

Bullying and Harassment of Students with Disabilities

Top 10 facts parents, educators, and students need to know

1. The facts — Students with disabilities are much more likely to be bullied than their nondisabled peers.

Bullying of children with disabilities is significant but there is very little research to document it. Only 10 U.S. studies have been conducted on the connection between bullying and developmental disabilities but all of these studies found that children with disabilities were two to three times more likely to be bullied than their nondisabled peers. One study shows that 60 percent of students with disabilities report being bullied regularly compared with 25 percent of all students.

2. Bullying affects a student's ability to learn.

Many students with disabilities are already addressing challenges in the academic environment. When they are bullied, it can directly impact their education.

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
- Decrease in grades
- Inability to concentrate
- Loss of interest in academic achievement
- Increase in dropout rates

Learn more about other common misperceptions about bullying at PACER.org/bullying/resources/publications/

3. 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, or disability.

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

4. The Federal Laws — Disability harassment is a civil rights issue.

Parents have legal rights when their child with a disability is the target of bullying or disability harassment. Section 504 of the Rehabilitation Act of 1973 (often referred to as 'Section 504') and Title II of the Americans with Disabilities Act of 1990 (Title II) are the federal laws that apply if the harassment denies a student with a disability an equal opportunity to education. The Office for Civil Rights (OCR) enforces Section 504 and Title II of the ADA. Students with a 504 plan or an Individualized Education Program (IEP) would qualify for these protections.

According to a 2000 Dear Colleague letter from the Office for Civil Rights, "States and school districts also have a responsibility under Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA), which is enforced by OSERS [the Office for Special Education and Rehabilitative Services], 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."

The letter further outlines how bullying in the form of disability harassment may

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prevent a student with an IEP from receiving an appropriate education: “The IDEA was enacted to ensure that recipients of IDEA funds make available to students with disabilities the appropriate special education and related services that enable them to access and benefit from public education. The specific services to be provided a student with a disability are set forth in the student’s individualized education program (IEP), which is developed by a team that includes the student’s parents, teachers and, where appropriate, the student. Harassment of a student based on disability may decrease the student’s ability to benefit from his or her education and amount to a denial of FAPE.”

5. The State Laws — Students with disabilities have legal rights when they are a target of bullying.

Most states have laws that address bullying. Some have information specific to students with disabilities. For a complete overview of state laws, visit Olweus.org.

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.

6. The adult response is important

Parents, educators, and other adults are the most important advocates that a student with disabilities can have. It is important that adults know the best way to talk with someone in a bullying situation.

Some children are able to talk with an adult about personal matters and may be willing to discuss bullying. Others may be reluctant to speak 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 if they do tell someone, the bullying won’t stop or may become worse.

When preparing to talk to children about bullying, adults (parents and educators) 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 their next steps.

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.

For more information, read PACER’s “Talking With Your Child About Bullying.”

7. The resources — Students with disabilities have resources that are specifically designed for their situation.

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 in 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 Letter

In 2000, a ‘Dear Colleague’ letter was sent to school districts nationwide from the U.S. Department of Education’s Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) that defined the term “disability harassment.”

www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html

In 2010, another Dear Colleague letter from the Office for Civil Rights was issued that reminded school districts of their responsibilities under civil rights laws that prohibit discrimination and harassment on the basis of race, color, national origin, sex, disability, and religion.

www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html

Template Letters

PACER.org/bullying/resources/publications/

Parents should contact school staff each time their child informs them that he or she has been bullied. 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 each 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.
- 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 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, Individuals with Disabilities Act (IDEA), and Title II of the Americans with Disabilities Act.

8. The Power of Bystanders – More than 50 percent of bullying situations stop when a peer intervenes.

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 others — 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 peer influence is powerful. Second, a student telling someone to stop bullying has much more impact than an adult giving the same advice.

Learn more about peer advocacy at PACER.org/bullying/resources/peer-advocacy.asp

9. The importance of self-advocacy

Self-advocacy means the student with a disability is responsible for telling people what they want and need in a straightforward way. Students need to be involved in the steps taken to address a bullying situation. Self-advocacy is knowing how to:

- Speak up for yourself
- Describe your strengths, disability, 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 involvement can provide students with a sense of control over their situation, and help them realize that someone is willing to listen, take action, and reassure them that their opinions and ideas are important.

Learn more about self advocacy for students, PACER's "Tips for Teens: Use Your IEP Meetings to Learn How to Advocate for Yourself."

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

1. Define the situation
2. Think about how the situation could be different
3. Write down the steps to take action

10. You are not alone

When students have been bullied, they often believe they are the only one this is happening to, and that no one else cares. In fact, they are not alone.

There are individuals, communities, and organizations that do care. **It is not up to one person to end the bullying** and it is never the responsibility of the child to change what is happening to them. **No one deserves to be bullied.** All people should be treated with dignity and respect, no matter what. Everyone has a responsibility — and a role to play — as schools, parents, students, and the community work together for positive change.