpreted broadly. More information about the Amendments Act is available from OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html> and <http://www.ed.gov/ocr/docs/dcl-504faq-201109.html>.

⁹ In this letter, the term “Section 504 FAPE services” is used to refer to the regular or special education and related aids and services provided to students with disabilities as specified in 34 C.F.R. § 104.33(b). The term “IDEA FAPE services” is used in this letter to refer to the special education and related services provided to students with disabilities that meet the requirements of 34 C.F.R. pt. 300, as specified in 34 C.F.R. §§ 300.17 (FAPE), 300.39 (special education), and 300.34 (related services).

¹⁰ Students with disabilities who are IDEA-eligible also have rights under Section 504 and Title II. The Department’s Section 504 regulations provide that implementation of an IEP developed in accordance with IDEA is one means of providing Section 504 FAPE services. 34 C.F.R. § 104.33(b)(2).

¹¹ 42 U.S.C. §§ 12131-12134; 28 C.F.R. pt. 35.

¹² 42 U.S.C. § 12201(a). To the extent that Title II provides greater protection than Section 504, covered entities must comply with Title II’s requirements.

¹³ For more information about OSERS, please visit <http://www.ed.gov/osers>.

¹⁴ This letter only addresses Federal law; other State or local laws and policies may apply.

school districts in providing FAPE to eligible children with disabilities through the provision of special education and related services.¹⁵ School districts must ensure that IDEA FAPE services in the least restrictive environment are made available to all eligible children with disabilities through a properly developed IEP that provides a meaningful educational benefit to the student. In addition, school districts must locate, identify, and evaluate children suspected of having disabilities who may need special education and related services.

II. Schools' Obligations to Address Disability-Based Harassment

Bullying of a student on the basis of his or her disability may result in a disability-based harassment violation under Section 504 and Title II.¹⁶ As explained in OCR's 2010 Dear Colleague Letter on Harassment and Bullying, when a school knows or should know of bullying conduct based on a student's disability, it must take immediate and appropriate action to investigate or otherwise determine what occurred.¹⁷ If a school's investigation reveals that bullying based on disability created a hostile environment—i.e., the conduct was sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school—the school must take prompt and effective steps reasonably calculated to end the bullying, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects. Therefore, OCR would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied based on a disability; (2) the bullying is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying; and (4) the school does not respond appropriately.¹⁸

As explained in Section III, below, for the student with a disability who is receiving IDEA FAPE services or Section 504 FAPE services, a school's investigation should include determining whether

¹⁵ 20 U.S.C. §§ 1400-1419; 34 C.F.R. pt. 300. IDEA establishes 13 disability categories: autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment. 34 C.F.R. § 300.8(c).

¹⁶ These legal protections extend to all students with disabilities, including students who are regarded as having a disability or who have a record of a disability and students with disabilities who are not receiving services under Section 504 or IDEA. In addition to being protected from harassment on the basis of disability, students with disabilities, like all students, are entitled to protection from harassment on the basis of race, color, national origin, sex (including sexual violence), and age under the Federal civil rights laws that OCR enforces. For more information about other types of discriminatory harassment, see [OCR's 2010 Dear Colleague Letter](#) referenced in note 4.

¹⁷ Schools know or should know about disability-based harassment when, for example, a teacher or other responsible employee of the school witnesses the conduct. For more information about how to determine when knowledge of such conduct will be imputed to schools, refer to the OCR 2001 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, <http://www.ed.gov/ocr/docs/shguide.pdf> at page 13; and [OCR 2010 Dear Colleague Letter on Harassment and Bullying](#), at page 3 and note 11.

¹⁸ This is the standard for administrative enforcement of Section 504 and in court cases where plaintiffs are seeking injunctive relief. It is different from the standard in private lawsuits for money damages, which, many courts have held, requires proof of a school's actual knowledge and deliberate indifference. See *Long v. Murray Cnty. Sch. Dist.*, 522 Fed. Appx. 576, 577 & n. 1 (11th Cir. 2013) (applying the test enunciated in *Davis v. Monroe Cnty. Bd. of Ed.*, 526 U.S. 629, 643 (1999)).

that student's receipt of appropriate services may have been affected by the bullying.¹⁹ If the school's investigation reveals that the bullying created a hostile environment and there is reason to believe that the student's IDEA FAPE services or Section 504 FAPE services may have been affected by the bullying, the school has an obligation to remedy those effects on the student's receipt of FAPE.²⁰ Even if the school finds that the bullying did not create a hostile environment, the school would still have an obligation to address any FAPE-related concerns, if, for example, the school's initial investigation revealed that the bullying may have had some impact on the student's receipt of FAPE services.

III. Bullying and the Denial of a Free Appropriate Public Education

The bullying on *any* basis of a student with a disability who is receiving IDEA FAPE services or Section 504 FAPE services can result in the denial of FAPE that must be remedied under Section 504. The OSERS 2013 Dear Colleague Letter clarified that, under IDEA, as part of a school's appropriate response to bullying on any basis, the school should convene the IEP team²¹ to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP is no longer designed to provide a meaningful educational benefit. If the IEP is no longer designed to provide a meaningful educational benefit to the student, the IEP team must determine the extent to which additional or different IDEA FAPE services are needed to address the student's individualized needs and then revise the IEP accordingly. Any decisions made by the IEP team must be consistent with the IDEA provisions addressing parental participation and should keep the student with a disability in the original placement or setting (e.g., the same school and classroom) unless the student can no longer receive FAPE in that placement or setting. Under IDEA, schools have an ongoing obligation to ensure that a student with a disability who is the target of bullying continues to receive FAPE in accordance with his or her IEP—an obligation that exists whether the student is being bullied based on his or her disability or is being bullied based on other reasons.

Similarly, under Section 504, schools have an ongoing obligation to ensure that a qualified student with a disability who receives IDEA FAPE services or Section 504 FAPE services and who is the target of bullying continues to receive FAPE—an obligation that exists regardless of why the student

¹⁹ As stated in [OCR 2010 Dear Colleague Letter on Harassment and Bullying](#) at page 2, "The specific steps in a school's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors." When a student with a disability who receives Section 504 FAPE services is being bullied, an appropriate "other factor" is whether that student's receipt of services has been affected by the bullying.

²⁰ When a student with a disability has engaged in misconduct that is caused by his or her disability, the student's own misconduct would not relieve the school of its legal obligation to determine whether that student's civil rights were violated by the bullying conduct of the other student. For example, if a student, for reasons related to his disability, hits another student and other students then call him "crazy" on a daily basis, the school should, of course, address the conduct of the student with a disability. Nonetheless, the school must also consider whether the student with a disability is being bullied on the basis of disability under Section 504 and Title II.

²¹ The IEP team is the group of persons specified in IDEA that determines the appropriate IDEA FAPE services for an IDEA-eligible student. 34 C.F.R. § 300.321(a).

is being bullied.²² Accordingly, under Section 504, as part of a school's appropriate response to bullying on *any* basis, the school should convene the IEP team or the Section 504 team²³ to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the student is no longer receiving FAPE. The effects of bullying could include, for example, adverse changes in the student's academic performance or behavior. If the school suspects the student's needs have changed, the IEP team or the Section 504 team must determine the extent to which additional or different services are needed,²⁴ ensure that any needed changes are made promptly, and safeguard against putting the onus on the student with the disability to avoid or handle the bullying.²⁵ In addition, when considering a change of placement, schools must continue to ensure that Section 504 FAPE services are provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Although there are no hard and fast rules regarding how much of a change in academic performance or behavior is necessary to trigger the school's obligation to convene the IEP team or Section 504 team, a sudden decline in grades, the onset of emotional outbursts, an increase in the frequency or intensity of behavioral interruptions, or a rise in missed classes or sessions of Section 504 services would generally be sufficient.²⁶ By contrast, one low grade for an otherwise straight-A student who shows no other changes in academic progress or behavior will generally not, standing alone, trigger the school's obligation to determine whether the student's needs are still being met. Nonetheless, in addition to addressing the bullying under the school's anti-bullying policies, schools should promptly convene the IEP team or Section 504 team to determine whether FAPE is being provided

²² At the elementary and secondary educational level, a "qualified student with a disability" is a student with a disability who is: of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under State law to provide elementary and secondary educational services to students with disabilities; or a student to whom a State is required to provide FAPE under IDEA. 34 C.F.R. § 104.3(l). In addition to the provision of regular or special education and related aids and services pursuant to 34 C.F.R. § 104.33, FAPE protections extend to educational setting, evaluation and placement, and procedural safeguards. 34 C.F.R. §§ 104.34-.36.

²³ The Section 504 team is the group of knowledgeable persons that determines the appropriate Section 504 FAPE services for a qualified student with a disability under Section 504.

²⁴ A reevaluation would not be needed unless there is a reason to believe the student's underlying disability or disabilities have changed or the student has an additional disability.

²⁵ OCR would expect that schools address bullying behavior to ensure that the burden does not fall on the student with a disability. Along these lines, and consistent with the OSERS 2013 Dear Colleague Letter, schools should exercise caution when considering a change in placement, or the location of services (including classroom) provided to the student with a disability who is the target of bullying and should keep the student in the original placement unless the student can no longer receive Section 504 FAPE in that placement. OCR also urges schools to allow for parental participation when considering any change in placement or location of services (including classroom). *See* 34 C.F.R. pt. 104, app. A (discussion of Subpart D).

²⁶ In light of schools' ongoing obligation to ensure that students with disabilities are receiving FAPE, adverse changes in the academic performance or behavior of a student receiving FAPE services could trigger the school's obligation to convene the IEP team or Section 504 team regardless of the school's knowledge of the bullying conduct. *See, e.g.*, Section V, Hypothetical Example B, below. As a best practice, schools should train all staff to report bullying to an administrator or school official who can promptly convene a meeting of knowledgeable people (e.g., the student's Section 504 team or IEP team) to ensure that the student is receiving FAPE and, as necessary, address whether the student's FAPE needs have changed.

to a student with a disability who has been bullied and who is experiencing any adverse changes in academic performance or behavior.

When bullying results in a disability-based harassment violation, it will not always result in a denial of FAPE. Although all students with disabilities are protected from disability-based harassment, the requirement to provide FAPE applies only to those students with disabilities who need or may need FAPE services because of their disability.²⁷ This means that if a student is the target of bullying resulting in a disability-based harassment violation, but that student is not eligible to receive IDEA or Section 504 FAPE services, there could be no FAPE violation.

When a student who receives IDEA FAPE services or Section 504 FAPE services has experienced bullying resulting in a disability-based harassment violation, however, there is a strong likelihood that the student was denied FAPE. This is because when bullying is sufficiently serious to create a hostile environment and the school fails to respond appropriately, there is a strong likelihood both that the effects of the bullying included an impact on the student's receipt of FAPE and that the school's failure to remedy the effects of the bullying included its failure to address these FAPE-related concerns.

Ultimately, unless it is clear from the school's investigation into the bullying conduct that there was no effect on the student with a disability's receipt of FAPE, the school should, as a best practice, promptly convene the IEP team or the Section 504 team to determine whether, and to what extent: (1) the student's educational needs have changed; (2) the bullying impacted the student's receipt of IDEA FAPE services or Section 504 FAPE services; and (3) additional or different services, if any, are needed, and to ensure any needed changes are made promptly. By doing so, the school will be in the best position to ensure the student's ongoing receipt of FAPE.

IV. How OCR Analyzes Complaints Involving Bullying of Students with Disabilities

When OCR evaluates complaints involving bullying and students with disabilities, OCR may open an investigation to determine whether there has been a disability-based harassment violation, a FAPE violation, both, or neither, depending on the facts and circumstances of a given complaint.

²⁷ The FAPE requirement to evaluate applies to all students who are known or believed to need special education or related services, regardless of the nature or severity of the disability. 34 C.F.R. §§ 104.33, -.35. For a student who is suspected of having a disability but who is not yet receiving IDEA or Section 504 services, OCR may consider whether the school met its obligation to evaluate the student. 34 C.F.R. § 104.35. For example, if a student suspected of having a disability was missing school to avoid bullying, OCR may consider whether the student's evaluation was unduly delayed (e.g., if the school knew or should have known of the bullying and failed to act) in determining whether there was a denial of FAPE under the circumstances.

When investigating disability-based harassment, OCR considers several factors, including, but not limited to:

- Was a student with a disability bullied by one or more students based on the student's disability?
- Was the bullying conduct sufficiently serious to create a hostile environment?
- Did the school know or should it have known of the conduct?
- Did the school fail to take prompt and effective steps reasonably calculated to end the conduct, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects?

If the answer to each of these questions is "yes," then OCR would find a disability-based harassment violation under Section 504 and, if the student was receiving IDEA FAPE or Section 504 FAPE services, OCR would have a basis for investigating whether there was also a denial of FAPE under Section 504.

Even if the answers to one or more of these questions is "no," for a student who was receiving IDEA FAPE or Section 504 FAPE services, OCR may still consider whether the bullying resulted in a denial of FAPE under Section 504 that must be remedied.

When investigating whether a student receiving IDEA FAPE or Section 504 FAPE services who was bullied was denied FAPE under Section 504, OCR considers several factors, including, but not limited to:

- Did the school know or should it have known that the effects of the bullying may have affected the student's receipt of IDEA FAPE services or Section 504 FAPE services? For example, did the school know or should it have known about adverse changes in the student's academic performance or behavior indicating that the student may not be receiving FAPE?

If the answer is "no," there would be no FAPE violation.²⁸ If the answer is "yes," OCR would then consider:

- Did the school meet its ongoing obligation to ensure FAPE by promptly determining whether the student's educational needs were still being met, and if not, making changes, as necessary, to his or her IEP or Section 504 plan?

If the answer is "no," and the student was not receiving FAPE, OCR would find that the school violated its obligation to provide FAPE.

²⁸ Where a student is suspected of having a disability but is not yet receiving IDEA FAPE services or Section 504 FAPE services, OCR could consider whether the student's evaluation was unduly delayed in determining whether there was a denial of FAPE under the circumstances. See fn. 27, above.

V. Hypothetical Examples

The following hypothetical examples illustrate how OCR would analyze a complaint involving allegations of the bullying of a student with a disability who only receives Section 504 FAPE services.

A. Disability-Based Harassment Violation and FAPE Violation

At the start of the school year, a ten-year-old student with Attention Deficit Hyperactivity Disorder (ADHD) and a speech disability is fully participating in the classroom, interacting with his peers at lunch and recess, and regularly attending speech therapy twice a week. In addition to providing for speech services, the student's Section 504 plan also provides for behavior supports that call for all his teachers and other trained staff to supervise him during transition times, provide constructive feedback, and help him use preventative strategies to anticipate and address problems with peers.

Because of the student's disabilities, he makes impulsive remarks, speaks in a high-pitched voice, and has difficulty reading social cues. Three months into the school year, students in his P.E. class begin to repeatedly taunt him by speaking in an exaggerated, high-pitched tone, calling him names such as "weirdo" and "gay," and setting him up for social embarrassment by directing him to ask other students inappropriate personal questions. The P.E. teacher witnesses the taunting, but neither reports the conduct to the appropriate school official, nor applies the student's behavior supports specified in his 504 plan. Instead, she pulls the student aside and tells him that he needs to start focusing less on what kids have to say and more on getting his head in the game. As the taunting intensifies, the student begins to withdraw from interacting with other kids in P.E. and avoids other students at lunch and recess. As the student continues to withdraw over the course of a few weeks, he misses multiple sessions of speech therapy, but the speech therapist does not report his absences to the Section 504 team or another appropriate school official.

In this example, OCR would find a disability-based harassment violation. The student's peers were making fun of him because of behaviors related to his disability. For OCR's enforcement purposes, the taunting the student experienced, including other students impersonating him and calling him "weirdo" and "gay," was therefore based on his disability.²⁹ The school knew about the bullying because the P.E. teacher witnessed the conduct.³⁰ Yet upon witnessing the taunting, the P.E. teacher not only failed to provide the student behavior supports as required in the student's 504 plan, but also failed to report the conduct to an appropriate school official. Had she taken this step, the school could have conducted an investigation and found that the conduct created a hostile environment because it interfered with the student's ability to benefit from the speech therapy services that he

²⁹ OCR would have also investigated whether a school's inappropriate response to the use of the word "gay" in this context constituted a gender-based harassment violation under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688; 34 C.F.R. pt. 106, which prohibits discrimination on the basis of sex. For a discussion of gender-based harassment, see [OCR 2010 Dear Colleague Letter on Harassment and Bullying](#), at pages 7-8.

³⁰ The P.E. teacher in this example is a responsible employee. See fn. 17, above.

should have been receiving and negatively affected his ability to participate fully in P.E., lunch, and recess. The school's failure to appropriately respond to the bullying violated Section 504.

OCR would also find FAPE violations under Section 504. First, when the P.E. teacher failed to implement the behavior supports in the student's Section 504 plan, the school denied the student FAPE under Section 504. In addition, and independent of the failure to provide behavior supports, because the bullying impacted the student's receipt of Section 504 FAPE, the school should have addressed the student's changed needs; by failing to do so, the student was denied Section 504 FAPE. The school should have known about the missed Section 504 services and related changes in behavior. The P.E. teacher knew about the bullying but did nothing to report the student's behavioral changes (e.g., the student's increasing efforts to isolate himself from other students) to the Section 504 team members or other appropriate school official. Similarly, the speech therapist knew that the student was missing speech therapy but did not report this to the 504 team or to an appropriate school official. By failing to address the adverse effects of the bullying on FAPE, the school did not make necessary changes to ensure the student was provided FAPE under Section 504. If, upon concluding its investigation, OCR and the district were to enter into a resolution agreement, OCR could require, for example, that the district (1) ensure that FAPE is provided to the student by convening the Section 504 team to determine if the student needs different or additional services (including compensatory services) and, if so, providing them; (2) offer counseling to the student to remedy the harm that the school allowed to persist; (3) monitor whether bullying persists for the student and take corrective action to ensure the bullying ceases; (4) develop and implement a school-wide bullying prevention strategy based on positive behavior supports; (5) devise a voluntary school climate survey for students and parents to assess the presence and effect of bullying based on disability and to respond to issues that arise in the survey; (6) revise the district's anti-bullying policies to develop staff protocols in order to improve the district's response to bullying; (7) train staff and parent volunteers, such as those who monitor lunch and recess or chaperone field trips, on the district's anti-bullying policies, including how to recognize and report instances of bullying on any basis; and (8) provide continuing education to students on the district's anti-bullying policies, including where to get help if a student either witnesses or experiences bullying conduct of any kind.

B. FAPE Violation, No Disability-Based Harassment Violation

A thirteen-year-old student with depression and Post-Traumatic Stress Disorder (PTSD) who receives counseling as part of her Section 504 services is often mocked by her peers for being poor and living in a homeless shelter. Having maintained an A average for the first half of the academic year, she is now getting Bs and Cs, neglecting to turn in her assignments, and regularly missing counseling sessions. When asked by her counselor why she is no longer attending scheduled sessions, she says that she feels that nothing is helping and that no one cares about her. The student tells the counselor that she no longer wants to attend counseling services and misses her next two scheduled sessions. The counselor informs the principal that the student has missed several counseling sessions and that the student feels the sessions are not helping. Around the same time, the student's teachers inform the principal that she has begun to struggle academically. The

principal asks the teachers and counselor to keep her apprised if the student's academic performance worsens, but does not schedule a Section 504 meeting.

In this example, whether or not the school knew or should have known about the bullying, OCR would not find a disability-based harassment violation under Section 504 because the bullying incidents were based on the student's socio-economic status, not her disability.

Independent of the basis for the bullying and regardless of whether school officials knew or should have known about the bullying, the school district still had an ongoing obligation under Section 504 to ensure that this student with a disability was receiving an education appropriate to her needs. Here, the student's sudden decline in grades, coupled with changes in her behavior (missing counseling sessions), should have indicated to the school that her needs were not being met. In this example, OCR would find that these adverse changes were sufficient to put the school on notice of its obligation to promptly convene the Section 504 team to determine the extent of the FAPE-related problems and to make any necessary changes to her services, or, if necessary, reevaluate her, in order to ensure that she continues to receive FAPE. By failing to do more than keep track of the student's academic performance, the school failed to meet this obligation, which violated Section 504.³¹

C. No Disability-Based Harassment Violation, No FAPE Violation

A seven-year-old student with a food allergy to peanuts has a Section 504 plan that provides for meal accommodations, the administration of epinephrine if the student is exposed to peanuts, access to a peanut-free table in the cafeteria, and the prohibition of peanut products in the student's classroom. In advance of the upcoming Halloween party, the teacher reminds the class that candy with peanuts is prohibited in the classroom at all times, including Halloween. That afternoon, while on the bus, a classmate grabs the student's water bottle out of the student's backpack, drinks from it, and says, "I had a peanut butter sandwich for lunch today, and I just finished it." The following day, while having lunch at the peanut-free table in the lunchroom with some friends, a classmate who had been sitting at another table sneaks up behind her and waves an open candy bar with peanuts in front of her face, yelling, "Time to eat peanuts!" Though the candy bar does not touch her, a few other classmates nearby begin chanting, "Time to eat peanuts," and the student leaves the lunchroom crying. When the student goes back to her classroom and tells her teacher what happened at lunch and on the bus, the teacher asks her whether she came into contact with the candy bar and what happened to the water bottle. The student confirms that the candy bar did not touch her and that she never got the water bottle back from the classmate who took it, but says that she is scared to go back into the lunchroom and to ride the bus. The teacher promptly informs the principal of the incidents, and the peers who taunted the student on the bus and in the lunchroom are removed from the lunchroom, interviewed by the assistant principal, and required to meet with the counselor during

³¹ If OCR and the district were to enter into a resolution agreement in this case, such an agreement could include, for example, any of the provisions specified in Hypothetical Example A, above.

recess to discuss the seriousness of their conduct. That same week, the school holds a Section 504 meeting to address whether any changes were needed to the student's services in light of the bullying. The principal also meets with the school counselor, and they decide that a segment on the bullying of students with disabilities, including students with food allergies, would be added to the counselor's presentation to students on the school's anti-bullying policy scheduled in the next two weeks. Furthermore, in light of the young age of the students, the counselor offers to incorporate a puppet show into the segment to help illustrate principles that might otherwise be too abstract for such a young audience. In the weeks that follow, the student shows no adverse changes in academic performance or behavior, and when asked by her teacher and the school counselor about how she is doing, she indicates that the bullying has stopped.

In this example, based on the school's appropriate response to the incidents of bullying, OCR would not find a disability-based harassment violation under Section 504. The bullying of the student on account of her food allergy to peanuts was based on the student's disability. Moreover, the physically threatening and humiliating conduct directed at her was sufficiently serious to create a hostile environment by limiting her ability to participate in and benefit from the school's education program when she was near the classmates who bullied her in the lunchroom and on the bus. School personnel, however, did not tolerate the conduct and acted quickly to investigate the incidents, address the behavior of the classmates involved in the conduct, ensure that there were no residual effects on the student, and coordinate to promote greater awareness among students about the school's anti-bullying policy. By taking prompt and reasonable steps to address the hostile environment, eliminate its effects, and prevent it from recurring, the school met its obligations under Section 504.

OCR also would not find a FAPE violation under Section 504 on these facts. Once the school became aware that the student feared attending lunch and riding the bus as a result of the bullying she was experiencing, the school was on notice that the effects of the bullying may have affected her receipt of FAPE. This was sufficient to trigger the school's additional obligation to determine whether, and to what extent, the bullying affected the student's access to FAPE and take any actions, including addressing the bullying and providing new or different services, required to ensure the student continued receiving FAPE. By promptly holding a Section 504 meeting to assess whether the school should consider any changes to the student's services in light of the bullying, the school met its independent legal obligation to provide FAPE under Section 504.

VI. Conclusion

OCR is committed to working with schools, students, families, community and advocacy organizations, and others to ensure that schools understand and meet their legal obligations under Section 504 and Title II to appropriately address disability-based harassment and to ensure that students with disabilities who are bullied continue to receive FAPE.

OCR also encourages States and school districts to reevaluate their policies and practices in light of this letter, as well as OCR's and OSERS's prior guidance. If you would like to request technical assistance or file a complaint alleging discrimination, please contact the OCR enforcement office that serves your area. Contact information is posted on OCR's website at:

<http://www.ed.gov/ocr/complaintintro.html> or please contact OCR's customer service team at 1-800-421-3481 (TDD 1-800-877-8339).

I look forward to continuing our work together to address and reduce incidents of bullying in our schools so that no student is limited in his or her ability to participate in and benefit from all that our educational programs have to offer.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

Enclosure

Effective Evidence-based Practices for Preventing and Addressing Bullying

There is no one-size-fits-all or simple solution for addressing bullying behavior. Rather, efforts to prevent and address bullying behavior should be embedded within a comprehensive, multitiered behavioral framework used to establish a positive school environment, set high academic and behavioral expectations for all students, and guide delivery of evidence-based instruction and interventions that address the needs of students, including students with disabilities. In such a framework, policies and practices would be aligned and consistently implemented school wide; that is, across general and special education, each grade level, and in all school settings and activities. Data-based decision making would be used to identify needs, analyze problem situations, outline clear evidence-based practices to be used in delivery of instruction and implementation of interventions, and monitor progress toward clear, positive academic and behavioral outcomes as part of an ongoing, continuous improvement model.

When deciding which strategy or strategies to use to address bullying behavior, each school needs to consider the relevant factors given its school environment, students' social and cognitive development, and the evidence on programmatic prevention and intervention. Teachers, administrators, and staff understand that students' social behavior affects their academic learning. In many high-performing schools, academic instruction is combined with effective behavioral supports to maximize academic engagement and in turn, student achievement. That is, successful schools focus on decreasing academic failure and problem behaviors, including bullying, and increasing opportunities for all students to fully participate in learning. There is a growing body of research on promising school bullying interventions that can inform practice. For example, a meta-analysis of research across a 25-year period found that school bullying prevention programs led to changes in knowledge, attitudes, and self-perceptions of those targeted by bullying, engaging in bullying, and bystanders.¹ Another meta-analysis of school-based programs implemented in the United States and internationally to reduce bullying concluded that overall school-based antibullying programs were often effective in reducing bullying, and identified program elements (*i.e.*, critical practices or strategies) associated with effective programs; but results varied based on context.² Experimental research has also demonstrated lower rates of bullying and peer rejection when critical practices or strategies were used within a multitiered behavioral framework.³

The following effective evidence-based practices are found in many multitiered behavioral frameworks. We encourage you to carefully consider each of these practices as part of any bullying prevention and intervention program you undertake to help ensure that your school and classroom settings are positive, safe, and nurturing environments for all children and adults.

¹ Merrell, K. W., Gueldner, B. A., Ross, S. W., & Isava, D. M. (2008). How effective are school bullying intervention programs? Meta-analysis of intervention research. *School Psychology Quarterly, 23*, 26-42.

² Farrington, D. P., & Ttofi, M. M. (2009). School-based programs to reduce bullying and victimization. *Campbell Systemic Reviews, 2009*:6.

³ Bradshaw, C. P., Mitchell, M. M., & Leaf, P. J. (2010). Examining the effects of school-wide Positive Behavioral Interventions and Supports on student outcomes: Results from a randomized controlled effectiveness trial in elementary schools. *Journal of Positive Behavior Interventions, 12*, 133-148.

Use a comprehensive multitiered behavioral framework

Just as important as determining which strategies will be used is knowing how, when, and by whom those strategies will be implemented. Evidence-based instructional and intervention strategies for preventing and addressing bullying of students, including students with disabilities, are most effective when used as part of a comprehensive multitiered behavioral framework that engages the whole school community, and establishes and maintains positive, safe, and nurturing school environments conducive to learning for all students. Providing clear and formal instruction for all students, and staff on how to behave in respectful and responsible ways across all school settings and activities is a vital component of this approach.

Issues related to the bullying of students with disabilities should be included in the topics addressed by the school's comprehensive multitiered behavioral framework, and also as a specific area of focus in policies and practices addressing behavioral expectations. In addition to implementing certain steps for the whole school (*e.g.*, consistent rules and rewards for good behavior), a comprehensive multitiered behavioral framework of instruction and interventions also includes using strategies that address bullying and other problematic behaviors, such as steps for groups of students exhibiting at-risk behavior and individual services for students who continue to exhibit troubling behavior.

Using a comprehensive multitiered behavioral framework for making decisions on identifying, implementing, and evaluating effective evidence-based practices helps schools to: (a) organize evidence-based practices, including those that will be used to address bullying of students with disabilities; (b) support the use of evidence-based practices according to the practice guidelines; and (c) monitor the outcomes for students to determine the effectiveness of the evidence-based practices and need for any additional instruction and intervention. Preventing and addressing bullying of students with disabilities needs to be aligned with, and embedded as part of each school's comprehensive multitiered behavioral planning, and given explicit consideration to ensure that the individual needs of each student with a disability are addressed fully in the school-wide plans for creating and sustaining a positive, safe, and nurturing school environment.

One example of a multitiered behavior framework that school personnel can use to plan, implement, and evaluate evidence-based instruction and intervention practices is Positive Behavioral Interventions and Supports (PBIS). The PBIS framework can help to create an appropriate social culture, learning and teaching environment, achieve academic and social success, and minimize problem behavior, including reducing the risks and decreasing the occurrence of bullying. Using this multitiered framework, school personnel establish a continuum of evidence-based behavioral practices that include school-wide strategies, more intense strategies for groups of students exhibiting at-risk behaviors, and individual services for students who continue to exhibit problematic behavior and need additional support.⁴ Rather than offering a packaged curriculum, a manualized strategy, or a prescribed intervention, PBIS provides school personnel with a decision-making structure that they can use to identify, implement, and evaluate effective evidence-based instruction and intervention strategies within a comprehensive multitiered framework to prevent and respond to bullying in their school setting.⁵ By outlining a comprehensive school-wide approach

⁴ Bradshaw et al. (2010).

⁵ Sugai, G., Horner, R.H., Algozzine, R., Barrett, S., Lewis, T., Anderson, C., Bradley, R., Choi, J. H., Dunlap, G., Eber, L., George, H., Kincaid, D., McCart, A., Nelson, M., Newcomer, L., Putnam, R., Riffel, L., Rovins, M., Sailor, W., &

with multitiered instruction and intervention, schools work to create school cultures that prevent the development and reduce the occurrence of bullying. In addition, schools are prepared to respond to problematic behavior using a team-based, data-driven problem-solving process when needed.

The following are practices found in many effective, evidence-based behavioral prevention and intervention school-wide frameworks.

Teach appropriate behaviors and how to respond

Preventing bullying begins by actively and formally teaching all students and all school personnel: (1) what behaviors are expected at school and during school activities; (2) what bullying looks like; and (3) how to appropriately respond to any bullying that does occur. Specifically, clear behavioral expectations are taught to students and adults in the same manner as any core curriculum subject.⁶ Consistency in behavioral expectations from class to class, adult to adult, and across settings is very important in establishing shared and predictable expectations that both students and school personnel understand and follow.

Provide active adult supervision

Adults play an important role in actively supervising and intervening early to correct behavior problems, especially in common areas (*e.g.*, hallways, cafeteria, playgrounds, and extracurricular events). By moving continuously throughout an area and having positive interactions with students, adults are able to teach and model expected behavior and routines, notice and reward appropriate behavior, and intervene early so that minor rule violations are handled effectively before problematic behaviors escalate.

Train and provide ongoing support for staff and students

Training, ongoing professional development, and support, including coaching, to all personnel on the use of effective evidence-based strategies for responding to inappropriate behavior, including bullying, as well as evidence-based instruction and classroom management practices, are important tools to ensure that school staff are equipped to effectively address bullying. In addition, clear guidance on legal requirements, policy, and practice implications for students with disabilities needs to be explicitly provided in training.

School personnel need to be aware that students with disabilities are significantly more likely than their peers without disabilities to be the targets of bullying.⁷ Any number of factors may explain their increased risk of being bullied, including but not limited to the student's physical

Simonsen, B. (2010). *School-Wide Positive Behavior Support: Implementers' Blueprint and Self-Assessment*. Eugene, OR: University of Oregon.

⁶ Sugai et al. (2010).

⁷ Young, J., Ne'eman, A., & Gelser, S. (2011). *Bullying and Students with Disabilities. A Briefing Paper from the National Council on Disability*. Washington, DC: National Council on Disability (available at: <http://www.ncd.gov/publications/2011/March92011><http://www.ncd.gov/publications/2011/March92011>).

characteristics, processing and social skills, or simply being in environments with others who are intolerant.⁸

Training is essential in helping school personnel recognize the different forms of bullying that may be directed at students with disabilities, and the unique vulnerabilities these students may have to social isolation, manipulation, conditional friendships, and exploitive behaviors. Students, with and without disabilities, do not always recognize problem behaviors as bullying, or may be reluctant to stand up for themselves or others, seek help, or report bullying due to fear of retaliation, particularly if adults are involved. Due to the complexities of their disabilities, students with intellectual, communication, processing, or emotional disabilities may not understand manipulation or exploitive behavior as harmful, or have the knowledge and skills to explain the situation to an adult who can help.

All students should receive clear, explicit instruction on how to respond to and report bullying. For students with disabilities, instruction on how to respond to and report bullying needs to be provided in a manner consistent with their IEPs and any accommodations that are provided to support learning. In addition, school staff should monitor for bullying and its possible effects on FAPE for students with disabilities, as it is not sufficient for school personnel to rely only on students to report bullying or identify how the bullying is interfering with FAPE.

Develop and implement clear policies to address bullying

We encourage schools to develop clear policies and procedures, consistent with Federal, State, and local laws, to prevent and appropriately address bullying of students, including students with disabilities.⁹ In these antibullying policies, schools may want to include a reminder that harassment against a student on the basis of disability and retaliation against any student or other person are also prohibited under Section 504, Title II, and other Federal civil rights laws enforced by the U.S. Department of Education's Office for Civil Rights.¹⁰

Schools should widely disseminate their antibullying policies and procedures to staff, parents, and students, and post the policies in the school and on the school's website. Any published policies and procedures must be accessible to students with visual or other disabilities. Schools should provide ongoing training to staff, parents, and students on their antibullying policies and procedures so that everyone in the school community is aware that bullying behavior will not be tolerated.

⁸ Young et al. (2011).

⁹ Under Title II and Section 504, school districts must notify students, parents, and school personnel (including persons with impaired vision or hearing) that the district does not discriminate on the basis of disability; must adopt grievance procedures providing for the prompt and equitable resolution of complaints alleging disability discrimination (including harassment); and must designate at least one person to coordinate compliance with those laws. See 28 C.F.R. § 35.106; 28 C.F.R. § 35.107; 34 C.F.R. § 104.7; 34 C.F.R. § 104.8.

¹⁰ It is unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by Section 504, Title II, Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), the Age Discrimination Act of 1975 (Age Act), or the Boy Scouts of America Equal Access Act (BSA Act). See 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 104.61 (Section 504) (incorporating 34 C.F.R. § 100.7(e) by reference); 28 C.F.R. § 35.134 (Title II); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. § 100.7(e) by reference); 34 C.F.R. § 110.34 (Age Act); and 34 C.F.R. § 108.9 (BSA Act) (incorporating 34 C.F.R. § 100.7(e) by reference).

When bullying occurs, school personnel need to respond quickly, to act in accordance with school policies and procedures, and to address the issue in a professional manner. School personnel should be sure to document the response to a bullying incident in writing.

Monitor and track bullying behaviors

Collecting and analyzing data on bullying behaviors can provide a clearer picture of what is happening in school and school activities, guide planning of prevention, instruction, and intervention efforts, and inform decision making on the effectiveness of current policies and practices over time. Adults tend to underestimate the rates of bullying because students rarely report it, and it often happens when adults are not around.¹¹ Thus, data collected from multiple sources, including surveys of students, will help establish a more accurate understanding of bullying behaviors occurring in school and school activities. Data collection should be linked to existing data systems (e.g., attendance, discipline) when possible, and include information such as the frequency, types, and location of bullying behavior, other contextual factors, adult and peer responses, and also perceptions of safety and school climate.

Notify parents when bullying occurs

Parents or guardians should be promptly notified of any report of bullying that directly relates to their child in accordance with Federal, State, and local law, policies, and procedures. Clear and accurate communication is needed to inform the parents or guardians of both the student who was the target of bullying behavior and the student who engaged in the bullying behavior.¹² Parents and guardians should also be encouraged to work with their child's teachers and other school personnel to determine the steps that need to be taken to address the bullying and prevent its recurrence.

Address ongoing concerns

Expected school behaviors and routines should be taught to and known by all students and staff. Students whose school behavior is not safe, responsible, and respectable, and consistent with the established school expectations may need: (a) more focused social skills instruction; (b) frequent, specific feedback on their behavior, or (c) increased adult engagement.¹³ School personnel should use data measuring an individual student's responsiveness to antibullying instruction and intervention to determine the need for continued, more intensive, and specialized assistance for each student.

Additionally, if a school suspects that bullying is becoming a problem school-wide, a team-based and data-driven problem-solving process should be initiated. Such an approach should examine discipline and performance data to determine: (1) the current status of bullying, including how

¹¹ Cohen et al. (2009).

¹² The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, restricts the nonconsensual disclosure of personally identifiable information from a student's education record, including information on disciplinary actions taken against a student. State and local officials are encouraged to seek guidance to be sure that all policies are implemented consistent with these provisions.

¹³ Sugai et al. (2010).

often, when, and where specific bullying incidents occur, how many and which students are involved, including whether any are students with disabilities, and which adults, if any, are involved; (2) the extent to which positive school-wide behavioral expectations have been explicitly taught, as well as the extent to which students easily and naturally meet those expectations by routinely behaving in a manner consistent with the expectations at school and school activities; and (3) whether all students are actively academically engaged, successful, and appropriately challenged. Based on the data, a common strategy should be outlined to address the settings (*e.g.*, hallways, cafeterias, and buses) and situations (*e.g.*, unstructured class time, transitions, field trips, and during assemblies) in which bullying frequently occurs. The strategy should include certain steps that will be taken for the whole school (*e.g.*, consistent rules and rewards for good behavior), more intense steps that will be taken for groups of students exhibiting at-risk behavior, and individual services that will be provided for students who continue to exhibit problematic behavior.

Sustain bullying prevention efforts over time

Prevention of bullying should be ongoing, and accepted as an integral component of the school's overall behavioral framework that delineates a school's environment and routine operation. We must remain mindful of the importance of providing positive, safe, and nurturing environments in which all children can learn, develop, and participate. Just as each year schools work to maximize academic engagement and learning outcomes for all students, including students with disabilities, we also must take steps to prevent and address bullying behavior. Effective, evidence-based practices created and sustained within a comprehensive multitiered framework will prevent the occurrence and reduce the impact of bullying in our schools, and also enhance learning and developmental outcomes for all students.

Resources on Preventing and Addressing Bullying

Additional information about preventing and addressing bullying behavior is available from the resources listed below.

- **StopBullying.gov** - This U.S. government website is hosted by the U.S. Department of Health and Human Services in partnership with the U.S. Department of Education. It provides information on how kids, teens, young adults, parents, educators, and others in the community can address bullying behaviors. Information about cyberbullying also is available. <http://www.stopbullying.gov>
- **PACER.org/bullying/** - This National Parent Center funded by the Office of Special Education Programs (OSEP) supports families with children with disabilities by providing assistance to individual families, conducting workshops, and providing information through materials and websites. PACER's National Bullying Prevention Center educates communities nationwide to address bullying through creative, relevant, and interactive resources. PACER's bullying prevention resources are designed to benefit all students, including students with disabilities. PACER also hosts [TeensAgainstBullying.org](http://www.teensagainstabullying.org), created by and for teens to address bullying. In addition, PACER hosts [KidsAgainstBullying.org](http://www.kidsagainstabullying.org), designed by and for elementary school students to learn about bullying prevention. <http://www.pacer.org/bullying/>

- **PBIS.org** – The Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS), funded by OSEP, gives schools capacity-building information and technical assistance for identifying, adapting, and sustaining effective school-wide disciplinary practices. It also: (a) provides technical assistance to encourage large-scale implementation of PBIS; (b) provides the organizational models, demonstrations, dissemination, and evaluation tools needed to implement PBIS with greater depth and fidelity across an extended array of contexts; and (c) extends the lessons learned from PBIS implementation to the broader agenda of educational reform. <http://www.pbis.org>
- **NICHCY.org** - This national dissemination center funded by OSEP provides a wealth of information on disabilities in children and youth; programs and services available for infants, toddlers, children, and youth with disabilities under IDEA; and research-based information on effective practices for children with disabilities (birth through 21 years of age). Information and links to resources that address bullying relative to children with disabilities are also provided. <http://nichcy.org/schoolage/behavior/bullying/>
- **FindYouthInfo.gov** - This U.S. government website was developed by 12 Federal agencies, including the Department of Education, in partnership with the White House, to disseminate information and to leverage resources to support programs and services focusing on positive, healthy outcomes for youth. The website provides facts and information on a wide range of topics including bullying, cyberbullying, and positive youth development. It also contains information on assessing community assets, generating maps of local and Federal resources, searching for evidence-based youth programs, and keeping up-to-date on the latest, youth-related news. Information is provided on funding opportunities available to those interested in addressing bullying and related topics, as well as on Federal funds awarded to states and communities for use in locating potential resources or partners already available. <http://www.FindYouthInfo.gov/>
- **Safesupportiveschools.ed.gov** - The National Center on Safe Supportive Learning Environments is funded by the U.S. Department of Education's Office of Safe and Healthy Students, and the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) to help schools and communities contend with many factors that impact the conditions for learning, such as bullying, harassment, violence, and substance abuse. The Center provides resources, training, and technical assistance for State and local educational agency administrators, teachers, and staff; institutions of higher education; communities, families, and students seeking to improve schools' conditions for learning through measurement and program implementation, so that all students have the opportunity to realize academic success in safe and supportive environments. <http://safesupportiveschools.ed.gov/index.php?id=01>



Parent Fact Sheet

What Are Public Schools Required to Do When Students with Disabilities Are Bullied?

What does a school have to do when a child with a disability is being bullied?

- School staff, parents, and other caring adults have a role to play in preventing and responding to all forms of bullying. If a student with a disability is being bullied, federal law requires schools to take immediate and appropriate action to investigate the issue and, as necessary, take steps to stop the bullying and prevent it from recurring.
- *Regardless of whether the student is being bullied based on his or her disability*, schools must remedy the effects of bullying on the services that the student with a disability receives (special education or other disability-related services) to ensure the student continues to receive a free appropriate public education (FAPE). Any remedy should not burden the student who has been bullied.

Does it matter if a child has an Individualized Education Program (IEP) or 504 plan?

- No. Some students with disabilities receive FAPE through an IEP developed under the Individuals with Disabilities Education Act (IDEA) and others receive a plan developed under Section 504. If changes in a student's behavior or academic performance indicate that a student may not be receiving FAPE, the IEP or Section 504 team should meet to determine whether the student's educational needs have changed and the school must provide any needed additional services promptly to ensure the student's ongoing receipt of FAPE.

Where can I go for help?

- Go to www.stopbullying.gov, a federal website that provides helpful information and resources on bullying prevention and remedies.
- Ask to meet with the IEP or 504 team, the principal, or the district's Section 504 or Title II Coordinator if you believe your child is being bullied. Consider using your school's disability grievance procedures to have the school address your concerns.
- The U.S. Department of Education's Office for Civil Rights (OCR) has issued a [Dear Colleague Letter](#) explaining what public schools must do under federal law to respond when students with disabilities are bullied. OCR investigates complaints of disability discrimination at schools. To learn more about federal civil rights laws or how to file a complaint, contact OCR at 800-421-3481 (TDD: 800-877-8339), or ocr@ed.gov. OCR's website is www.ed.gov/ocr. To fill out a complaint form online, go to <http://www.ed.gov/ocr/complaintintro.html>.



Autism Bullying The Ultimate Guide

Autism Parenting
Magazine

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This guide should offer an overview of all things related to autism bullying and hopefully help parents uncover ways to help their children on the spectrum through proactive measures.

Why do children with autism get bullied?

Autism spectrum disorder (ASD) is considered an invisible condition because of the lack of physical defects associated with it. The experiences of autistic individuals include sensory sensitivities, communication and social interaction challenges, as well as repetitive and restrictive behaviors. The social difficulties of autistic individuals can impact the ability to read social situations and recognize malicious intent or exploitation, in turn making them [targets of bullying](#).

The symptoms of autism make people on the spectrum appear different in a neurotypical society that lacks sufficient awareness of the condition. Individuals who present with difficulties in social skills and communication are sadly regarded by some as “weird”, “odd” or “strange”.

The differences of autistic individuals compared to their neurotypical peers are ill-understood. In a school setting, for high-functioning children with autism who attend mainstream education, the probability of being bullied is high. Habits such as eating alone or playing alone in a playground offer opportunities for people to take advantage. Other occurrences that may become opportunities for bullies include lack of self-efficacy or lack of confidence, inability to understand sarcastic remarks or reading subtle queues, and being easily susceptible to frustration.

High functioning autistic children such as those with Asperger's syndrome can often easily blend into a sea of "neurotypical" learners but their social quirks or lack of social etiquette are what make them targets for bullies.

How do you know when your autistic child is being bullied?

Bullying can take the form of physical actions or verbal remarks. Unfortunately, it's sometimes the case that a child with autism may not understand social cues or be able to identify bullying tactics.

Let's look at the two [types of bullying and highlight signs](#) to tell if your child is being bullied:

1. Signs of physical bullying

Bullying can often start off as taunting tactics and can turn physical over time. Check for physical signs such as bruising, cuts, bedwetting, self-stimulatory behaviors, self-injury, or refusal to go to school.

Teachers might report that your child is unusually distracted, school results may be dropping or you might notice a lack of effort, resistance to participate in group activities, or unwillingness to interact with classmates

2. Signs of verbal bullying

Bullies typically require an audience to publicly abuse their target by using verbal bullying tactics. Some bullies use taunting language or language that undermines your child by highlighting their weaknesses.

A way to identify whether your child is being bullied verbally is by striking a conversation around school and their social experiences at school. Here are [some questions](#) to probe dialogue:

- “Who are your friends in class/during lunch/during recess/during gym class?”
- “Why don’t you like Dylan? What isn’t nice and isn’t good about how Dylan looks at you/talks to you/does to you?”
- “At school, is there anyone you don’t like/don’t get along with/isn’t your friend?”

Anti-bullying strategies for autism families

[Dr. Emily Lovegrove](#), AKA “The Bullying Doctor”, advises that parents need to be wary of advice such as “Just ignore them and they’ll stop”, “Tell the teacher”, or “Hit them back”. These suggestions can sometimes work but other times do more harm than good. Dr. Lovegrove has weighed up the pros and cons of these suggestions.

1. "Just ignore them and they'll stop"

It is human nature for people to move away from things that don't fulfill them anymore. Even bullies get bored and move on to other “prey”. So yes, the advice to ignore with the expectation to stop is applicable.

However, we need to consider that the experience of bullying doesn't just go away. It can cause anxiety and any interaction which triggers an experience can result in a flight or fight response. To ease your autistic child's experience of fear and anxiety, teach your child [breathing techniques](#) to use if ever they're in a triggering situation.

2. "Tell the teacher"

Teachers are the primary contact your child has to an adult at school so it's natural for parents to quickly advise their child to turn to a teacher for help. We fail to recognize, however, that not all teachers have the necessary training or time to solve every child's issues.

Victims of bullying often develop low self-esteem. It is therefore important for parents to train their children first to recognize their strengths and build self-esteem to resist the taunts of bullies. When your child builds resistance towards the bully, it is likely the bully will lose interest and move on. Consulting a teacher should then become the last resort.

3. "Hit them back"

Returning a hand can sometimes be the easiest and best solution to a bullying problem. We expect the bully to become shocked and back off. In reality, it could have adverse results such as the school punishing your child for violent behavior which at times can involve the police, or there's a possibility that the bully will want to avenge themselves.

Perhaps a better approach would be to teach your child about the possible reasons which motivate a bully's behavior, such as the bully may be ill-treated at home or projecting their own weaknesses onto their victims. The idea is to build understanding in your child that will hopefully reduce the fear and anxiety associated with being a bully's target.

Reducing bullying for children with autism

Many believe combating bullying requires reform in the school system by raising awareness and sensitizing the experiences of autistic children. Ideally, we all want our children to be able to be their true selves without being taunted—especially as [masking](#) can lead to long term mental health challenges.

Building emotional connectedness as caregivers is one strategy autism parents could consider. According to researcher and leadership coach [Louis Carter](#): “Emotional connectedness is the state of being appreciative of and ‘in-tune’ with the feelings, experiences, and perspectives of others...The practice of emotional connectedness requires changing interactions to active questions, set in a more positive tone with a focus on progress.”

Autism Bullying The Ultimate Guide

Through emotional connectedness, our bodies can become less stressed.

Through active questions, parents can ask themselves whether they're doing their best to:

- Help my child find a safe place when they are feeling or acting atypically?
- Find ways to advocate for my child?
- Provide teachers with an understanding of my child's trigger points?

Once the parent of the child with autism develops self-awareness, they become best able to teach their autistic child the same. The idea is that, by becoming more self-aware, a child might not fall victim so easily, or might feel less impacted by the actions of the bullies.

“Because of the focus on positivity, active daily questions form a deeper emotional connectedness between parents and children, enabling a greater amount of connection and performance in school and outside the house,” says Louis. This then enables autistic children to take control of their emotions and grow in self-esteem, in turn hopefully reducing the occurrence of bullying.

How to protect children with autism from cyberbullies

Technology has granted us the ability to be connected through cellular devices with individuals from all parts of the world. Although the advantages of technology are many, it also poses a threat to security. One such form of security threat is cyberbullying.

Autistic children who are nonverbal or semi verbal benefit from the development of technology by the ability to communicate digitally. Unfortunately, because of this, they're also at high risk of cyberbullying or online bullying

What is online bullying?

According to [Valerie Malecha](#), online bullying or cyberbullying is “an advanced form of old-fashioned bullying...it includes all forms of digital devices and supports online communication via social media messengers, emails, or simple instant SMS.”

Cyberbullying can occur through “finding out, sending, sharing, posting, even blackmailing false and harmful personal details to embarrass and humiliate someone else.” Autistic children are often targeted due to their difficulties understanding nonverbal communication cues.

Tips on ways to create safety for autistic children online

1. Share and observe, but do not invade

At a certain age, your child with autism might cry out for privacy if it's being invaded and probably push you away if they feel as though they don't have control of their activities. So as a parent, knowing when to intervene when your child is talking to a stranger online is crucial. Listen carefully to the conversation and only interrupt if you feel the other person becomes toxic.

It's good practice to educate your child of the possible things people can say or do that your child may not understand or misinterpret.

2. Always stay vigilant of a child's interactions

It is a good practice to set up parental control on your child's device to only display age-appropriate contents.

Another idea that may sound intrusive is to set up cameras or sound devices in your child's rooms. The key is only to resort to using said devices if you suspect your child may be in trouble and an easy way to spot it is if your child's behavior is becoming strange.

Perhaps initiate a dialogue with your child by asking probing questions geared towards getting an idea of what your child did, who they spoke to, and what they spoke about. Again be vigilant of silent clues and trust your instinct if you suspect your child to be in danger.

Finally...

The safety of your child is your priority so, as a parent, you are advised to be mindful of their behaviors and who they may be interacting with.

Teach your child to become self-aware and build their self-esteem to reduce the adverse effect of bullying. Of course, as a parent, unless you're checking in with yourself, it will be much more challenging to decipher whether your child is going through something or not. We can be consumed by all the external pressure in our lives, so allow yourself to live in the moment and practice self-awareness so that your child can do the same.



Andréas RB Deolinda, BA, BSc is the Editorial Assistant for [Autism Parenting Magazine](#) and an advocate for children with special needs. She was born in Congo, Brazzaville, and grew up in South Africa. Andréas holds three degrees: a BSc in Psychology & Biochemistry, a BA Honours in Drama Therapy, and a BA Honours in Psychology. She has taught at two remedial/special needs education schools as well as running workshops for children in neurotypical schools in South Africa. Andréas is also a poet who runs an Instagram account and blog where she shares her writing in French and English.

Cyberbullying Prevention 101

A quick guide for elementary school students

WHAT IS CYBERBULLYING?

Cyberbullying is using technology, such as email, texts, social media, online gaming, or pictures to hurt or harm someone else with unwanted, aggressive, and repeated behavior.

Some examples:

- Sending mean text messages
- Posting unkind comments online
- Sharing pictures that are not yours to share
- Liking or sharing posts about something hurtful
- Spreading rumors or gossip online
- Pretending to be someone else

WHEN AND WHERE DOES CYBERBULLYING HAPPEN?

Cyberbullying can happen anytime and anywhere technology is used, including emails, texts, apps, social media, gaming, instant messaging, videos, and photo shares.

IMPORTANT NOTES

- **Bullying is never okay**
- **Bullying can happen to anyone**
- **Bullying can happen anywhere: school, neighborhood, and online**
- **All bullying hurts, whether online or in person**
- **No one ever deserves to be bullied**

KNOW HOW TO BE SAFE

Using technology is like learning how to swim: it's really important to know how to be safe. Talk with your parent or another trusted adult in your life. Ask them to help you understand the rules and how to handle any cyberbullying that you see or experience.



WHAT YOU CAN DO

IF YOU ARE CYBERBULLIED:

- Know that you do not deserve what is happening
- Tell a grownup: your parents, a teacher, or trusted adult
- Develop a plan, with the help of an adult, about how to respond to the situation so that you feel safe

IF YOU SEE CYBERBULLYING:

- Tell the kid who is being bullied that they don't deserve to be treated that way
- Help them tell a grownup, or report it to an adult yourself
- If you can, take a screenshot or photo, and share with a grownup

IF YOU ARE THE ONE CYBERBULLYING

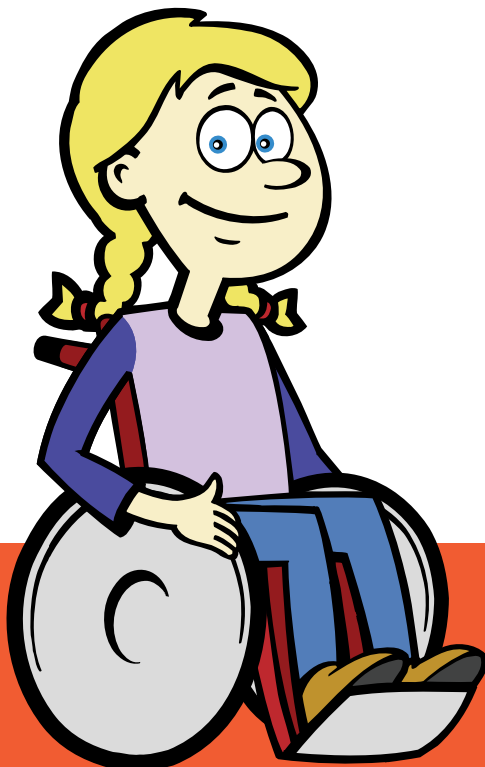
- Stop any behavior that causes someone harm
- Understand that your actions are causing harm; it is NEVER okay to hurt someone
- Talk with a grownup. It might be hard, but let them know you messed up (we all do sometimes), and then find ways you can correct your actions

TELLING AN ADULT IS IMPORTANT

How do you tell an adult about bullying?

Try saying:

- "I think someone is cyberbullying... what do I do?"
- "I want to tell you about a text I got today, can we talk more?"
- "Somebody posted something that made me feel _____." (Sad • Hurt • Mad • Embarrassed • Worried • Scared)



TELLING VS. TATTLING

A lot of kids say that they don't want to tell an adult about bullying because they don't want to be called a tattletale. "Telling" is NOT "tattling" because telling is about getting help to protect yourself or someone else. Tattling is done to get someone in trouble.

Cyberbullying often happens in places without grownups. If an adult can't see what's happening, the only way they will know is if someone tells them. It's important to report cyberbullying so that adults can help.

CYBERBULLYING:

What Kids Need to Know

Cyberbullying is using technology, such as email, texts, social media, online gaming, or pictures, to hurt or harm someone else with unwanted, aggressive, and repeated behavior.

Cyberbullying can happen anywhere and anytime technology is used, such as:

- Sending mean text messages
- Posting unkind comments online, or liking or sharing hurtful posts
- Sharing pictures that are not yours to share
- Spreading rumors or gossip online
- Pretending to be someone else online or by text. This might mean sending messages or making posts using someone else's name, to hide who's really doing the messaging.

BE SAFE, BE RESPECTFUL

Remember, there are real people reading your posts or messages. Talk with your parent or another trusted adult about:

- Rules and guidelines for technology use
- How to handle any cyberbullying that you see or experience
- How positive messages can help others feel good about themselves and negative messages can cause hurt

TELLING IS NOT TATTLING

Kids often don't want to tell an adult about bullying because they don't want to be a tattletale. Telling is NOT tattling! Telling is done to get help to protect yourself or someone else. Tattling is done to get someone in trouble.



IF YOU ARE CYBERBULLIED

- Know that you do not deserve what is happening
- Tell a grownup: a parent, a teacher, or trusted adult, and ask them to help you make a plan to handle it

IF YOU SEE CYBERBULLYING

- Tell the person who is being bullied that they don't deserve to be treated that way
- Help them tell a grownup, or report it to an adult yourself
- If you can, take a screenshot or photo to share with the grownup

Bullying Prevention 101

A quick guide for elementary school students



WHAT IS BULLYING?

Bullying is when someone:

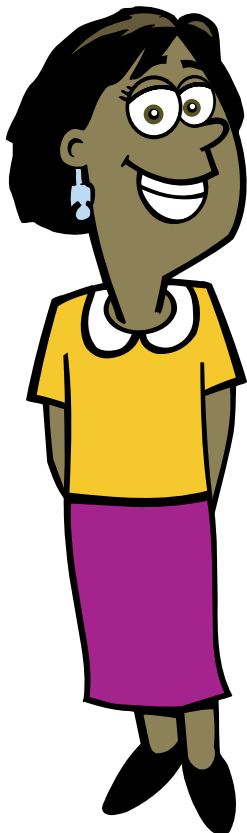
- is hurt by unwanted words or actions,
- usually more than once, and
- has a hard time stopping what is happening to them.

WHERE AND WHEN DOES BULLYING HAPPEN?

Bullying can happen anywhere, anytime. It can occur in your neighborhood, on your way to and from school, at school, and while online.

WHAT IS CYBERBULLYING?

Using **technology**, such as email, texts, social media, online gaming, or pictures to hurt or harm someone else with unwanted, aggressive, and repeated behavior.



WHO IS INVOLVED?

TARGET → Person who is being bullied

STUDENT WHO BULLIES → Person whose actions cause hurt or harm

WITNESS OR BYSTANDER → Person who sees or knows of the behavior

Note: "Person" may mean one individual or a group of people.

**A person can have more than just one role!
The role that any student plays in a bullying situation can change.**

DID YOU KNOW...

...there is not just one kind of person who bullies

It's not about how someone looks; it's about their actions.

...that a disagreement is different than bullying

A disagreement or argument is when both sides express their views. People don't always agree, and can be in "conflict" when they respectfully share their opposing views without putting down the other person.

...that someone you thought was a friend could be bullying you

If a friend is treating you in a way that hurts you and you have asked that friend to stop but they still continue, that is not friendship. That behavior could be bullying.

...there is a big difference between telling and tattling

A lot of kids say that they don't want to tell an adult about bullying because they don't want to be called a tattle-tale. Telling is done to protect yourself or another student from getting hurt. Tattling is done to get someone in trouble.

...your school probably has a policy against bullying

Every state in the nation has a law that prevents bullying in schools. If you don't know yours, ask an adult at your school about it.



WHAT CAN YOU DO IF YOU ARE BEING BULLIED?

If you are being bullied, the first thing you should know is that it's not your fault.

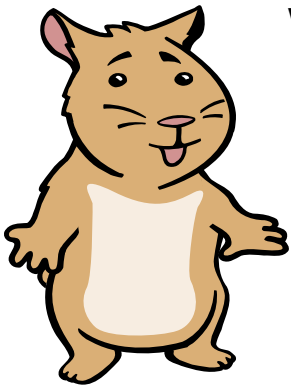
Nope. Not one bit. No one deserves to be bullied... EVER! There's a lot you can do:

- Know that you do not deserve what is happening
- Tell someone: a parent, teacher, or trusted adult
- Develop a plan, with the help of an adult, about how you can respond to the situation
- Decide—with the help of an adult—how other students might help

WHAT CAN YOU DO IF YOU SEE SOMEONE BEING BULLIED?

If you see someone being bullied:

- **Speak Up!** You should tell an adult. Telling is not tattling. It's okay to tell an adult when you see bullying or are being bullied. In fact, it's a really smart thing to do!
- **Reach Out!** Tell the kid who is being bullied that they don't deserve to be treated that way. Nobody does.
- **Be a Friend!** Let others know that you don't accept bullying at your school, and others will be more willing to speak up, too. Ask friends to join you in being a kid against bullying.



HOW TO TELL AN ADULT

If you or someone else is being bullied

Kids are told that if they see bullying or are being bullied, they should tell an adult.

That is great advice! But how do you do that?

1 YOU MAY BE THINKING

- Will anything change if I tell?
- Would I be a tattletale?
- I don't want to get anyone in trouble.

Know that bullying is a big deal and you have the right to speak up and be heard.

2 WHO SHOULD YOU TALK TO?

- Parent
- Family member
- Teacher
- Counselor
- Coach
- Mentor

If things don't change or you need more help, try talking to another adult you trust.

3 WHAT DO YOU SAY?

"I think someone might be bullying me or someone I know, will you help me?"

"I want to tell you about something that happened, can we talk more?"

"Somebody did something that made me feel _____."

- Sad
- Hurt
- Embarrassed
- Worried
- Mad
- Scared



It can be hard to tell an adult about something emotional or serious. You may want to share what's happening and how you're feeling all at once, or you may need more time.

Know that your feelings are important and that it's your story to tell.

Common Views and Myths about Bullying

In spite of the significant impact that bullying can have on a target, our society often views it as acceptable behavior. There are many misconceptions that characterize bullying, all of which can lead to minimizing the behavior. **Here are a few of these common misconceptions, followed by the facts.**

“Bullying is a natural part of childhood.”

FACT: There is nothing natural about being bullied. Bullying is often considered a normal part of childhood because it is such a common experience. Physical or emotional aggression toward others should not be tolerated as a normal part of childhood.

“Words will never hurt you.”

FACT: Even though words don't leave bruises or broken bones, studies have shown they may leave deep emotional scars that can have lifelong implications. Children learn at a very early age that words can hurt other children.

“Some people deserve to be bullied.”

FACT: No child's behavior justifies being hurt or harmed in any manner. All children deserve to be treated with respect and consideration.

“Bullying will make kids tougher.”

FACT: Bullying does not make someone tougher. Research has shown it often has the opposite effect and lowers a child's sense of self-esteem and self-worth. Bullying often creates fear and increases anxiety for a child.

“Telling a teacher about bullying is tattling.”

FACT: Children need to know the difference between tattling and telling. Tattling is done to get someone in trouble, telling is done to protect someone. The secrecy of bullying only serves to protect the bully and perpetuate the behavior.

“It's only teasing.”

FACT: Most children are occasionally teased. When teasing does not hurt a child, it isn't considered bullying. Teasing becomes bullying when a child does not understand that he or she is being teased and the intent of the action is to hurt or harm.

“Boys will be boys.”

FACT: The implication here is that bullying is acceptable, and that it is normal for boys to be physically or verbally aggressive. However, research indicates aggression is a learned behavior, not a natural response.

“Girls don't bully.”

FACT: Research shows that girls can and do bully. While they do not physically bully targets as often as boys, they will often use verbal and emotional bullying. Bullying for girls escalates during the middle school years.

“Children and youth who are bullied will almost always tell an adult.”

FACT: Adults are often unaware of bullying, in part because many children and youth don’t report it. Most studies find that only 25 to 50 percent of bullied children talk to an adult about the situation. Boys and older children are less likely than girls and younger children to tell adults about bullying. Children may be reluctant to report bullying because they fear retaliation by the children doing the bullying. They also may fear that adults won’t take their concerns seriously or will deal inappropriately with the situation.

“Bullying is easy to recognize.”

FACT: Physical bullying, such as hitting, kicking, and fighting, is easy to recognize since this type of behavior is overt. It is the covert bullying—such as shunning, alienating, and leaving children out on purpose—that is much harder to detect.

“Ignoring bullying will make it go away.”

FACT: This solution sounds easy, but ignoring the problem will not make bullying go away. In fact, it often makes the situation worse, because it sends a message that the target is unable to do anything about the behavior and gives the person bullying emotional satisfaction.

“Children and youth who bully are mostly loners with few social skills.”

FACT: Children who bully usually do not lack friends. In fact, some research finds that these children have larger friendship networks than other children. Importantly, they usually have at least a small group of friends who support and encourage their bullying behavior. Children who bully also generally have more leadership skills than targets of bullying or children not involved in bullying.

“Bullied kids need to learn how to deal with bullying on their own.”

FACT: Some children have the confidence and skills to stop bullying when it happens, but many do not. Moreover, children shouldn’t be expected to deal with bullying on their own. Bullying is a form of victimization and peer abuse. Just as society does not expect victims of other types of abuse (e.g., child maltreatment or domestic abuse) to “deal with the situation on their own,” we should not expect this from targets of bullying. Adults have critical roles to play in helping to stop bullying, as do other children who witness or observe bullying.

“If my child is being bullied, it’s okay for them to fight back.”

FACT: If your child is being bullied, you should discourage them from fighting back. Trying to get even with someone who bullies is never a good idea. If your child fights back, the bullying will likely become much worse, and the school may see your child as part of the problem.

“Bullying is the same as arguing.”

FACT: People argue about lots of things. Let’s say your child and their classmate get into an argument about who’s the best hip-hop performer. That isn’t bullying, it’s conflict. Conflict is a disagreement, or argument, in which both sides express their views. It would be bullying, though, if your classmate told everyone to not hang with you because of the disagreement and got them to gossip about you. This would be considered bullying, as the intention is to hurt someone else. A power imbalance (like being outnumbered) is also a trademark of bullying.

“Cyberbullying starts in middle school.”

FACT: Cyberbullying can begin as soon as kids have access to a cell phone, tablet device, or computer through texting or gaming. Cyberbullying can start for many kids long before they are able to use social networking sites, such as Facebook or Instagram, which require users to be at least 13 years of age. There is potential for cyberbullying whenever kids are using technology to interact, especially when they do so unsupervised.

“Cyberbullying is less harmful because it doesn’t happen face-to-face.”

FACT: Imagine posting a photo of yourself online. Someone else makes a mean, mocking comment about it. Soon, that photo has been shared, liked, reposted – even made into a meme. Thousands of people have seen it, even people you don’t know. Cyberbullying can be hurtful because it’s public, it spreads quickly, and it’s 24/7.

Help Your Child Recognize the Signs of Bullying

Children may not always realize that they are being bullied. They might think it is bullying only if they are being physically hurt; they might believe the other child is joking; or they may not understand the subtle social norms and cues. Children can benefit from a definition of the differences between friendly behavior and bullying behavior.

The basic rule, *which is not a legal or comprehensive definition*: Let children know bullying is when someone is targeted by words or actions that are repeated, aggressive and unwanted. Those targeted are hurt or harmed either physically or emotionally and have a hard time stopping what is happening to them.

Parents can prepare themselves to talk with their children by considering how they are going to respond to their child's questions and emotions. They can also decide what information they would like to give their child about bullying.

Parents should be ready to:

- **Listen.** It is the child's story; let him or her tell it. They may be in emotional pain about the way they are being treated.
- **Believe.** The knowledge that a child is being bullied can raise many emotions. To be an effective advocate, parents need to react in a way that encourages the child to trust.
- **Be supportive.** Tell the child it is not his fault and that he does not deserve to be bullied. Empower the child by telling her how terrific she is. Avoid judgmental comments about the child or the child who bullies. The child may already be feeling isolated. Hearing negative statements from parents may only further isolate him or her.
- **Be patient.** Children may not be ready to open up right away. Talking about the bullying can be difficult because children may fear retaliation from the bully or think that, even if they tell an adult, nothing will change. The child might be feeling insecure, withdrawn, frightened, or ashamed.
- **Provide information.** Parents should educate their child about bullying by providing information at a level that the child can understand.
- **Explore options for intervention strategies.** Parents can discuss options with their child to deal with bullying behavior.

Questions to ask your child about bullying

Open-ended questions will help the child talk about his or her situation. Begin with questions that address the child's environment. For example, "How was your bus ride today?" or "Have you ever seen anyone being mean to someone else on the bus?" Then move on to questions that directly affect the child such as, "Are you ever scared to get on the bus?" or "Has anyone ever been mean to you on the bus?"

If the child is talking about the situation, parents can help their child recognize bullying behavior by asking more questions such as:

- Did the child hurt you on purpose?

- Was it done more than once?
- Did it make you feel bad or angry? How do you feel about the behavior?
- Did the child know you were being hurt?
- Is the other child more powerful (i.e. bigger, scarier) than you in some way?

For the child who is reluctant to talk about the situation, questions may include:

- How was gym class today?
- Who did you sit by at lunch?
- You seem to be feeling sick a lot and want to stay home. Please tell me about that.
- Are kids making fun of you?
- Are there a lot of cliques at school? What do you think about them?
- Has anyone ever touched you in a way that did not feel right?

Reactions to avoid

When children choose to tell their parents about bullying, parents might have one of three responses.

1. Tell their child to stand up to the bully
2. Tell their child to ignore and avoid the bully
3. Take matters into their own hands

While these reactions express **genuine caring, concern, and good intentions** – and often reflect what parents were told by their own parents or other adults – they are likely to be ineffective. Parents may feel better for having taken action, but these reactions can have harmful consequences. Here’s why these responses will likely be unsuccessful:

1. Tell your child to stand up to the bully – This can imply that it is your child’s responsibility to handle the situation. While there is a ring of truth to this statement (being assertive is often a good response) sending your child back into the situation without further information will probably cause more harm. A more effective response is to brainstorm options with your child about what you can do as a team to respond to the situation.
2. Tell your child to ignore the bully – This is easier said than done. Your child has probably tried ignoring the situation, which is a typical response for children. If that method had been effective, however, there wouldn’t be a need for the child to seek your help. It is difficult to ignore someone who is sitting behind you on the bus or next to you in class.
3. In addition, if the student who is bullying realizes that their target is purposefully “ignoring” them, it can actually ignite further bullying, since that response provides the sense of power and control the student seeks.
4. Take matters into your own hands – A normal gut response from parents is to try to fix the situation and remove their child from harm. For example, a parent might call the parents of the student who is bullying, or directly confront the bully. Remember, when children tell a parent about bullying, they are looking for the parent to guide them to a solution that makes them feel empowered. Involve them in the process of determining next steps. Typically, calling the other parent or directly confronting the bullying student is ineffective. It is best to work through the school and implement steps to respond.

It is important to help your child know that they are not alone

- **You are not alone.** Many children feel that they are the only ones who are bullied and that no one cares. Let them know that there are people who do care.
- **It is not up to you to stop the bullying.** It is never the responsibility of the child to change what is happening to them.

- **Bullying happens to a lot of kids but that NEVER makes it right.** Let your child know that bullying happens in small schools, large schools, rural schools, and city schools. It can happen in preschool, high school, and every school in between. It happens in Australia, Argentina, and all around the globe. Certain people will say that some kids deserve to be bullied because of the way the child looks or acts, but this is simply not true.
- **No one deserves to be bullied.** Everyone deserves respect. All students have the right to be treated with dignity and respect, no matter what.
- **We all need to work together.** Everyone is responsible for addressing bullying. The community, schools, parents, and students all play a role.

PACER resources

Student Action Plan

[PACER.org/publications/bullypdf/BP-25.pdf](https://www.pacer.org/publications/bullypdf/BP-25.pdf)

Are you an educator working with a student being bullied, a parent looking for ways to help your child change their behavior, or a student who wants to take action against bullying but you aren't sure what to do? As a student, bullying is something that impacts you, your peers, and your school – whether you're the target of bullying, a witness, or the person who bullies. Bullying can end, but that won't happen unless students, parents, and educators work together and take action.

The first step is to create a plan that works for you and your situation. This student action plan is an opportunity for you – either on your own or with parents and teachers – to develop a strategy to change what's happening to you or someone else. It's your chance to make a difference.

Advice Gone Wrong

[PACERteensagainstabullying.org/tab/experiencing-bullying/advice-gone-wrong](https://www.pacerteensagainstabullying.org/tab/experiencing-bullying/advice-gone-wrong)

An interactive teen perspective (written by teens for adults) on unhelpful advice from parents and educators.

Reasons Teens Don't Tell

[PACERteensagainstabullying.org/tab/experiencing-bullying/reasons-teens-dont-tell](https://www.pacerteensagainstabullying.org/tab/experiencing-bullying/reasons-teens-dont-tell)

An interactive look, from a teen perspective, at some of the reasons students don't talk about bullying. Meet Pete. He is a dude with a lot going on inside, and he has zeroed in on some of the reasons that students don't tell an adult about bullying.

We Need To Talk – Video

[PACERteensagainstabullying.org/advocacy-for-self/tell-an-adult](https://www.pacerteensagainstabullying.org/advocacy-for-self/tell-an-adult)

Teens have their turn talking about what is helpful and what they want parents to know.

Bullying Prevention for Children with Disabilities: Using the IEP, 504, or Creating Your Own Plan

When any child is bullied, it is important to take action to stop the bullying as soon as possible to prevent it from happening again. Using tools like an IEP (Individual Education Program) or 504 plan can help design strategies for bullying prevention that take into consideration the child's disability, social skills, the environment around them, and more. When a child does not have an IEP or 504 plan, families can still help by constructing a plan together with a team of caring adults at school to work on similar bullying prevention strategies. Enlisting adults like teachers, counselors, and other staff can create a safety net for children with disabilities that allows them to receive their education in a healthy environment.

Students with disabilities who are eligible for special education under the Individuals with Disabilities Education Act (IDEA) have an IEP. Students who have disabilities and do not require specialized instruction may be entitled to a 504 plan. Every child on an IEP or 504 plan is entitled to a free appropriate public education (FAPE), however bullying can become an obstacle to that education. When bullying affects a student's participation in school, the school is required to respond to harassment or bullying of a student with a disability. The school must provide immediate and appropriate action to investigate, communicate with targeted students regarding steps to end harassment, eliminate any hostile environment, and prevent harassment from recurring. The best group to address appropriate strategies is the student's IEP or 504 team as they are familiar with the student and how their disability impacts them in school. If there is no IEP or 504 plan, it is important for parents to remember that there are adults at school who not only need to know about the bullying but want to know what is happening with the students in their care. Below are examples, tools, and suggestions for parents and staff to address the bullying of students with disabilities.

The IEP and bullying

Will, a 17-year-old boy with autism, is in high school. He has a paraprofessional assist him in the classroom, but moves independently between classes and in the cafeteria. A group of students recently saw that Will was very reactive to noise and started to try and startle him when he was in the hallways. This caused Will to panic, become emotional, and freeze until his paraprofessional found him. Will began avoiding school and participated in school activities only when he was accompanied by an adult.

Will's parents sent an email to his IEP case manager detailing what was happening and requesting an IEP meeting to address the bullying. The team met to consider strategies that would address Will's sensitivity to loud noises and crowded, socially confusing situations, such as the school hallways. They wrote those strategies into the IEP.

In addition to making plans to address Will's sensitivities, his parents and the IEP team considered implementing the following measures to protect him from further harassment:

- Having an aide or a trusted pair of students who are familiar with Will's disability walk him to his next class. (Students are not responsible for disciplining any misbehaving classmates; rather they serve as witnesses who will report any bullying.)
- Outfitting him with noise-canceling headphones, ear plugs, or pods for all trips through communal spaces where noise and crowds might occur
- Choosing an adult that Will should go to if he is harassed or afraid during the school day to validate his feelings, reinforce that he is not deserving of the harassment, and discuss possible solutions

- Drafting a self-advocacy goal to teach Will tools for responding to such situations
- Asking all teachers to exchange a nonverbal cue with Will as soon as he arrives in class to make sure he is okay. Teachers would also be asked to send an email to his case manager if he reports harassment and allow him to go to a trusted adult if he is too distraught to remain in class.
- Assigning specific staff to discreetly monitor Will in communal spaces or unstructured environments
- Evaluating progress each week through a joint call with the case manager, Will, and a parent

The 504 plan and bullying

Kara has a physical disability and struggles to walk, move safely throughout the school, and participate in classes requiring certain physical skills. Kara has a written 504 plan which outlines services and accommodations she requires in school due to the impact of her disability. Some students have recently been mocking the way she walks when the teacher isn't looking. Kara is embarrassed and doesn't want to go to school and has difficulty focusing in class.

Because this behavior is affecting Kara's desire and ability to benefit from her education, the other students' behavior is considered to be harassment based on Kara's disability. The 504 team should have a meeting to problem solve how to stop and monitor the harassment, as well as how to remediate the effects of the harassment on Kara's education.

In Kara's case, her parents worked with her private therapists as well as school staff to consider amending the 504 plan to include:

- Crafting a "[snapshot](#)" document about Kara's disability with Kara and her parents. This will be sent to teachers and staff as well as Kara's classmates' families to encourage them to understand her better and treat her with kindness.
- Encouraging students and friends to report inappropriate mocking to a designated staff member and to accompany Kara between classes
- Allowing Kara to leave the classroom a few minutes early so she can easily and privately move between classes
- Offering other students a chance to get to know Kara better by partnering her with one or two classmates for activities and classwork
- Intervening by staff if they notice any teasing or harassment of Kara
- Identifying an adult that Kara is comfortable reporting to in case of bullying or harassment outside of adult view. This adult would be required to make an immediate report to the assistant principal in the case of these behaviors and to notify parents.
- Presenting [PACER puppet shows](#) at school that discuss physical disabilities and the positive skills of a student with physical disabilities. When she is older, having the social worker do classroom presentations about kindness and the positive role a bystander can play.

Creating a plan for a students without an IEP or 504 plan

Ben has alopecia and covers up his lack of hair with baseball hats, but some of his middle school classmates have been taunting him by stealing the hats and calling him "Baldy." When a couple of teachers joined in the name-calling, Ben went to his mother and she contacted the school counselor and principal for help. Since Ben does not have an IEP or 504 plan, his mother requested to meet with the assistant principal and counselor, and together they worked to get the verbal harassment to stop.

When a child has neither an IEP or 504 plan, it is important to know that school staff still want to help resolve an issue like Ben's, but they need to know when bullying is occurring. When parents or caregivers hear stories like his, they should alert staff to help resolve the situation for all children involved. In Ben's case, his mother knew that he had a good relationship with the school counselor, so she reached out to her first. The counselor suggested other adults at the school to inform (the assistant principal, a specific teacher, and his basketball coach). This resulted in the assistant principal convening a meeting with these individuals that included Ben and

his mother. The focus was on Ben and not what actions the school would take with the other students and staff involved in the bullying. Parents should keep in mind that school leaders sometimes have limitations within the law, privacy concerns, or union contracts restricting how other students or staff are handled. It is important for parents to work collaboratively with the school.

While it is never the child’s responsibility to fix a bullying situation, it is important that Ben practice self-advocacy by speaking up about the bullying and having input into the resolution.

In Ben’s case, the following action items were approved by the group with specific dates and timelines for follow-up by his mother and staff:

- Convening meetings for the principal and assistant principal to speak to any staff involved in the name-calling
- Training for all faculty and staff on bullying prevention with emphasis on recognizing the signs of bullying, fostering a healthy environment for students in the classroom and on sports teams, appropriate intervention strategies, and proper reporting procedures
- Implementing a “no name-calling” policy for any school space
- Reporting any signs of retaliation or backlash immediately to the principal or assistant principal
- Evaluating progress in two weeks through a conference call with Ben, his mother, and staff
- Supporting Ben’s self-advocacy by asking him for his ideas to improve the bullying situation
- Continuing conversations regarding the impact of bullying on Ben and whether there is now a need for a 504 plan

Overall strategies to consider for bullying intervention and prevention

- It is important to document bullying events and develop a record of what is happening to the child. This written record is useful to share when talking with educators, law enforcement, or other individuals who may need to assist parents in intervening against bullying. As the most invested parties, parents should do their best to keep track of events. This is helpful so that emotions alone do not drive the discussion.
- It is helpful to be able to think clearly about what to do by creating a concrete, written plan that will protect the child. Use this template to determine possible action steps: [Parent Action Plan](#).
- When reporting school-based bullying, meetings may include the principal, vice principal, school counselor, social workers, school police officers, and teachers. The best way to be an advocate for a child is to be well prepared for these meetings and to share information in writing with meeting participants beforehand. Consult [Working With the School - What Parents Should Know About Bullying](#) for more ideas on conducting productive and collaborative meetings with these professionals.
- Consider involving the child when generating goals and strategies for bullying intervention or prevention. Use the [Student Action Plan](#) to guide the discussion with the child and the [Parent and Educator Guide to Using the Student Action Plan](#) to further assist with the dialogue.
- Every school has different policies and procedures for how school staff should respond to bullying. The federal website, [StopBullying.gov](#), provides some guidance and best practices for addressing bullying in schools, as well as law and policy surrounding bullying.
- Bullying prevention is a community issue, and everyone plays an important role. As a parent, it is important to become involved at the school or in the community by educating and raising awareness about bullying prevention. Consider holding an event, fundraiser, or a Run, Walk, Roll Against Bullying in partnership with the school, the school parent organization, or in your local community. PACER provides [free resources](#) for those looking to hold an event, provide information to schools, or take other steps to get their community involved in bullying prevention.

Use Positive Strategies to Protect Your Child with Disabilities from Bullying

Jane has a severe learning disability and delayed social skills. Taking advantage of this, a group of popular girls invited her to join them on “clash day,” when they said they would all wear outlandish clothes. On “clash day,” Jane was the only one to dress in this manner. The stares, laughter, and name calling from classmates humiliated her.

School staff thought Jane was deliberately disrupting classes and suspended her for the day. She was too embarrassed and hurt to explain. After this experience, Jane never raised her hand in class, did not attend extracurricular activities, and her grades plummeted.

While any child can be a target of bullying, children with disabilities like Jane can be especially vulnerable. Although few studies exist concerning children with disabilities and bullying in the United States, the studies available indicate an increased risk for children with special needs.

Like other children, a child with disabilities who is bullied may grow angry, resentful, frightened, or apathetic at school, and is at risk for low self-esteem, school avoidance, depression, lower grades, and increased violence.

Parents can help protect their children with disabilities from bullying and its devastating effects if they promote effective strategies such as [PACER's Peer Advocacy Program](#), use the Individualized Education Program (IEP) as a tool, work with the school, and know their child's rights under the law.

Promote peer advocacy

Before Julie Hertzog became the director of PACER's National Bullying Prevention Center, she was a concerned parent. Because her son David was born with Down syndrome, was nonverbal, and had a Pacemaker and a feeding tube, she was worried that he would be vulnerable to bullying.

As she advocated for her son with school staff, she realized how much student interaction happens outside the view of adults. Recognizing that David's classmates could be powerful allies for her son in bullying situations, Hertzog worked with the school to create a unique support for him while he was in sixth grade.

A group of his classmates received training on how to prevent bullying and speak out on David's behalf. They called these students peer advocates. If they see bullying they intervene, ask the bully to stop, or report the situation to an adult.

The idea worked for David. Now what started with four children in sixth grade has evolved to a schoolwide project. More than 40 students volunteer to become peer advocates so they can help David and other students who are different. It's a strategy that any parent can explore and discuss with school staff.

For more information about the peer advocacy program or how to start one, visit PACER.org/bullying/resources/peer-advocacy.asp.

Use the IEP

Students with disabilities who are eligible for special education under the Individuals with Disabilities Education Act (IDEA) will have an IEP. The IEP can be a helpful tool in a bullying prevention plan. Every child receiving special education is entitled to a free appropriate public education (FAPE), and bullying can sometimes become an obstacle to receiving that education.

The IEP team, which includes the parent, can identify strategies that can be written into the IEP to help stop the bullying. It may be helpful to involve the child, when appropriated, in the decision-making process. Such strategies include:

- Identifying an adult in the school whom the child can report to or go to for assistance
- Determining how school staff will document and report incidents
- Allowing the child to leave class early to avoid hallway incidents
- Holding separate in-services for school staff and classroom peers to help them understand a child's disability
- Educating peers about school district policies on bullying behavior
- Reassurance from the school staff to the student that he or she has a right to be safe and that the bullying is not his or her fault
- Shadowing by school staff of the student who has been bullied; shadowing can be done in hallways, classrooms, and playgrounds.

Work with the school

It's important for parents to believe their child if he or she tells them about a bullying situation. Parents should communicate support to their child, explain that being bullied is not his or her fault, and that no one deserves to be treated this way.

Once parents have reassured their child in this way, they can meet with the principal and share what they know, explain how the situation is affecting their child, and ask the principal what the school can do to keep their child safe at school and on the bus. It's also a good idea to ask if the school has a written policy on bullying and harassment. If it does, request a written copy. Keep a written record of what happened at this meeting, including names and dates.

If a bullying situation is not resolved after meeting with the principal, parents should send a brief, factual letter or e-mail to the district superintendent requesting a meeting to discuss the situation. Copies of this letter can also be sent to the principal, special education director, and chair of the school board. Parents should make sure to keep a copy. A sample letter pertaining to children with disabilities is available at [PACER.org/publications/bullypdf/BP-19.pdf](https://www.pacer.org/publications/bullypdf/BP-19.pdf).

Families may also wish to contact a parent center or advocacy organization for assistance. To find a local one, visit [ParentCenterHub.org](https://www.parentcenterhub.org).

“Remember, you are your child's best advocate,” says Julie Hertzog, Director of PACER's National Bullying Prevention Center. “If your child does not feel safe, you may decide to change schools. Your child's safety and well-being are of the utmost importance.”

Know the law

If bullying is based on a child's disability, it may violate that child's federal legal rights under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.

In a [Letter to Colleagues issued on October 26, 2010](#), the U.S. Department of Education's Office for Civil Rights (OCR) informed all U.S. public schools that bullying and harassment, including harassment of one student by another, can be a form of prohibited discrimination.

Federal law prohibits discrimination, including harassment, in education programs and activities on the basis of race, color, national origin, sex, gender, or disability. Read the OCR letter at www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html.

According to the OCR and Department of Justice, however, not all bullying constitutes "harassment," and the specific conduct must be examined to determine if civil rights were violated. Read the definition of "disability harassment" as stated by the OCR and the Office of Special Education and Rehabilitative Services at: www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html.

Although children with disabilities face a higher risk of being bullied, parents can take proactive steps to ensure their child's safety. Promoting innovative ideas such as PACER's Peer Advocacy Program, using the IEP as a bullying prevention tool, working with the school, and knowing the law can help parents protect children with disabilities from bullying. Learn more at PACER.org/bullying.

Students with Disabilities and Bullying:

Top five things for parents, educators, and students to know

1. The impact – Bullying affects a student's ability to learn

Many students with disabilities are already addressing unique challenges in school. When they are bullied, it can directly impact their ability to learn and grow.

Bullying is not a harmless rite of childhood that everyone experiences. Research shows that bullying can negatively impact a child's access to education and lead to:

- School avoidance and higher rates of absenteeism
- Lower grades
- Inability to concentrate
- Loss of interest in academic achievement
- Increase in dropout rates

Although only ten U.S. studies have been conducted on the connection between bullying and developmental disabilities, all of these studies found that children with disabilities were two to three times more likely to be bullied than their nondisabled peers. (Disabilities: Insights from Across Fields and Around the World; Marshall, Kendall, Banks & Gover (Eds.), 2009.)

For more information, read [Common Views About Bullying](#).

2. The definition – Bullying based on a student's disability may be considered harassment

The Office for Civil Rights (OCR) and the Department of Justice (DOJ) have stated that bullying may also be **considered harassment** when it is based on a student's race, color, national origin, sex, **disability**, or religion.

Harassing behaviors may include:

- Unwelcome conduct such as verbal abuse, name calling, epithets, or slurs
- Graphic or written statements
- Threats
- Physical assault
- Other conduct that may be physically threatening, harmful, or humiliating

Read the online blog article from the U.S. Department of Education titled "[Keeping Students with Disabilities Safe from Bullying](#)."

3. Advocating for yourself and others has a significant impact

Parents, educators, community members, and students all have an important advocacy role to play in preventing and addressing bullying.

Advocacy—Providing support for students who are being bullied, are vulnerable to being hurt or harmed, or are isolated from other students.

Self-Advocacy—Speaking up for yourself, communicating what you need, and taking action.

Talk with youth about bullying

It is important that adults understand how to communicate with youth about a bullying situation. Some children have an easier time talking to adults about personal matters and may be willing to discuss bullying. Others may be reluctant to share information about the situation. There could be a number of reasons for this: the student bullying them may have told them not to tell or they might fear that telling someone will make matters worse.

When preparing to talk to children about bullying, adults should consider how they will handle the child's questions and emotions and what their own responses will be. Adults should be prepared to listen without judgment, providing the child with a safe place to work out their feelings and determine next steps.

For more information read, [Help Your Child Recognize the Signs of Bullying](#).

Adult intervention is important

It is never the responsibility of the child to fix a bullying situation. If children could do that, they wouldn't be seeking the help of an adult in the first place.

Peer to peer advocacy—Supporting and educating youth as advocates

Most students don't like to see bullying, but they may not know what to do when it happens. Peer advocacy—students speaking out on behalf of each other—is a unique approach that empowers students to protect those targeted by bullying.

Peer advocacy works for two reasons. First, students are more likely than adults to see what is happening with their peers and this influence is powerful. Second, a student telling someone to stop bullying has much more impact than an adult giving the same advice.

For more information, visit [Peer Advocacy](#).

Self-advocacy – The importance of involving youth in decision making and planning

Self-advocacy means that the youth experiencing bullying is able to communicate what they want and need in a straightforward way.

Self-advocacy is knowing how to:

- Speak up for yourself
- Describe your strengths, challenges, needs, and wishes
- Take responsibility for yourself
- Learn about your rights
- Obtain help or know who to ask if you have a question

The person who has been bullied should be involved in deciding how to respond to the bullying. This participation can provide students with a sense of control over their situation, and help them identify someone who is willing to listen, take action on their behalf, and reassure them that their opinions and ideas are important.

Teens, learn more about what you can do by reading, “[Drama: Is it Happening To You?](#)”

The **Student Action Plan Against Bullying** is a self-advocacy resource. It includes three simple steps to explore specific, tangible actions to address bullying:

- Define your experience
- Reflect on your ideas
- Develop potential solutions

Download the **Parent and Educator Guide to Using the Student Action Plan Against Bullying**

For more information, visit [Self-advocacy](#).

4. Law and policy – There are legal protections and provisions for students with disabilities who are being harassed

Federal

As a parent of a student with disabilities, it’s important to know the federal laws and resources specifically designed for your child’s situation. Parents have legal rights when their child with a disability is the target of bullying or harassment related to their disability. According to a 2000 Dear Colleague Letter from the Office of Civil Rights, “States and school districts also have a responsibility [...] to ensure that a free appropriate public education (FAPE) is made available to eligible students with disabilities. Disability harassment may result in a denial of FAPE under these statutes.” Under these federal laws, schools are required to respond to harassment or bullying of a student with a disability. The school must provide immediate and appropriate action to investigate, communicate with targeted students regarding steps to end harassment, eliminate any hostile environment, and prevent harassment from recurring. If the school is not taking necessary action, parents may consider filing a formal grievance with the Office of Civil Rights.

For more information, visit [Rights and Policies](#).

State

In addition to the federal laws, all states have laws that address bullying. Some have information specific to students with disabilities. Many school districts also have individual policies that address how to respond to bullying situations. Contact your local district to request a written copy of the district policy on bullying.

For a complete overview of state laws, visit [StopBullying.gov](#).

5. The resources – Students with disabilities have resources that are specifically designed for their situation

Individualized Education Program (IEP)

Students with disabilities who are eligible for special education under the Individuals with Disabilities Education Act (IDEA) will have an Individualized Education Program (IEP).

The IEP can be a helpful tool as part of a bullying prevention plan. Remember, every child receiving special education is entitled to a free appropriate public education (FAPE) and bullying can become an obstacle to that education.

For more information, read PACER’s [Individualized Education Program \(IEP\) and Bullying](#).

Dear Colleague Letters

A 2014 Dear Colleague letter from the Office for Civil Rights states that bullying of any kind, not just on the basis of a student’s disability, may result in a violation of FAPE, and reiterates schools’ responsibility to address behavior that may result in disability-based harassment or violations of FAPE.

For more information, visit [Rights and Policies](#).

Template Letters

Parents may use one of these template letters as a guide for writing a letter to their child’s school. These letters contain standard language and “fill-in-the-blank” spaces so that the letter can be customized for a child’s specific situation.

- Version for a Student with a 504 Plan, download the ([Word Doc](#) | [PDF](#))
- Version for a Student with an IEP Plan, download the ([Word Doc](#) | [PDF](#))

The letters can serve two purposes:

- It will alert school administration of the bullying and your desire for interventions
- It can become your written record when referring to events. The record (letter) should be factual and absent of opinions or emotional statements.

The two letters—“Student with an IEP, Notifying School About Bullying” and “Student with a 504, Notifying School About Bullying”—are for parents who have a child with an Individualized Education Plan (IEP) or Section 504. The bullying law of the individual state applies to all students as noted in the law. When bullying is based on the child’s disability, federal law can also apply under Section 504, the Individuals with Disabilities Education Act (IDEA), and Title II of the Americans with Disabilities Act.

Notifying the School About a Bullying Incident— Using a template letter

Parents should contact school staff each time their child informs them that he or she has been bullied.

PACER Center has created three letters that parents may use as a guide for writing a letter to their child's school. These letters contain standard language and “fill in the blank” spaces so the letter can be customized for your child's situation.

PACER Center's sample letter(s) can serve two purposes.

- First, the letter will alert school administration of the bullying and your desire for interventions against the bullying.
- Second, the letter can serve as your written record when referring to events. The record (letter) should be factual and absent of opinions or emotional statements.

The “*Student w/IEP, Notifying School About Bullying*” and “*Student w/504, Notifying School About Bullying*” letters are for parents who have a child with an Individualized Education Plan (IEP) or Section 504. The bullying law of the individual state applies to students with disabilities. When the bullying is based on the child's disability, federal laws can also apply under Section 504, Individuals with Disabilities Act (IDEA) and Americans with Disabilities Act Amendments Act of 2008(ADAAA).

The third letter, “*Notifying School About Bullying*” is for parents of any child who is being bullied. Individual state laws do apply.

For a complete listing of laws, visit www.PACER.org/bullying/resources/parents/laws-and-policy.asp.

Data is important. Remember, if it is not in writing, it does not exist. Please be sure to keep a copy of the letter(s) for your records. These records can help parents keep a concise, accurate timeline of events.

These sample letters are general in nature in order to serve all potential users. Please contact PACER's National Bullying Prevention Center for more specific guidance regarding your particular circumstances.

Student with an Individualized Education Plan (IEP), Notifying School About Bullying

_____, _____

_____, _____

RE: _____

Dear, _____

My child, _____, is in the _____ at _____
(s/he) has been bullied and harassed by _____. This
has occurred on _____ when _____
heard or saw it and _____. We became aware of this incident when
this bullying and harassment. (S/He) had _____

As you are likely aware, _____ has an IEP (Individual Education Plan). _____
became aware of three federal laws (Section 504 of the Rehabilitation Act of 1973, Title II of the Americans
with Disabilities Amendment Act (ADAAA) of 2008, and Individuals with Disabilities Education Act
(IDEA)) that protect the rights of a child with a disability against bullying behavior that is based on the child's
disabilities and that interferes with or denies the child the opportunity to participate in or benefit from an
educational program.

Please send _____ a copy of the District policies on bullying and harassment, investigate this
problem and correct it as soon as possible. Please let _____ know, in writing, of the actions you have
taken to rectify the situation and to ensure it does not happen again. If this does not resolve this issue, _____
will request an IEP meeting to be held as quickly as possible. I expect a response within 5 business days.

Thank you for your prompt attention to this serious problem.

Sincerely,

(sign in this area)

_____ (print your name)

CC: _____, Director
_____, Superintendent

(Sign and keep a copy for your records)

Student with a 504 Plan, Notifying School About Bullying

_____, _____ (city, state, zip)
_____ (date)

_____ (name of Principal)
_____ (name of school)
_____ (school address)
_____, _____ (city, state, zip)

RE: _____ (first/last name of child)

Dear, _____ (name of Principal)

My child, _____, (first name of child) is in the _____ (grade level) at _____ (name of school). At school _____ (s/he) has been bullied and harassed by _____ (name of harasser(s)). This has occurred on _____ (date or approximate period of time) when _____ (describe as many details of the incident(s) as can be recalled). When this happened _____ (name of witness(es)) heard or saw it and _____ (their response(s)). We became aware of this incident when _____ (describe how you were notified). _____, (first name of child) was hurt by this bullying and harassment. (S/He) had _____ (describe physical injuries, emotional suffering and any medical or psychological treatment required).

As you are likely aware, _____ (first name of child) has a 504 Plan. _____ (I/we) became aware of two federal laws (Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Amendment Act (ADAAA) of 2008) that protect the rights of a child with a disability against bullying behavior that is based on the child's disabilities and that interferes with or denies the child the opportunity to participate in or benefit from an educational program.

Please send _____ (me/us) a copy of the District policies on bullying and harassment, investigate this problem and correct it as soon as possible. Please let _____ (me/us) know, in writing, of the actions you have taken to rectify the situation and to ensure it does not happen again. If this does not resolve this issue, _____ (I/we) will request a 504 meeting to be held as quickly as possible. I expect a response within 5 business days.

Thank you for your prompt attention to this serious problem.

Sincerely,

(sign in this area)

_____ (print your name)

CC: _____ (name of 504 Coordinator) 504 Coordinator
_____ (name of Superintendent of schools), Superintendent

(Sign and keep a copy for your records)

Notifying School About Bullying

_____, _____

(your address)

(city, state, zip)

(date)

(name of Principal)

(name of school)

(school address)

(city, state, zip)

RE: _____

(first/last name of child)

Dear, _____

(name of Principal)

My child, _____, (first name of child) is in the _____ (grade level) at _____ (name of school). At school _____ (s/he) has been bullied and harassed by _____ (name of harasser(s)). This has occurred on _____ (date or approximate period of time) when _____ (describe as many details of the incident(s) as can be recalled). When this happened _____ (name of witness(es)) heard or saw it and _____ (their response(s)). We became aware of this incident when _____ (describe how you were notified). _____, (first name of child) was hurt by this bullying and harassment. (S/He) had _____ (describe physical injuries, emotional suffering and any medical or psychological treatment required).

_____ (Our/My) child has the right to be in a safe environment at school so _____ (s/he) can learn.

Please send _____ (me/us) a copy of the District policies on bullying and harassment, investigate this problem and correct it as soon as possible. Please let _____ (me/us) know, in writing, of the actions you have taken to rectify the situation and to ensure it does not happen again. I expect a response within 5 business days.

Thank you for your prompt attention to this serious problem.

Sincerely,

(sign in this area)

_____ (print your name)

CC: _____ (name of Superintendent of Schools) Superintendent

(Sign and keep a copy for your records)

Student Action Plan Against Bullying

Designed for youth to complete with or without an adult

Bullying affects everyone and every student can play an important role in preventing bullying. That means YOU can take charge of what is happening around you! Use this plan to think through a difficult situation and take steps to change what is happening to you or someone else. Whether you are the target of bullying, a witness, or the person who bullies, this plan can help you think through potential responses and come up with next steps to help prevent the bullying.

What you can do

Become an advocate or self-advocate. An **advocate** helps others get what they need. A **self-advocate** communicates their own needs.

It's important to understand that being a self-advocate does not mean you need to take next steps on your own. Self-advocacy is about being a part of the process, expressing your opinion, and ensuring that you are comfortable with the action steps taken toward that solution.

How to use the Student Action Plan Against Bullying

1. Read through the examples on pages two and three of this document
2. Decide if you want to start this on your own or if you would like to involve an adult
Note: Even if you start this on your own, it's important to share with a trusted adult and provide them with information on the best way to support you. This is important because sometimes adults aren't aware that the bullying is happening, and many bullying situations won't get resolved until a caring adult is involved.
3. Complete the "My Personal Action Plan Against Bullying," on page four with your own experience as a target of bullying, a witness, or the person who is bullying

By completing this plan, you are taking action toward a solution.

What's next?

- ✓ If you haven't shared your plan with an adult you trust, now is the time
- ✓ Let the adult know how important it is to have their help and support
- ✓ Talk through your ideas together
- ✓ Decide which steps to take and who will help
- ✓ Write down your notes in your action plan

Example Plan #1

Kyla is a 10-year-old girl with Down syndrome. A classmate is making fun of her speech.

| Step 1: Describe your experience | Step 2: Reflect on your ideas | Step 3: Develop potential solutions |
|---|--|--|
| Think about the bullying you have experienced, seen, or even done yourself. Describe the situation, including where it happened, who was involved, what happened, and how it made you feel. | Then consider how that situation could be different. Include what you would like to see happen, what things could change, and what would help you feel more in control of the situation. | Next, think about the steps needed to make those changes happen. Consider what role you need to take, who would need to be involved, and what they would need to do. |

Place your responses in the boxes below

| | | |
|--|---|--|
| Sometimes, when I talk, it can be hard to understand. When it happens, there is this kid named Jordan that imitates me, and he makes a big deal out of it. He exaggerates my words and then makes sure that all his friends hear it, and a lot of them laugh. It really hurts and makes me wish I didn't have to go to school. | I don't want to get anyone in trouble, I just want him to stop. It's hard when it feels like people are laughing at me because of something I can't control. I want to say something to him but it's not easy to do. I wish one of the other kids would stick up for me. Maybe I could talk with some of my friends and see if they would support me when this happens. | I am going to talk with my mom and ask her for ideas. I am going to ask my mom if we can go to my teacher together and let her know what's been happening. My friend Andrea is someone who is always at my side. I am going to ask Andrea if I can talk with her any time I'm feeling bad. When I feel ready, I want to prepare myself to say something to Jordan, but in the meantime I am going to remember that I have many people who care about me. |
|--|---|--|

| Next steps | Who is involved? |
|--|------------------------------------|
| <input type="checkbox"/> My mom and I will go to my teacher together | My mom and me |
| <input type="checkbox"/> We will tell my teacher what is happening | My teacher, my mom, and me |
| <input type="checkbox"/> I will ask for Andrea to be my support | Andrea and me |
| <input type="checkbox"/> We will help Andrea with ways she can be supportive | My teacher, my mom, Andrea, and me |
| <input type="checkbox"/> I will practice what I can say to Jordan | My mom, Andrea, and me |
| <input type="checkbox"/> If Jordan continues to do this, I will let Andrea, my mom, or my teacher know | Andrea, my mom, my teacher, and me |

Example Plan #2

Nate, a 14-year-old student, is tired of seeing his classmate, Sam, being harassed online through an anonymous account.

| Step 1: Describe your experience | Step 2: Reflect on your ideas | Step 3: Develop potential solutions |
|---|--|--|
| Think about the bullying you have experienced, seen, or even done yourself. Describe the situation, including where it happened, who was involved, what happened, and how it made you feel. | Then consider how that situation could be different. Include what you would like to see happen, what things could change, and what would help you feel more in control of the situation. | Next, think about the steps needed to make those changes happen. Consider what role you need to take, who would need to be involved, and what they would need to do. |

Place your responses in the boxes below

| | | |
|--|---|--|
| Someone at school created an anonymous social media account and keeps posting embarrassing pictures of Sam at lunch or between classes, turning them into memes. Other peers are liking the photos and the account now has a pretty large following. | I feel bad about what is happening to Sam, he must feel on edge all the time. I could reach out to Sam about how I can help and make sure he knows he isn't alone. I think I know who is posting the photos, but if I say something, I need to make sure it's not going to make things worse. I could encourage others to do or say something to show support for Sam, too. No one deserves to be treated that way. | I should show my school counselor screenshots of the account and images and ask what the counselor thinks of my ideas. I could also ask if there is anything we can do in class to talk about how hurtful online bullying is. I will report the account and talk with Sam about other ways I can help. I think it's important to also speak with my other friends. Together, we could post positive comments for Sam or encourage other peers to stop sharing. |
|--|---|--|

| Next steps | Who is involved? |
|---|---------------------------------------|
| <input type="checkbox"/> Report the anonymous social media account online for harassing content | Me |
| <input type="checkbox"/> Be supportive of Sam, let him know I am there for him. Get his ideas on what is helpful. | Sam and me |
| <input type="checkbox"/> Let my friends know that I think the account is hurtful and we should share positive comments with Sam | My peers and me |
| <input type="checkbox"/> Talk with my school counselor, share my ideas, and ask for their advice | My school counselor and me |
| <input type="checkbox"/> Encourage my school counselor to provide strategies for students on how to respond to cyberbullying | My school counselor, my peers, and me |

My Personal Plan to Take Action Against Bullying

| Step 1: Describe your experience | Step 2: Reflect on your ideas | Step 3: Develop potential solutions |
|---|--|--|
| Think about the bullying you have experienced, seen, or even done yourself. Describe the situation, including where it happened, who was involved, what happened, and how it made you feel. | Then consider how that situation could be different. Include what you would like to see happen, what things could change, and what would help you feel more in control of the situation. | Next, think about the steps needed to make those changes happen. Consider what role you need to take, who would need to be involved, and what they would need to do. |
| Add your responses in the boxes below | | |
| | | |
| Next steps | | Who is involved? |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |

Parent and Educator Guide to Using the Student Action Plan Against Bullying

There is a lot of silence around bullying. When bullying happens, it's important that parents, educators, and youth are all involved in the solutions. Addressing bullying can be very challenging when youth don't have the opportunity to connect with a caring adult or are uncomfortable communicating their thoughts, feelings, and opinions about bullying. Someone who is targeted by bullying may be silenced by the stigma of the situation and think that they did something to deserve it. Someone who witnesses bullying may wonder if they should get involved and risk being bullied, too. Those who are engaged in bullying behavior might not view their behavior as an issue.

The "Student Action Plan Against Bullying" can help guide youth through the communication process, providing them with a structure to share their ideas and opinions about potential solutions to bullying. It can also help them feel more in control of the situation. Because most bullying will not stop unless a supportive and caring adult is involved, we encourage adults to join students in working through the Student Action Plan. With the support of an adult, students can feel empowered to speak out and end the silence around bullying.

Benefits of involving youth in the bullying prevention response.....

Experiencing or witnessing bullying often leaves young people feeling powerless. For those engaged in bullying behavior, it's important that they have the opportunity to recognize their actions and change their behavior. Talking about bullying and its emotional aspects, being a part of the solution, and weighing the impact of different responses are important steps toward helping youth become better advocates for themselves and others, whether they've been bullied, have witnessed bullying, or are bullying.

When parents and educators help youth understand and respond to bullying, youth gain:

- The self-advocacy skills to help them speak up on their own behalf, an important tool in any bullying scenario and in life
- The ability to express themselves and be heard, knowing they are an important part of the solution
- The opportunity to advocate for others. Many students who witness bullying think it's wrong but aren't sure how to respond. Thinking through responses gives them a better understanding of the different ways they can be part of the solution to bullying.
- The opportunity to change negative behavior patterns with the goal of helping others instead of hurting them
- A greater investment in preventing bullying, by including their ideas, concerns, and feelings in the solutions
- An increased likelihood that the proposed solutions will fit the skills and needs of those involved

Steps to take when completing the Student Action Plan with youth.....

There are a few different ways that the plan can be completed. Some youth will want to fill out the form on their own and then share their responses with an adult for further discussion. Some youth might want assistance from an adult they trust while completing the form. Make sure youth understand that the plan works for students in any situation: whether they are bullying, they have witnessed, or they are being bullied themselves. Let the student decide how they would like to complete the Student Action Plan and keep these tips in mind:

1. Review the plan on your own.

- a. Page one of the Student Action Plan Against Bullying provides directions
- b. Pages two and three illustrate a completed plan, including examples of a student being bullied and a student witnessing bullying
- c. Page four is blank and ready to be filled out as a personal, customized action plan

2. Be flexible when recording the responses. The form can be completed by the student on their own or through conversation and dialogue. For example, the student may have an easier time communicating verbally and would be more comfortable discussing the questions and letting the parent or educator record their responses.

3. Provide prompts for each of the steps. As the student moves through the plan, it's helpful to guide them by asking open-ended questions, informed by their situation (i.e., are they being bullied, have they witnessed bullying, or are they the one who is engaged in bullying). Make sure to spend time on defining terms and clarifying details, as well.

(Prompt questions listed below correspond with each step in the “Student Action Plan Against Bullying” template.)

| Step 1: Describe your experience | Step 2: Reflect on your ideas | Step 3: Develop potential solutions |
|--|--|--|
| <ul style="list-style-type: none">• Can you help me understand what happened?• Who all is involved?• Has it happened more than once?• Has the situation become worse for you?• Is the bullying happening online?• Can you tell me more about how the bullying made you feel?• Are there certain areas at school where you don't feel safe?• Do you think bullying is a serious issue at your school or in your community?• If you put yourself in the other student's shoes, can you imagine how your behavior might have hurt them? | <ul style="list-style-type: none">• How would you like this situation to be different?• Is there anything you've already tried to stop the bullying?• What can be changed to help stop the behavior?• What would be helpful from your parents?• What would be helpful from adults at school?• Which friends or peers do you feel safe with at school?• In an ideal world, what would help you feel safe again?• Would it be helpful to talk with someone, such as a teacher, sibling, or counselor? | <ul style="list-style-type: none">• You have amazing ideas—how can I support you?• Which adults do you feel safe with at school? How can we involve them in this plan?• I know there are a lot of ideas, but you don't have to act on them alone. What steps do you feel comfortable taking and what can others do to help?• How could you respond if another bullying situation happens?• What do you want me to do if another bullying situation happens?• Once we put the plan in place, when should we check in again to see how it's going and if changes need to be made to the plan? |

My Personal Plan to Take Action Against Bullying

| Step 1: Describe your experience | Step 2: Reflect on your ideas | Step 3: Develop potential solutions |
|---|--|--|
| Think about the bullying you have experienced, seen, or even done yourself. Describe the situation, including where it happened, who was involved, what happened, and how it made you feel. | Then consider how that situation could be different. Include what you would like to see happen, what things could change, and what would help you feel more in control of the situation. | Next, think about the steps needed to make those changes happen. Consider what role you need to take, who would need to be involved, and what they would need to do. |
| Add your responses in the boxes below | | |
| | | |
| Next steps | | Who is involved? |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |



Telling Classmates About Your Child's Disability May Foster Acceptance

Parents often become experts on their child's disability. Through their own learning process, many see the value of teaching their child's classmates about the effect of the disability at school. **Parents and professionals find that if classmates understand a child's disability, they may become allies in helping the child.** The children may also be less likely to view accommodations or individual support as unfair advantages.

One of the best ways to teach children about a disability is to talk to them at school. For many families, presenting at school is an annual event. Sometimes, an IEP team writes it into a child's Individualized Education Program (IEP) document. The event is an opportunity to:

- Discuss why a child may look or behave differently from other children in the class
- Point out the many ways in which the child is like classmates
- Offer classmates tips for interacting with the child

"I found that children rose to the occasion when they understood the reasons for my son's challenges," said one mother. "When there's an obvious difference and no one is talking about it, children become confused and think there must be something 'bad' about it. When the children understood that the disability was not bad, but just different, many were eager to help him."

Several PACER advocates suggest how to talk to students about a child's disability or health needs.

The parent will probably need to begin the project

Because parents know their child better than anyone else, they are the ones to broach the subject. Schools and teachers are very concerned about sharing private information about students. They know that parents have varying attitudes about publicly discussing a child's disability. For example, the family of a child with an obvious physical disability may feel comfortable talking about the disability because curious people have probably asked about it before. The family of a child with a less apparent disability, however, may not wish to draw attention to it. If a family wishes to explain the disability to their child's classmates, a telephone call to the school or teacher can begin the process. Parents find most teachers and schools open to the idea.

Some parents may not feel comfortable speaking in the classroom. In that case, someone else from the IEP team, such as the special education teacher, school nurse, or a therapist, may be able to speak to the children. In addition, the classroom teacher may wish to lead the discussion. If the students are in middle school or older, bringing in a disability expert or other professional may be the way to go. An older student with disabilities may do the presentation him or herself after practicing with parents or staff.

Work with the teacher or school

Involving the teacher early is important. It is the courteous thing to do, and the teacher may need to change lesson plans to provide for the session. Some teachers use the session as a springboard for other classroom discussions and may already have planned similar sessions with other families. Helping to plan the presentation may also encourage a teacher to learn more about the child's challenges.

Most parents (or others) talk to their child's classmates early in the school year. A parent whose child is physically vulnerable may need to confirm that an IEP or Section 504 (of the Rehabilitation Act) supports are in place, and then address students the first week of school about the child's safety issues. Another parent may prefer to wait a couple weeks into the school year so that others are more familiar with the child.

If someone other than the parent talks to the class, the speaker and family should confer ahead of time to convey what the family intends.

Ways to present

The age of the class determines the content, amount of presentation time, and who should give the information. If presenting to young children, parents can keep the session short and simple. Sometimes discussions occur during "circle time." Most parents advise, "Leave time for questions." One mother said the session was more about the children's need to have their questions answered than it was for her to inform them about the specifics of her son's disability.

Including a child in the presentation and class discussion is an individual choice. Participating may become more awkward as a student grows older. Many parents who spoke at their child's preschool or elementary school ask someone else to present in middle school and high school. As youngsters grow up, they may be less comfortable having Mom or Dad at school.

Props may be used, particularly with young children. One mother found a picture book about disabilities to launch discussion. She then donated the book to the school. Another parent illustrated "brittle bone disease" by using a piece of uncooked spaghetti and a licorice stick to compare the child's bones with those of classmates. Someone else brought along their younger child because she wanted the class to see that "I was just a mom and that my son had a little sister, just like another family might have."

Children are usually fascinated by technology. If the child with a disability uses assistive technology, showing how it works will often hold the class's attention. Speakers can also explain that such an item is not a toy and must be handled with care.

Written pieces can augment class discussions. One parent wrote a brief article about her child's disability for the school newspaper after speaking to the class. Another made a small card with the child's photo and a brief "All About Me" description to hand out at the session (and in other situations where people were meeting her child for the first time). While a "live" presentation offers an immediate opportunity for students to ask questions, other methods can deliver information. As students enter middle school and high school with multiple classrooms and teachers, parents may find it more practical to use written materials to inform staff and classmates about a student's disability. Others may wish to do a short video or overhead presentation, if they have the resources.

Results

Most families who talk to children at school about their child's disability find improvement in the way their child is perceived and treated. In addition to informing current classmates, doing such presentations helps prepare for the future.

As one mother put it, *"It was a wonderful way to show my child self-advocacy—to give him the words and ways to speak for himself."*



Teens and Young Adults with Disabilities: Be Your Own Best Advocate

As a teen or a young adult with a disability, you're probably used to adults in your life advocating for you. Your parents may have spoken out at Individualized Education Program (IEP) team meetings to help you get the services you needed at school. Your teachers might have made sure you got the support you needed to be successful in your classes. When you go out to eat with your family, someone usually talks to the server about your dietary restrictions, so you don't have to.

Becoming an adult and learning to be your own best advocate will make a big difference in your life. Speaking up for yourself will give you more control over making choices in your life and make it easier to stand up for your rights. Advocating for yourself will help people around you better understand what you think, what you want, and what you need.

Opportunities to advocate for yourself

You may need to advocate for yourself in many situations in your daily life. Practice helps! Here are some examples of times when it could be important to make your voice heard. For each situation, think about what you would do or say. You may want to role-play these situations with a family member or friend:

- A substitute teacher hands out a test. You have an accommodation to take your tests in a quiet room, but the substitute does not know this.
- Your bus arrives and someone you don't know offers to help you go up the steps. You would rather not have help, even if it takes you a few minutes longer to board the bus and take your seat.
- You have a reading tutor who works with you in the library every Thursday at 3:00 p.m. The tutor shows up late for the fourth week in a row.
- You rent an apartment with a good friend. He gets home from work earlier than you do every day. Lately, he's been opening your favorite magazines that come in the mail addressed to you before you get home, without asking you first.
- You're sick, so you ask your mom to take you to see your doctor. At the appointment, your doctor keeps asking your mom questions about your symptoms and how you're feeling instead of asking you.

Strategies to help you advocate for yourself

Advocating for yourself is a skill you will use throughout your whole life. Here are a few ideas you can use to help you build your advocacy skills.

- 1. Remember YOU are the expert on YOU.** No one knows more about how your disability affects you. The one person who can use their voice to speak up for you better than anyone else is you. If someone assumes something about you that is incorrect, speak up and politely correct them.
- 2. Give respect to get respect.** Show people the respect you expect them to show you. When you speak for yourself, talk to people the way you want them to talk to you.
- 3. Go straight to the point.** Say only what you need to say. Information about your disability is private; you don't always have to tell people about your disability when you advocate for yourself. In many situations, you can just explain what you need, what you want, or what you think.

-
- 4. Ask for help if you feel overwhelmed.** When a situation gets too big to handle by yourself, ask someone you trust to get involved and support you. Asking for help is a very important part of advocating for yourself.
 - 5. Give yourself permission to make mistakes.** Becoming your own best advocate takes time and practice. You can do this; the more you advocate for yourself, the better you'll get at it.

Learn more about self-advocacy.....

There are a lot of resources for teens and young adults with disabilities that will help you become a better advocate. There are also resources created to use with your family that will support your success as you get ready for adulthood. You and your family can get a good start with these:

PACER's *Advocating for Myself* webpage

Advocating for yourself means knowing what your needs are and speaking up for yourself to get your needs met. It takes practice! Watch the videos in this collection and explore other resources on this site. You'll hear tips from other students with disabilities who have learned to advocate for themselves in high school, college, and at work.

[PACER.org/students/transition-to-life/advocating-for-myself.asp](https://www.pacer.org/students/transition-to-life/advocating-for-myself.asp)

PACER's *Inspiring Possibilities* e-newsletter

Sign up for monthly updates from PACER's National Parent Center on Transition and Employment. Each issue focuses on an important topic for teens and young adults with disabilities and their families. Featured resources provide strategies to help you find your voice and achieve your post-school goals.

[PACER.org/transition/news/optIn-inspiring-possibilities.asp](https://www.pacer.org/transition/news/optIn-inspiring-possibilities.asp)

Minnesota Association of Centers for Independent Living (MACIL)

Centers for Independent Living provide many different services to support people with disabilities in independent living, including helping young people transition from high school into adult life in the community. People with disabilities are greatly involved in making policy decisions and the delivery of services at Centers for Independent Living. There is an interactive map at this site to help you and your family find the Center for Independent Living in your region.

<http://macil.org>



Why Your Child Needs You to Become an Advocate

What is an advocate?

An “advocate” can be broadly defined as “someone who speaks up on behalf of others to make things better.” Advocacy covers a very broad range of activities that just about everyone, in many settings, does every day. Most of us have advocated for others. As a parent of a child with a disability, you have already had to speak on behalf of your child, possibly to a teacher, day care worker, doctor, nurse, social worker, other parents, relatives, or friends.

One parent of a child who is blind said, *“I am a private person, and I do not like to speak up. But I saw my child was not going to be served appropriately unless I did speak up.”*

Advocacy is a parent’s right and responsibility

Your child needs you to advocate for him or her in the area of education. **Parents have a legal right and responsibility to advocate for their children with disabilities.** The federal special education law, IDEA (Individuals with Disabilities Education Act), requires parent participation¹. The special education services for a child are developed in a decision-making process involving the child’s parents and school district staff.²

The professionals are qualified to serve your child by reason of their education; **you are qualified to advocate for your child by reason of your role as the parent.** You are the only person on the team who knows the complete child: how the child functions at home and in the community, the child’s medical and academic history, and your child’s interests, preferences, and desires.

Some parents may feel they face additional barriers. Some have told us, *“We come from a different culture; in our native country, we were not involved in our children’s education, and we are not used to talking and asking questions,”* and *“It is hard to advocate for my children when I don’t know what to ask for or what services are available to them.”*

Professionals have knowledge and expertise in a specific area, but they are only a temporary part of your child’s life; you will always be the parent. **You are the only permanent member of your child’s Individualized Education Plan (IEP) team,** at least until your child turns 18³. Professionals deal with many children, while you only have your child to think about. Your child is served best if you and professionals work together.

Make a decision to advocate

Advocating for your child becomes easier when you **make a decision to be an advocate for your child.** For example, Carolyn Anderson, PACER parent advocate and parent of a child with a disability, says, *“I was a very shy person until I became the parent of a child with disabilities. I decided I was going to have to speak up at meetings so my child received the services he needed. This has not been easy, as shyness is part of my basic personality. But I made a decision that speaking up on behalf of my child was important enough for me to know I needed to change. People who know me now have no idea what a shy, private person I used to be!”*

“Like most parents, I knew nothing about my child’s disability. Once the disability was diagnosed, I read everything I could find and talked to everyone who seemed to know anything about it. I learned that there were differing opinions

on how to work with children with this disability. One method of educating and rearing a child with this disability was most popular with the school system, but I realized I needed to decide what I thought was the method that would work for my child.”

“After considering that method and my vision for my son, I decided that the popular method was not appropriate for him. I would need to advocate for something different if I wanted my child to achieve the dreams I had for him. I decided to challenge myself to speak up when I’d rather sit back and be quiet. It wasn’t easy, and it took a number of years before I was comfortable in my new role, but it was worthwhile. My son has done more than I ever envisioned.”

Advocating for your child with a disability is one of the most important jobs you’ll ever have and **can have lifelong implications**. For starters, no one understands your child like you do. You know his or her strengths, challenges, spirit, and dreams better than anyone. You have a vision for your child’s future and a sense of what it will take to achieve it. You have opinions on what is working and what is not. Your IEP team members need you to provide this information to help them support the IEP’s goals and objectives with the vision you have for your child.

Not only do you have a unique understanding of your child, **you also have a lifelong connection**. Once your child grows up, the people from school will be gone. You will be left with the results, so it’s important to make sure they are the ones you and your child want. Advocating for your child over the years can help ensure that outcome.

Model self-advocacy.....

You might not realize it, but every time you stand up for your child’s rights and speak out for his or her needs, **you are modeling an essential skill: self-advocacy**. By watching you at IEP meetings and seeing how to effectively express needs and opinions, your child will have the opportunity to learn a vital skill that will be important for a lifetime.

In the end, advocacy is all about making sure your child receives the services and education which he or she needs and is entitled to. As Virginia Richardson, PACER parent training manager, says, *“You are the person who holds the hope for your child’s future. This involves speaking up on his or her behalf.”*

¹ According to IDEA, parent includes biological and adoptive parents, in some cases foster parent, legal guardian, individuals acting in the place of the biological or adoptive parent, and individual legally responsible for the child’s welfare. If a child does not have a parent, the school is required to appoint someone (a surrogate) to represent the child.

² If English is a second language for you, realize that an interpreter is required so that each side can understand the other. Interpreters are not just for the parents.

³ MINNESOTA STATUTE 125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY. “Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2.”



Are You a Target?

Read each of the following questions and check the box next to anything that you may have experienced or felt. These items apply to what happens at school and online such as text messages, gaming, or social media posts. If you need help, ask your mom or dad!

- Are you called mean names by other kids?
- Do other kids ever hit, kick, push, or punch you?
- Do kids leave you out of groups on purpose?
- Has anyone ever sent you mean messages?
- Has anyone ever started a rumor about you?
- Has anyone ever destroyed your belongings?
- Do other kids make fun of the way you look or act?
- Is it hard for you to make friends?
- Are you sometimes afraid to go to school?
- Has anyone ever made you do something that you didn't want to do?
- Do you often feel nervous, anxious, or worried about how other kids act toward you?
- Have other kids ever laughed when someone hurt you?
- Have you not wanted to go to school or ride the bus because you were afraid of another kid?
- Have you ever tried to stop someone from hurting or harming you, but they just keep doing it?
- Has anyone ever made fun of you for something that you don't do as well as other kids?
- Has anyone ever made fun of you for being really good at something?
- Do other kids ever mock or mimic the way you talk, act, or look?
- Do other kids often tell you that they don't want to play with you?

The more boxes you checked, the more likely it is you are being bullied. To learn more, read these tips below, then check out some great ideas on how to get bullying to stop.

- Plan what you can do. Know that you are not alone, that there are people who care and will help you.
- Include your mom, dad, teacher, or other grown up you trust. Don't be silent, or think you need to fix bullying on your own. Telling is important, and is NOT tattling.
- Put bullying in its place! You have rights; the right to tell someone, the right to feel safe and the right to stop the bullying.



Do You Bully?

Read each of the following questions and check the box next to anything that you may have done or felt. These items apply to what happens at school and online, such as text messages, gaming, or social media posts. If you need help, ask your mom or dad!

Do you:

- Call other kids names?
- Say things to get a reaction, such as being scared or upset, out of another kid?
- Gossip about other kids or try to make them look bad?
- Tease other kids about how they look or act?
- Start rumors about other kids?
- Want other kids to be afraid of you?
- Try to humiliate other kids?
- Hit, push, or shove other kids?
- Leave kids out of games or groups on purpose?
- Encourage other kids to be mean with you?
- Hurt or be mean to other kids mostly when adults are not around?
- Take or ruin other kids' stuff?
- Enjoy it when you make other kids upset?
- Blame other people for your actions?
- Think it's cool when you laugh at others?
- Enjoy it when other kids are scared of you?
- Think that some people deserve to be hurt or teased?
- Send mean or threatening messages by text, social media, or other technology?
- Think it's funny when other kids feel humiliated?
- Enjoy making fun of other kid's differences?

Recognize any of the signs? Kids bully for a lot of different reasons. It might be because of peer pressure, wanting to feel in control, fear, insecurity, not having positive adult role models, or even being bullied themselves.

If you recognize that you might be bullying, talking with an adult can make a difference. Seriously. It might be your parent or guardian, an aunt or uncle, the school social worker, a trusted teacher, the principal or school nurse. They can help you change bullying behavior — and help you deal with the reasons you do it.

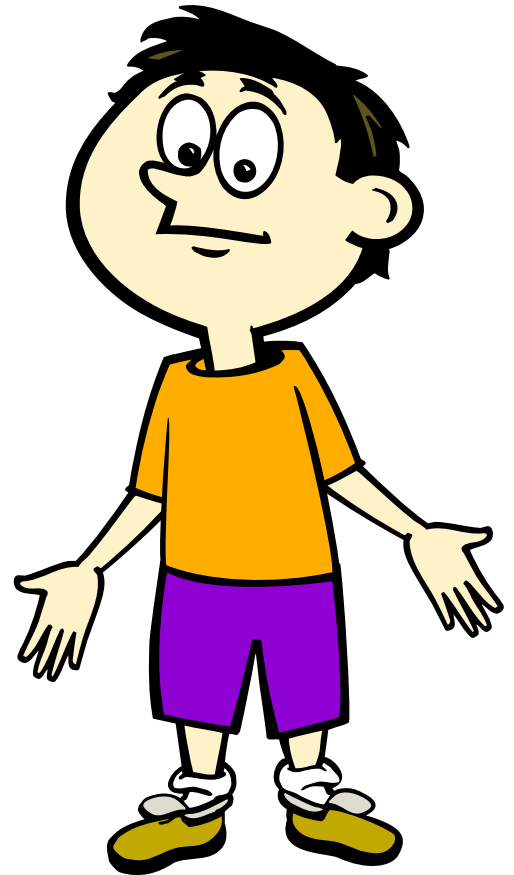


If You See Bullying

What can you do?

You know the feeling. You see someone being bullied and you feel scared. Or mad. Or sad. Or helpless. You might wonder what you can do to help. Did you know you're not alone? A lot of kids feel that way about bullying.

There are lots of things you can do to help. You could try reaching out as a friend to someone who has been bullied, or standing up for someone by defending them and telling the bully what they are doing is not ok. There are lots of options. Do what feels safe to you. Do what feels ok to you.



What can you do?

Ask the kid who is bullying to stop.

Why does this help?

Sometimes kids don't realize that what they are doing is hurting someone else. Speaking out against bullying helps everyone.



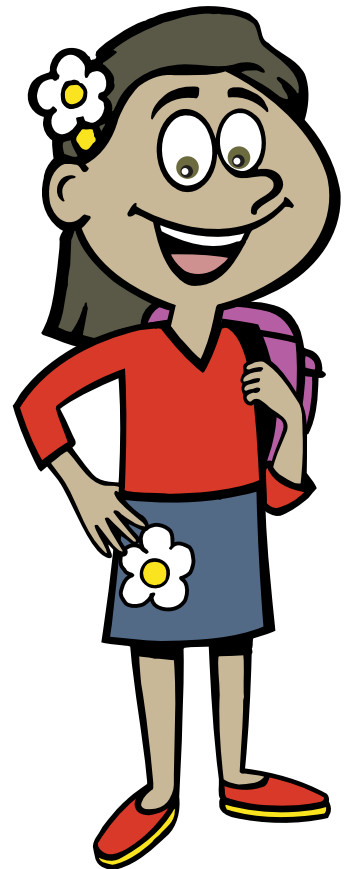
If You See Bullying

What can you do?

Not join in.

Why does this help?

Someone who bullies often likes an audience, it makes it more fun for them. If you ignore the bullying, it shows them it's not cool. Be a kid against bullying.



What can you do?

Help get them away from the situation.

Why does this help?

It is easy for someone to be bullied when no one sticks up for them. Be a friend. Walk with them to class, play with them on the playground, and let them know they're not alone.



If You See Bullying

What can you do?

Tell an adult.

Why does this help?

Adults really do care. They are the ones that can enforce the rules. It can be done while the bullying is happening or after.



What can you do?

Let them know that no one deserves to be bullied.

Why does this help?

Kids who are bullied often feel alone, like no one cares, like it might even be their fault. Let them know that someone cares.



If You See Bullying

What can you do?

Ask others to stand against bullying.

Why does this help?

When kids stick together and don't accept bullying, they can change what has happened to so many for so long. Together we can make a difference.



What can you do?

Ask your school to start a bullying prevention program.

Why does this help?

Everyone at your school needs to know what to do to prevent bullying. The end of bullying begins with you.



If You See Bullying

You can change what is happening!

Even a small act helps make a difference. When kids stand together against bullying, they can make their classroom, their school, where they live and even the world a better place!



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Kids Against Bullying is a website designed by PACER's National Bullying Prevention Center, a project of PACER Center.

PACER.org/Bullying | PACERKidsAgainstBullying.org | 952.838.9000 | Bullying411@PACER.org

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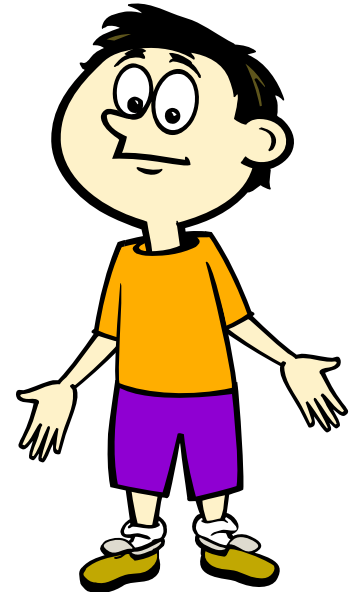
If You Are A Target

If you are being bullied, the first thing you should know:

It's not your fault. Nope. Not one bit.

No one deserves to be bullied...EVER!

And, while its NEVER your job to fix what's happening, there is a lot YOU can do to take action!!



The problem:

I'm being bullied. Should I tell?

How to take action:

If you're being bullied, tell an adult right away! It's not tattling. When you are being hurt or harmed, it's a big deal. You need someone you can trust on your side. You have the right to tell.

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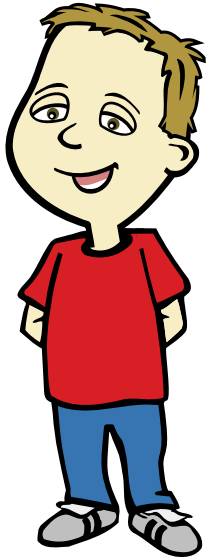
Kids Against Bullying is a website designed by PACER's National Bullying Prevention Center, a project of PACER Center.

PACER.org/Bullying | PACERKidsAgainstBullying.org | 952.838.9000 | Bullying411@PACER.org

8161 Normandale Blvd., Bloomington, MN 55437



If You Are A Target

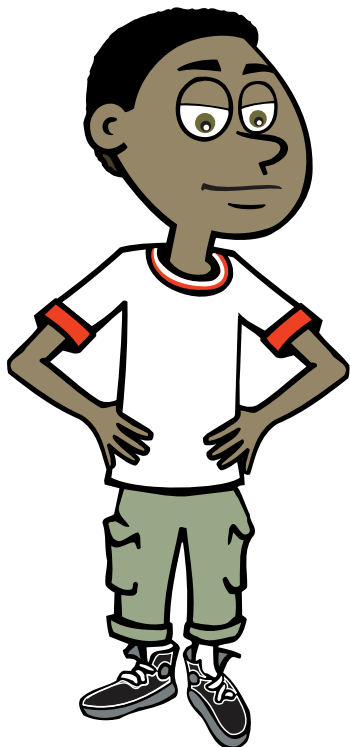


The problem:

I'm feeling all alone.

How to take action:

A lot of kids are bullied, but that never makes it right. When you are being bullied it might feel like no one cares or that there is no one that can help. But know this, there are people who care. It might not be easy, but know that you can reach out and ask for help. You don't have to go through this on your own.



The problem:

Should I fight back?

How to take action:

If you ever feeling like fighting back, **DON'T!** Trying to get even with someone who bullies is never a good idea. If you fight back, the bullying will likely become much worse. And the adults may see you as part of the problem.





If You Are A Target



The problem:

I don't feel safe.

How to take action:

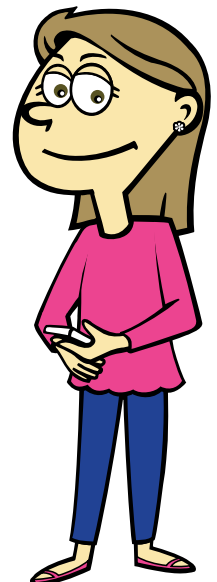
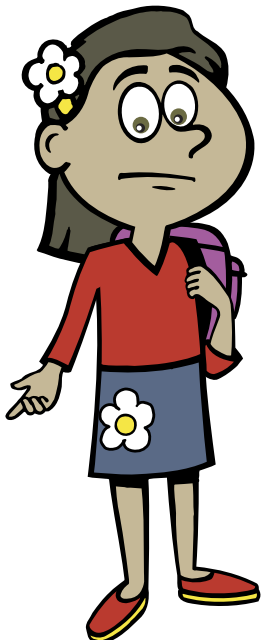
A lot of kids who are bullied don't want to go to school – or maybe avoid places where the bullying occurs. Everyone has the right to feel safe at school. Talk with your parents or adults at school and ask them “what can we do so that I am safe?” Develop a plan that includes steps that will help you feel like school is a good place to be.

The problem:

I feel like nothing will change.

How to take action:

Sometimes it can be hard to see into the future and know that things can be better. Maybe things won't change immediately, it might take time, but don't get discouraged.



_____ (your street address)
_____, _____ (city, state zip code)
_____ (date)

_____ (name of Principal)
_____ (name of school)
_____ (school address)

RE: _____ (first and last name of child)

Dear _____, (name of Principal)

My child, _____, (first name of child) is in the ____ (grade level) at _____ (name of school). At school _____ (s/he) has been bullied and harassed by _____ (name of harasser(s)). This has occurred on _____ (date or approximate period of time) when _____ (describe as many details of the incident(s) as can be recalled). When this happened _____ (name of witness(es)) heard or saw it and _____ (their response(s)). We became aware of this incident when _____ (describe how you were notified).

_____, (first name of child) was hurt by this bullying and harassment. _____ (She/He) had _____ (describe physical injuries, emotional suffering and any medical or psychological treatment required). As you are likely aware, _____ (first name of child) has a 504 plan. _____ (I/we) became aware of two federal laws (Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Amendment Act (ADAAA) of 2008) that protect the rights of a child with a disability against bullying behavior that is based on the child's disabilities and that interferes with or denies the child the opportunity to participate in or benefit from an educational program.

Please send _____ (me/us) a copy of the District policies on bullying and harassment, investigate this problem and correct it as soon as possible. Please let _____ (us/me) know, in writing, of the actions you have taken to rectify the situation and to ensure it does not happen again. If this does not resolve this issue, _____ (I/we) will request a 504 meeting to be held as quickly as possible. I expect a response within 5 business days.

Thank you for your prompt attention to this serious problem.

Sincerely,

(Sign in this area)

_____ (your name)

CC: _____ (name of 504 Coordinator), 504 Coordinator
_____ (name of Superintendent of schools), Superintendent

(Sign and keep a copy for your records)

_____ (your street address)
_____, _____ (city, state zip code)
_____ (date)

_____ (name of Principal)
_____ (name of school)
_____ (school address)

RE: _____ (first and last name of child)

Dear _____, (name of Principal)

My child, _____, (first name of child) is in the ____ (grade level) at _____ (name of school). At school _____ (s/he) has been bullied and harassed by _____ (name of harasser(s)). This has occurred on _____ (date or approximate period of time) when _____ (describe as many details of the incident(s) as can be recalled). When this happened _____ (name of witness(es)) heard or saw it and _____ (their response(s)). We became aware of this incident when _____ (describe how you were notified).

_____, (first name of child) was hurt by this bullying and harassment. _____ (She/He) had _____ (describe physical injuries, emotional suffering and any medical or psychological treatment required). As you are likely aware, _____ (first name of child) has an IEP (Individual Education Plan). _____ (I/we) became aware of three federal laws (Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Amendment Act (ADAAA) of 2008, and Individuals with Disabilities Education Act (IDEA)) that protect the rights of a child with a disability against bullying behavior that is based on the child's disabilities and that interferes with or denies the child the opportunity to participate in or benefit from an educational program.

Please send _____ (me/us) a copy of the District policies on bullying and harassment, investigate this problem and correct it as soon as possible. Please let _____ (us/me) know, in writing, of the actions you have taken to rectify the situation and to ensure it does not happen again. If this does not resolve this issue, _____ (I/we) will request an IEP meeting to be held as quickly as possible. I expect a response within 5 business days.

Thank you for your prompt attention to this serious problem.

Sincerely,

(Sign in this area)

_____ (your name)

CC: _____ (name of Director of Special Education), Director
_____ (name of Superintendent of schools), Superintendent

(Sign and keep a copy for your records)