

Addressing Bullying Through the IEP

Let's face it, bullying can be pretty scary and should concern most any parent who has a child attending school. However, it is especially worrisome for parents who have children with disabilities, because research shows that kids with disabilities are more likely to be targeted. This is especially so for kids with developmental disabilities like autism, because they are less likely to be able to navigate their way around social situations by the very nature of their disability.

Unfortunately, parents there are being told by their school that bullying can't be addressed through their child's IEP. We are here to say it most certainly can! Here are a few practical tips to follow as you tackle the problem:

1. Ask for your school district's bullying policy and procedures.
2. Screen your child at home. Talk to him or her and explore what's happening at school and with peers. Set up a data collection system at home that tracks any changes in behavior.
3. Screen your child at school. Have a team meeting with your child's ARD/IEP team and make them aware of the situation. Ask the school team to monitor your child over a period of time and set up a data collection system among the team to track any changes. Make sure that monitoring takes place across all structured and non-structured school settings (the classroom, hallways, lunch room, bathroom, school bus and at recess).
4. Document the issue and request that the documentation be placed in your child's educational file.
5. Determine if what is happening is a reportable offense in accordance with school policies.
6. Put a (written) plan in place with the school team.
7. Recognize the difference between a school-wide approach to bullying and a child-centered approach.
 - **School-wide approaches** include getting other kids involved in resolving the bullying issue like pairing the student (with a disability) with a peer buddy.
 - A **child-centered approach** involves the child gaining a skill or learning to change their own behavior like recognizing a bully or having a bank of responses to say to a bully.
8. Consider what is making your child vulnerable to being bullied. If you don't identify the specific problem your child is having then it is more difficult to address it and help remediate it through the IEP. For example, is it your child's Inability to read/recognize social cues (shunning, teasing, gesturing, etc.), inability to respond effectively (lack of a strategy bank), or inability to self-advocate. Once you've identified these type of issues, you can argue that these social skill deficits should be addressed as social skill goals and objectives in the IEP.
9. Develop a plan targeting your child's level of ability. Set up a buddy system in unstructured settings (school-wide). Develop incentives for other kids to participate as buddies (school-wide). Develop classroom lessons to raise awareness of bullying, that will be taken seriously and there will be consequences when students bully (school-wide).
10. Develop IEP goals to address each individual social skill deficit (student-centered). Develop IEP goals to address each individual pragmatic language deficit (student-centered.)

8. From a legal perspective, one of the most difficult challenges in addressing bullying in our public schools is that, while many states do have laws on the books regarding bullying, they generally do not include what is called a "private right of action." In English, and summarizing a very complicated legal premise, this means that while the law exists, there is no right to sue someone who violates it under that specific statute. Therefore, parents whose children are being routinely tormented at school who are faced with an administration who elects not to properly address the situation are left to utilize other state or federal laws if they want to find justice in our courts.

Therefore, when a parent is considering what rights their child has if their child is being bullied, first and foremost they should ask themselves whether changes need to be made in the IEP. Be prepared to hear your ARD/IEP team grumble that bullying is "not a special education issue," but indeed it is. If a student's disability is causing them to exhibit behaviors which are making them particularly vulnerable to harassment by their peers, or to fail to understand appropriate social interaction in the "mainstream", then absolutely this needs to be addressed in the student's IEP.

Without appropriate special education support and instruction for students with disabilities within our public school settings, we are setting our kids up for being targeted, humiliated and excluded within the regular education environment, in direct contravention of one of the key purposes of IDEA, which is to include children with disabilities in their public schools. What is happening as a result of our failure to adequately scaffold special education programs and instruction for students whose disability places them at even greater risk for bullying is that we are returning to the days of segregation of children with disabilities, as a matter of fact, if not as a matter of law.

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