BULLYING INVOLVING STUDENTS WITH DISABILITIES

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The Protection and Advocacy (P&A) Agency for People with Disabilities in Texas
Disability Rights Texas Mission:
Help people with disabilities understand and exercise their rights under the law, ensuring their full and equal participation in society.
What we will talk about today

- Facts and definitions
- Prevention strategies
- Best practice responses
- Federal and state guidance, laws and remedies
General definitions

Bullying is unwanted, intentional, and repeated aggressive behavior that includes a real or perceived power imbalance.
- Direct
- Indirect
- Verbal
- Physical
- Relational
- Damage to property
- Cyberbullying
Cyberbullying in Texas

- Defined in David’s Law
  - Expands to off campus (using family lap top at home)
  - Reporting made easier
  - Notice
Numbers and more numbers

- 1 in 5 kids are bullied at school
- Most common age?
- Are boys or girls more likely to be victims of bullying?
- Does race/ethnicity play a part?
The facts

- Students with disabilities are much more likely to be bullied than their non-disabled peers and are less likely to report.
- Bullying comes in different forms.
- Bullying is not harmless.
- Adult and peer interventions matter.
- Self advocacy is crucial.
- There is help.
The warning signs

- Behavior changes at home
- Attendance problems
- Change in friends
- Mood disturbances
Prevention strategies

• People first language
• Provide an inclusive setting
• Anti-bullying curriculum and training program
• Strong policies and procedures
• Mentoring programs
• Reward and model appropriate behaviors
• Notify and include parents
You suspect bullying has occurred…

Now what??
Parent responses

• Notify the school in writing
  – Put them on notice of problem
  – File a formal grievance and request investigation

• Follow up with multiple level appeals
Parent responses continued

• Don’t expect to know everything
• Consider a transfer
• Police involvement?
School responsibilities

• Notify parents
• Immediate and appropriate action to investigate or otherwise determine what happened
• Interviews
• Check ins
• Prevention of further bullying and retaliation
• Update P&P’s and prevention
School responsibilities in Texas

• P&P’s must prohibit retaliation
• After investigation, cannot impose a disciplinary measure on a victim for using REASONABLE self-defense in response to the bullying
• Districts MUST make available
  – Counseling for victims, witnesses and aggressor
ADA and 504

• OCR will find a violation when...
  - Intimidation or abusive behavior toward a student based on disability that creates a hostile environment.
  - Districts know or should know about it.
  - School does not respond appropriately.
IDEA and Bullying

Bullying can rise to the level of denial of FAPE
- No longer receiving a meaningful educational benefit
- Ask if the student’s needs changed in ARD committee
- LRE considerations
- Trigger for Child Find

• Remedies
Resources

- StopBullying.gov
- PACER.org/bullying
- SafeSupportiveSchools.ed.gov
- SandyHookPromise.org
- RachelsChallenge.org
- DRTx.org or 1-800-252-9108