

# Bullying: How to Protect Students with Disabilities at School

By Julian Gray, CELA, Special Needs Alliance

“I remember coming home from school and crying every night. I endured daily laughing by other children because I talked differently, took a long time to find the right words and used the wrong words.

“The more I was bullied, the more my self-esteem evaporated until I couldn’t even think for myself and make choices,” said Kecia Weller.

Bullying is prevalent in today’s society and takes many forms, ranging from direct physical abuse to verbal insults and intimidation to online “cyberbullying.” To complicate things, studies have shown that children with disabilities are two to three times more likely to be bullied than their peers without disabilities.\* Fortunately, there are laws to protect individuals with disabilities. The Individuals with Disabilities Education Act (IDEA) ensures that eligible children have a right to a free, appropriate public education (FAPE), and schools are legally required to enforce policies to prevent bullying that interferes with that right.

There are many steps that families can take to stop bullying, and the Individualized Education Program (IEP) can play an instrumental role in both identifying issues and implementing solutions. Parents can take action by:

- 1 Reassuring the child and encouraging him or her to describe what took place and who was involved.
- 2 Learning about the child’s friendships.
- 3 Immediately asking the child’s teacher and other school personnel to help remedy the situation.



- 4 Contacting the principal in writing if the issue is not resolved.
- 5 Requesting an IEP team meeting to address concerns.
- 6 Determining whether the bully is also victimizing other students.
- 7 Consistently checking with the child and school staff to ensure that the bullying has ceased.
- 8 Informing the school of any subsequent incidents.
- 3 Verifying that the school consistently reassures the child that he or she is entitled to feel safe and bears no responsibility for the incidents.
- 4 As appropriate, having school staff shadow the child to ensure that episodes are not repeated.
- 5 Peer advocacy. Peer intervention is a powerful force – research has shown that more than 50% of bullying situations stop when a peer steps in.

PACER’s National Bullying Prevention Center provides sample letters for contacting school administrators and establishing a written record: [pacer.org/publications/bullypdf/BP-19.pdf](http://pacer.org/publications/bullypdf/BP-19.pdf).

Potential IEP team strategies might include:

- 1 Establishing a school “point person” to whom the child can report bullying episodes.
- 2 Confirming the school’s process for documenting and reporting bullying events.

The important thing to remember is that a bullied student is not alone and help is available. We as a community, but also in our individual capacities as family members, professionals, educators and even bystanders, must take an active role to prevent bullying. Concerned family members can contact a special needs attorney for more information on the rules governing these situations and the remedies available to them.

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## Remembering Jim Gardner

Earlier this year The Arc lost an amazing leader and friend, Jim Gardner. Jim was an active member of The Arc's network for more than 40 years.

Over four decades, Jim served on local boards, The Arc of Louisiana Board, and then The Arc's National Board of Directors, where he served as president. When Jim's time on The Arc's National Board ended, Jim's commitment continued. Jim served as the Chairman of the Legal Advocacy Committee from 1995 until his passing. In addition to his work on the Legal Advocacy Committee, he was also actively involved in helping to rewrite The Arc's position statements. He was one of the leading experts on disability rights' policy in our country—his work ensured justice for countless people and the impact of his work will be felt for decades to come.

For those lucky enough to work with Jim, they knew that he was a stalwart advocate who never backed down. When

it came to ensuring the rights of someone with I/DD were being recognized, Jim would not rest until he had exhausted all means necessary to ensure justice was served. From his work on the *Olmstead* decision, to his efforts just last year with the Supreme Court's decision in *Hall v. Florida*—Jim was a champion.

Jim will be missed, but his legacy will live on. ■



## Affordable Care Act News

If you are uninsured or looking for affordable health insurance, now is the time for you to shop! During "open enrollment" you can purchase private health insurance through the marketplace in each state. If you currently have insurance through the marketplace, you should look at your current plan and determine if it will continue to meet your needs, or select a better plan. If you do not take action, you will be automatically re-enrolled in your current plan. For more information, visit <https://www.healthcare.gov>.

### 2016 Open Enrollment Dates to Remember:

- ▶ **November 1, 2015**  
Open enrollment begins
- ▶ **December 15, 2015**  
Enroll before this date to have coverage January 1, 2016
- ▶ **January 31, 2016**  
Open enrollment ends

## Give the Gift of Stock

If you have investments in the stock market, one of the most financially wise ways to give is through the transfer of stocks or bonds. You can transfer ownership of appreciated stocks or bonds as a special gift to The Arc. Besides knowing that you have made an important contribution

to help people with intellectual and developmental disabilities, giving the gift of stock can have significant tax benefits for you as well. For more information, please contact Bob Bennett at 202.600.3495 or go online to [thearc.org/get-involved/ways-to-give/donate-stock](http://thearc.org/get-involved/ways-to-give/donate-stock). ■

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Learn more about this issue from The Arc's National Center on Criminal Justice and Disability, or NCCJD, at [nccjd.thearc.org](http://nccjd.thearc.org), and read the latest white paper on the topic - [thearc.org/NCCJD/publications/white-paper-violence-abuse-bullying](http://thearc.org/NCCJD/publications/white-paper-violence-abuse-bullying).

SNA ([www.specialneedsalliance.org](http://www.specialneedsalliance.org)) is a sponsor of The Arc and partners with The Arc to provide educational resources, build awareness and advocate for policies benefit people with I/DD. The author is the founder of Julian Gray Associates ([www.grayelderlaw.com](http://www.grayelderlaw.com)).

*\*Only 10 U.S. studies have been conducted on the connection between bullying and developmental disabilities, but all of these studies found that children with disabilities were two to three times more likely to be bullied than their nondisabled peers. (Marshall, Kendall, Banks & Gover (Eds.), 2009). ■*