



## Dear Colleague Letter on Bullying

A PEATC  
Bullying Prevention and  
Awareness Brief  
for Virginia's Parents

### WHAT IS BULLYING?

Bullying is characterized by aggression used within a relationship where the aggressor(s) has more real or perceived power than the target. Bullying can involve overt physical behavior or verbal, emotional, or social behaviors.

Cyber bullying can include offensive text messages or e-mails, rumors or embarrassing photos posted on social networking sites, or fake online profiles.

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# Dear Colleague Letter on Bullying - August 20, 2013

The Office of Special Education and Rehabilitative Services (OSERS) issued a Dear Colleague letter (DCL) to educators and stakeholders on the subject of bullying of students with disabilities. This guidance provides an overview of school districts' responsibilities to ensure that students with disabilities who are subject to bullying continue to receive free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).

### WHAT IS THE PURPOSE FOR ED/OSERS TO ISSUE THIS 'DEAR COLLEAGUE' (DCL) LETTER?

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.

OSERS encourages States and school districts to reevaluate their policies and practices addressing problematic behaviors, and to alert Boards of Education, school administrators, teachers, and staff that bullying can result in a denial of FAPE for students with disabilities.

OSERS is supplementing this DCL with an enclosure with resources on evidence-based practices for use as part of any bullying prevention and intervention program.

### WHAT ARE THE POSSIBLE EFFECTS OF BULLYING IN THE SCHOOL SETTING?

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. Bystanders may be negatively affected as bullying tends to have harmful effects on overall school climate. Bullying also has the potential to negatively affect the school experience, norms, and relationships of all students, families, and school personnel.

### WHAT ARE THE POSSIBLE EFFECTS OF BULLYING ON STUDENTS WITH DISABILITIES?

The 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.

Students with disabilities, in particular those with learning disabilities or attention/hyperactivity related disorders, are at a disproportionately increased risk for being bullied in comparison to their peers.

Due to the nature of their disabilities, these students may not understand the extent to which bullying behaviors are harmful, or may be unable to report it.

### WHAT IF A STUDENT WITH (A) DISABILITY/DISABILITIES HAS ENGAGED IN BULLYING BEHAVIOR?

The IEP Team should review the student's IEP to determine if additional supports and services are needed to address the inappropriate behavior and, along with other school personnel, consider examining the environment in which the bullying occurred to determine if changes to the environment are warranted.

## **WHAT ARE THE RESPONSIBILITIES OF STATES AND SCHOOL DISTRICTS?**

Teachers, school personnel, parents, and students should report bullying when they become aware of it.

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.

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.

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

## **WHAT ARE THE RESPONSIBILITIES OF THE IEP TEAM?**

As part of an appropriate response to bullying, the IEP Team should be convened to determine whether the student's needs have changed as a result of the effects of the bullying, such that the IEP is no longer designed to provide meaningful educational benefit. 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.

While it may be appropriate to consider a change in placement for the affected student, placement teams should be aware that certain changes to the education program of a student with a disability may constitute a denial of FAPE in the LRE.

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.

## **APPLICABLE LAWS/REGULATIONS**

Individuals with Disabilities Education Act (IDEA)	34 C.F.R. §300.33
Section 504 of the Rehabilitation Act of 1973	34 C.F.R. §§300.111
Title II of the ADA	34 C.F.R. §§300.201
Title VI of the Civil Rights Act of 1964	20 U.S.C. § 1400
Title IX of the Education Amendments of 1972	

## **HOW CAN I GET HELP FROM OCR?**

The Office for Civil Rights (OCR) offers technical assistance to help schools achieve voluntary compliance with the civil rights laws it enforces and works with schools to develop creative approaches to preventing and addressing discrimination. A school should contact the OCR enforcement office serving its jurisdiction for technical assistance. For contact information, please visit the OCR website at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

A complaint of discrimination can be filed by anyone who believes that a school that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. Information about how to file a complaint with OCR is at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by contacting OCR's Customer Service Team at 1-800-421-3481.

