BULLYING, DISABILITY DISCRIMINATION AND HARASSMENT AND HOW IT RELATES TO IDEA
WHAT IS PEATC?

As Virginia’s Parent Training and Information Center, PEATC is the “go to place” for Virginia families of children with special education needs.
PEATC PROVIDES....

- Individual phone consultations
- Workshops throughout Virginia
- Webinars
- Factsheets
- Resources

To assist parents in securing educational plans for their children leading toward adult lives that include

- meaningful employment
- friendships
- community participation
HISTORY OF PARENT CENTERS

1975
Education of ALL Handicapped Children Act became Federal Law

1978
Five Parent Training and Information Centers (PTI) were funded and PEATC was one of the first!

1991
Community Parent Resource Centers (CPRC)

2014 Parent Educational Advocacy Training Center www.peatc.org
Parent Centers are also supported by a Technical Assistance Project

*Funded by the USDOE, OSEP*
AGENDA

- Virginia’s Definition of Bullying
- Dynamics of Bullying
- Parents of Children with Disabilities
- Disability and Harassment laws
- Importance of IEPs and Self-Advocacy
DEFINING BULLYING BEHAVIOR

The Virginia Department of Education defines bullying as:

Bullying means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power of imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. ‘Bullying’ includes cyber bullying.

‘Bullying’ does not include ordinary teasing, horseplay, argument or peer conflict.
BULLYING VS. CONFLICT

**Conflict:** Children self-monitor their behavior and generally stop when they realize they are hurting someone.

**Bullying:** Children continue their behavior when they realize it is hurting someone, and are satisfied by a feeling of power and control.
TYPES OF BULLYING

• **Verbal**: Using words. Often quick and direct.
• **Physical**: Kicking, hitting. Easy to recognize.
• **Emotional (Social)**: Manipulation, gossip. Very calculated.
• **Sexual**: Violation of personal boundaries. Students are often reluctant to talk about it.
• **Cyber**: The “New Bathroom Wall.” Using technology to hurt or harm.
THE IMPACT OF BULLYING

Three Areas of Concern to Parents and Others:

1. **Education** – School avoidance and loss of academic achievement

2. **Health** – Physical and emotional

3. **Safety** – Harm to self and others
PARENTS OF CHILDREN WITH DISABILITIES

• The Numbers
• Know the Laws
• Disability Harassment *Dear Colleague* Letter (10/26/10)
• Federal Laws
• Schools’ Obligations
• Template Letter
• Using the Individualized Education Program (IEP)
• Filing A Complaint
**THE NUMBERS**

- Bullying of children with disabilities is significant, although few studies exist to document it.

- The studies that have been published found that children with disabilities were two to three times more likely to be bullied than their nondisabled peers.
KNOW THE LAWS

• Status of state legislation is on StopBullying.gov
• Virginia Department of Education (vdoe.gov) Bullying Prevention tab
“States and school districts also have a responsibility under Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA), which is enforced by OSERS to ensure that a free appropriate public education (FAPE) is made available to eligible students with disabilities. Disability harassment may result in a denial of FAPE under these statutes.”
“Under IDEA, States and school districts are obligated to ensure that students with disabilities receive FAPE in the least restrictive environment (LRE). This guidance explains that any bullying of a student with disabilities which results in the student not receiving meaningful educational benefit is considered a denial of FAPE.”
SCHOOLS’ OBLIGATION

Ensure that a student with disabilities who is bullied, continues to receive FAPE as outlined in his or her individualized education program (IEP). IEPs, as well as 504 plans, can be useful in outlining specialized approaches for preventing and responding to bullying, as well as providing additional supports and services to students with disabilities.
PEATC has a template letters for parents who have a child with an Individualized Education Program (IEP) or Section 504.
The Individualized Education Program (IEP) team, which includes the parent, can identify strategies that could be written into the IEP to help stop the bullying.

It may be helpful to involve the child, when appropriate, in the decision-making process, since this can improve the likelihood of the student meeting the IEP goals.
The Importance of Self-Advocacy

Self-advocacy is knowing how to:
• Speak up for yourself
• Describe your strengths, disability, needs, and wishes
• Take responsibility for yourself
• Learn about your rights
• Obtain help, or know who to ask, if you have a question
FILING A COMPLAINT

Parents who believe their student’s rights have been violated can file a COMPLAINT of DISCRIMINATION with the Office for Civil Rights or the Department of Justice.

Parents who believe their child has been denied the right to a free, appropriate education (FAPE) can file a complaint with their state educational agency.
EVERYONE’S RESPONSIBILITY!

Everyone has a responsibility – and a role to play – as schools, parents, students, and the community work together for positive change.
THANK YOU!

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