



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Bullying and Harassment of Students with Disabilities: An Overview of Legal Obligations and Strategies to Curtail Mean Behavior through the IEP

The Governor's Prevention Partnership

Presented by:
Melissa Marshall, Esq.
Melissa_marshall@snet.net
www.preventionworksct.org



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Objectives

Awareness of:

- Bullying/Harassment Laws in CT
- Additional Legal Protections for Students with Disabilities
- Addressing Bullying and Harassment through the IEP or 504 Plan
- Strategies to Help you Support Student with a Disability



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Under Connecticut State Statute PA 11-232, Bullying is...**repeated** use by one or more students of a written, verbal or **electronic** expression or a physical act or gesture directed at a victim that...

1. Causes physical or emotional harm to victim or damages property
2. Places the victim in reasonable fear of harm to himself or of damage to property
3. Creates a hostile environment at school for victim
4. Infringes on the rights of the victim at school
5. Disrupts education process or orderly operation of school



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Indicators of bullying

- Intentional
- Imbalance of power
- Repetitive

4



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Recognizing the Difference Between Normal Peer Conflict and Bullying

NORMAL PEER CONFLICT	BULLYING
Equal power or friends	Imbalance of power; not friends
Happens occasionally	Repeated negative actions
Accidental	Purposeful
Not serious	Serious with threat of physical or emotional harm
Not seeking power or attention	Seeking power, control, or material things
Not trying to get something	Attempt to gain material things or power
Remorse – will take responsibility	No remorse – blames victim
Effort to solve the problem	No effort to solve the problem

5

www.greatcheck.k12.nv.us/gncs/EMB/bakerhome/EMBakerPTA/BullyingStrategies.PDF



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Students with Disabilities...

- Are disproportionately targets of bullying and harassment
- Sometimes initiate bullying
- Have additional protection under the law

6



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

Harassment vs. Bullying

Statutes are violated when peer harassment based on **race, color, national origin, sex, disability, religion, sexual orientation, gender identity** is serious enough that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school

Source: U.S. Dept of Education, Office for Civil Rights. "Dear Colleague: Harassment and Bullying" (Oct. 2010)

Does **not** need to:

- Be repetitive
- Have intent or have been directed at a specific target
- Be reported but should have been reasonably known



To get audio - Call U.S. Toll-free
Access Number: 1(800)582-3014
Use audio passcode: 34931069#

What are a school's obligations under these anti-discrimination statutes?

- If harassment has occurred, a school must take prompt and effective steps to end the harassment, eliminate any hostile environment, and prevent its recurrence.
- These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination.

Source: U.S. Dept of Education, Office for Civil Rights. "Dear Colleague: Harassment and Bullying" (Oct. 2010)



ADA/Section 504 are Civil Rights Laws

- Ensure equal opportunity for individuals with disabilities including students



Students Covered Under Section 504 and ADA

A Student does not need to require special education to be covered under Section 504

A student is covered when s/he:

- has a physical or mental impairment that substantially limits one or more major life activities,
- has a record of such an impairment
- is regarded as having such an impairment.



Individuals with Disabilities Education Act (IDEA)

- Is a federal funding law that provides funding to states to ensure that certain children with disabilities **have adequate educational resources**



Who is Covered Under IDEA?

- Children ages 3-21 who are determined by a multidisciplinary team to be eligible within one or more of 13 specific disability categories

-autism	-specific learning disability
-deafness	-speech/language impairments
-deaf-blindness	-traumatic brain injury
-hearing impairments	-visual impairments
-mental retardation	-orthopedic impairments
-other health impairments	-multiple disabilities
-serious emotional disturbance	

And who need special education and related services



Students covered under either ADA or Section 504 must receive a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)



Disability Harassment is Prohibited Under

- Title II of the Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act where schools receive federal funds
- ADA and 504 “provide parents and students with grievance procedures and due process remedies at the State and Local level”

Source: U.S. Dept of Education, Office for Civil Rights. "Dear Colleague" (Oct. 2000)



Disability Harassment Under 504 and ADA Title II

- Intimidation or abusive behavior based on disability that creates a hostile environment by interfering with or denying a student's receipt or benefits of services or opportunities

Source: U.S. Dept of Education, Office for Civil Rights. "Dear Colleague" (Oct. 2000)



Harassment that is sufficiently

- **Severe, Persistent OR Pervasive**

May create a hostile environment obligating the District to investigate and respond appropriately

Source: U.S. Dept of Education, Office for Civil Rights. "Dear Colleague" (Oct. 2000)



Examples of Harassment that could lead to a hostile environment

- A student repeatedly places furniture or other objects in the path of students who use wheelchairs, impeding students' ability to enter the classroom
- Subjecting a student to inappropriate physical restraint because of conduct related to his disability resulting in the student avoiding school by increased absences
- Students continually taunt a student with an intellectual disability so she does not participate in class



Individuals with Disabilities Education Act (IDEA)

- Schools must provide students with disabilities a Free and Appropriate Public Education (FAPE) in the least Restrictive Environment (LRE)
- Students with disabilities covered under IDEA are entitled to an Individualized Education Plan (IEP)
- Disability harassment may constitute a denial of FAPE when it decreases a student's ability to benefit from his or her education



How do I support my child?

- **Address bullying/harassment through the Individual Education Plan (IEP) for students who are targets or initiators of bullying/ harassment**

- **Strategies can include:**

- Self-Advocacy Skills
- Identifying bullying or harassing behavior
- Differentiating between mean and friendly behavior
- Learning how to report
- Signaling adults when bullied/harassed or triggered
- Learning how to report
- Signaling adults when bullied/harassed or triggered



IEP Strategies (cont.)

- Identifying a 'safe adult' to notify or check in with
- Identifying a safe location
- Circles of Friends
- Social skills development to mitigate provocative behavior
- Planning for how educators can intervene



IEP Strategies (cont.)

- Supervision or separation from bullies, still in the LRE
- Counseling or other supportive services
- Parent counseling or training
- Allow student to leave class early
- Pragmatic skill group/instruction
- Educating staff and peers (already required)



- Make anti-bullying and harassment training accessible and understandable to student
- Communication between and school climate specialist
- Modifications to the reporting form to make it accessible to students with disabilities
- Social groups



Support (cont.)

- Educate student that bullying is not their fault
- Involve student in strategies/IEP development process
- Provide a Functional Behavioral Assessment
- Provide a Behavioral Intervention Plan



Ways to Support a Student with a Disability

- Request a harassment policy statement from your school.
- Encourage Schools to provide disability awareness/anti-bias training to all students and staff
- Enlist support of the PTA/PTO
- Encouraging parents, students, employees, and community members to discuss disability harassment and to report it when they become aware of it.



Beyond ADA/504 Obligations

- Consider the message that inaccessible schools send to the community about the value of students, staff and parents with disabilities
- Do individuals with disabilities feel safe and welcome in your school?
- Have you asked individuals with disabilities who are part of the school community?



Important Information

- Contact your State Department of Education to learn about your state anti-bullying law or go to: www.stopbullying.gov
- Learn the procedures and timelines of reporting.
- Understand the obligations the school has in supporting your child.



Polling Questions



**Thank You
to the
Connecticut Council on Developmental
Disabilities
for Sponsoring this Program**



Thank You!

- Questions????
- Feel free to contact Melissa Marshall
 - Melissa.marshall@snet.net
 - 860-561-1089
