

A PEATC

Do You Know....



Fact Sheet for Virginia's Parents Bullying and Children with Disabilities or Health Care Needs

Definition of Bullying

The *PACER National Bullying Prevention Center* notes that bullying is defined differently by school and by state, but that most definitions include the following:

- Behavior that **hurts or harms another person physically or emotionally**,
- An inability for the target to **stop the behavior and defend themselves**,
- An **imbalance of power** that occurs when the student doing the bullying has more physical, emotional, or social power than the target, and
- **Repetitive behavior**--however, **bullying can occur in a single incident** if that incident is either very severe or arises from a pattern of behavior

Special Risks for Children with Disabilities and Medical Conditions

Stopbullying.gov and other resources report that **children with disabilities, whether physical, developmental, intellectual, emotional, or sensory, are more likely to be bullied** than their peers without disabilities. Physical vulnerability, communication social skills challenges, and intolerant environments increase the risk. Research has also found that that **some children with disabilities who are bullied may also bully others**.

Children with **health care issues**, including things like diabetes or food allergies are also at higher risks. In these cases, beyond teasing behavior, a student who bullies could deliberately expose a child to something to which he is allergic, a life threatening situation.

Bullying, Disability Harassment, and the Law

When a child is bullied because of his established (known) disability and it creates a hostile environment at school, the **bullying behavior may become disability harassment, a violation of federal law**. Under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA), the school must address the harassment. If the child has an Individualized Education Program (IEP), the school has a responsibility to provide a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). **Bullying that is not addressed can constitute a denial of FAPE and parents may choose to initiate administrative proceedings under IDEA and/or complaint options under Section 504 or the ADA.**

Resources on Bullying

Centers for Disease Control
Disability and Safety: Information about Bullying
<https://www.cdc.gov/ncbddd/disabilityandsafety/bullying.html>

Pacer National Bullying Prevention Center
<https://www.pacer.org/bullying/>

Stomp Out Bullying
<https://www.stompoutbullying.org/get-help/parents-page/special-needs-kids-and-bullying>

Stopbullying.gov
<https://www.stopbullying.gov/resources/get-help-now>
<https://www.stopbullying.gov/bullying/special-needs>

U.S. Department of Education
Dear Colleague Letter
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

See also, PEATC Fact Sheet on
Bullying Behavior and Mental Health

Contact Us:

8003 Forbes Place, Suite 310
Springfield, VA 22151
800-869-6782 / 703-923-0010
www.peatc.org
Hablamos Español



Fact Sheet for Virginia's Parents

In 2000, the U.S. Department of Education, defined disability harassment as: *"intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in, or receipt of benefits, services, or opportunities in the institution's program."* Disability harassment can include verbal abuse and name-calling, written threats or abuse, physical threats or other conduct that is harmful, or humiliating. See <https://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>

What Parents can Do

If your child is being bullied, you may notice the following signs: depression, anxiety, loneliness, low self-esteem, headaches, stomach aches, fatigue, changed eating habits, avoiding school, lower grades, poor concentration, thoughts or plans of suicide. **It is critical to assess the situation quickly and work with the school to determine if bullying has taken place and put a stop to it.** Sometimes children with disabilities do not realize they are being bullied so may not communicate what is happening to you or their teachers.

Talk with your child's team immediately to see if they are aware of and can address the problem. **Put your concerns in writing** to the principal if the bullying or harassment is severe or the teachers do not immediately fix the problem.

Convene an IEP team or 504 Plan meeting to review your child's plan, and make sure it includes **supports to help your child** such as counseling. Make sure the plan **includes specific steps that the school will take to stop the bullying or harassment.** Request frequent progress reports until you are sure the situation is resolved.

Make sure your child knows he can reach out to an adult and that he can recognize and avoid situations where bullying occurs. Talk with your child frequently about **what he is feeling and practice how to respond to peers who bully.** If your child is bullying others, **ask for help to address the behavior** such as counseling or social skills instruction. The *PACER National Bullying Center* is an excellent source of information for parents, students, and professionals.

FILING A FEDERAL COMPLAINT

If your child's school does not take reasonable, appropriate steps to end bullying or harassment, it may be violating federal, state, and local laws. For more information or to file a federal complaint go to:

**U.S. Department of Education
Office of Civil Rights**

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

To File a complaint:

Go to the OCR Complaint Assessment System

<https://ocrcas.ed.gov/welcome-to-the-ocr-complaint-assessment-system>

Complete the Consent Form if you filed a complaint online:

https://wdcrobc01p01.ed.gov/CFAPPS/OCR/ocr_complaint_consent_form.pdf

Mail the Consent form to
U.S. DOE Office for Civil Rights
Lyndon Baines Johnson
Dept. of Education Building
400 Maryland Avenue, SW
Washington, DC, 20202-1100

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

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Springfield, VA 22151
800-869-6782 / 703-923-0010

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