



# What's the Big IDEA? #16

*The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.*

## Disability Harassment (Bullying)

*Your daughter, who has a learning disability, tells you that several girls in her 8<sup>th</sup> grade class continually announce to other students during class that she is "retarded" and does not belong in the class. As a result, she has been having trouble concentrating and doing her work in class and her grades are suffering.*

*Your 3<sup>rd</sup> grade son, who uses a wheelchair, reports that another student in his class keeps moving classroom furniture or other objects in his path so he can't get by. Your son feels sure that the teacher has noticed, but she has not done anything about it.*

*Your son's high school teacher constantly criticizes him for requesting the classroom accommodations that are written into his IEP. Your son has started ditching that class, often hiding in the bathroom during that class period.*

These scenarios may not be what most of us think of when we think of bullying, but they do represent bullying behavior of a specific sort – disability harassment. Disability harassment is a form of discrimination prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which are enforced by the Office for Civil Rights (OCR). According to OCR, “disability harassment is 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. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.” This can occur in child-to-child, adult-to-child, or adult-to-adult situations.



Under the Individuals with Disabilities Education Act (IDEA), students who have an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). When disability harassment limits or denies a student's ability to participate in or benefit from an educational institution's programs or activities, the student is being denied FAPE. Schools are required to investigate incidents promptly and respond effectively.

So, it is clear that disability harassment is against several federal laws, but the fact remains that youth with disabilities represent a high-risk group for becoming both potential victims and perpetrators of bullying and teasing. Several studies indicate that harassment of youth with disabilities is steadily increasing. Since bullies (both children and adults) tend to focus on those who seem vulnerable or unusual in some way, many of our children with disabilities are particularly vulnerable. In addition, some children with disabilities may bully other children. The bullying behavior may be a manifestation of the child's disability and it should be addressed through the IEP.

## What can you do?

When developing your child's IEP, consider adding goals and objectives that:

- help children improve social skills,
- increase self-advocacy skills, and
- provide opportunities for identifying and practicing ways to handle bullying behavior.

In addition, ask for supports for your child such as:

- increased playground monitoring by the school staff,
- procedures for children to remove themselves from potential bullying situations, and
- in-services for peers and school staff to learn about your child's disability and review school bullying policies.

The National Center on Secondary Education and Transition emphasizes that schools must play a major role in preventing disability harassment. Whole school anti-bullying programs have been successful in changing the attitudes of both the children and adults in the schools. Schools also need to review their practices. Are *all* children welcomed and accepted? When students are separated into different classes due to academic aptitude or disability category, an atmosphere which encourages bullying and teasing can be created. When students with disabilities are excluded from general education classrooms, after school programs, or athletics, there are very few chances for interaction between students with and without disabilities. If students don't have opportunities to interact with students who may be different from themselves, they won't get to know them as individuals and develop relationships with them. Bullying will be tolerated by others if the child with a disability is just seen as "that kid in a wheelchair" and not as "David, who sits next to me in class and has a great sense of humor."



According to federal law and section 6.12.7 of the New Mexico Administrative Code, all schools must have an official policy that prohibits discrimination based on disability and addresses disability harassment. Schools must also have a bullying prevention policy. These are two different policies. The policies must be provided to students, parents, and school staff at least once a year. They should include requirements that any incidents of bullying are promptly reported by teachers and other school staff and procedures for investigation of reported incidents of bullying will protect the victims. Anti-bullying programs are to be included in the health education curriculum. Make sure to ask for a copy of your district's policies. Find out who developed the policy and ask to sit on that committee to add your input.



For more information about bullying and disability harassment, we recommend the following websites:

<http://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>  
[www.stopbullyingnow.hrsa.gov](http://www.stopbullyingnow.hrsa.gov)

Parents Reaching Out also has a fact sheet, *Did You Know About Bullying?* You can download a copy from our website, [www.parentsreachingout.org](http://www.parentsreachingout.org) or call us to request a copy at 505-247-0192 or 800-524-5176. If you have any questions or would like more information, give us a call. We're here to help.

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