

# **Bullying and Harassment of Students with Disabilities:** Top 10 facts parents, educators, and students need to know

## **1. The statistics – Students with disabilities are much more likely to be bullied than their nondisabled peers.**

Although only 10 U.S. studies have been conducted on the connection between bullying and developmental disabilities, all of these studies found that children **with disabilities were two to three times more likely to be bullied than their nondisabled peers.** (*Disabilities: Insights from Across Fields and Around the World; Marshall, Kendall, Banks & Gover (Eds.), 2009*). One study shows that 60 percent of students with disabilities report being bullied regularly compared with 25 percent of all students. (Source: British Journal of Learning Support, 2008)

For more information, visit “[Bullying Statistics](#).”

## **2. The impact – Bullying affects a student’s ability to learn.**

Many students with disabilities are already addressing challenges in the academic environment. When they are bullied, it can directly impact their education. Bullying is not a harmless rite of childhood that everyone experiences. Research shows that bullying can negatively impact a child’s access to education and lead to:

- school avoidance and higher rates of absenteeism
- decrease in grades
- inability to concentrate
- loss of interest in academic achievement
- increase in dropout rates

For more information read PACER’s “[Common Views About Bullying](#).”

## **3. The definition – Bullying based on a student’s disability may be considered harassment.**

The Office for Civil Rights (OCR) and the Department of Justice (DOJ) have stated that bullying may also be **considered harassment** when it is based on a student’s race, color, national origin, sex, **disability**, or religion. Harassing behaviors may include:

- unwelcome conduct such as verbal abuse, name calling, epithets, or slurs
- graphic or written statements
- threats
- physical assault
- other conduct that may be physically threatening, harmful, or humiliating

Read the online blog article from the U.S. Department of Education titled “[Keeping Students with Disabilities Safe from Bullying](#).”

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#### **4. The Federal Laws – There are legal protections and provisions for students with disabilities who are being harassed.**

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The Individuals with Disabilities Education Act (IDEA) is a federal law. It requires that each child who has a disability and qualifies for special education and related services must receive a free appropriate public education (FAPE). The State Department of Education in each state enforces IDEA. Students with an Individualized Education Program (IEP) would qualify for these protections.

Section 504 of the Rehabilitation Act of 1973 (often referred to as “Section 504”) and Title II of the Americans with Disabilities Act of 1990 (Title II) are the federal laws that apply if the harassment denies a student with a disability an equal opportunity to education. The Office for Civil Rights (OCR) enforces Section 504 and Title II of the ADA. Students with a 504 plan or an Individualized Education Program (IEP) would qualify for these protections.

In October 2014, as part of National Bullying Prevention Month, the U.S. Department of Education’s Office for Civil Rights (OCR) issued **guidance to schools** reminding them that bullying is wrong and must not be tolerated — including against America’s 6.5 million students with disabilities.

The Department issued guidance in the form of a letter to educators detailing public schools’ responsibilities under Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and Individuals with Disabilities Education Act regarding the bullying of students with disabilities. If a student with a disability is being bullied, these federal laws require schools to take immediate and appropriate action to investigate the issue and, as necessary, take steps to stop the bullying and prevent it from recurring.

The letter further clarified that the bullying of a student with a disability on any basis, not just their disability, may result in a denial of FAPE that must be remedied by the school. Under Section 504, the IEP or 504 team should convene when bullying of a student with a disability occurs on any basis in order to determine whether the student’s needs have changed and whether FAPE is still being provided. The letter also clarified that when OCR receives a complaint related to bullying of a student with a disability, it may investigate whether there has been a FAPE violation, a disability-based harassment violation, or both, depending on the unique circumstances of the case.

View the [2014 Dear Colleague Letter](#).

#### **5. The State Laws – All states have bullying prevention laws and some include disability-specific information.**

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In addition to the federal laws, all states have laws that address bullying. Some have information specific to students with disabilities. Many school districts also have individual policies that address how to respond to bullying situations. Contact your local district to request a written copy of the district policy on bullying.

For a complete overview of state laws, visit [StopBullying.gov](#).

#### **6. Role models – The adult response is important.**

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Parents, educators, and other adults are the most important advocates that a student with disabilities can have. It is important that adults know the best way to talk with someone in a bullying situation. Some children are able to talk with an adult about personal matters and may be willing to discuss bullying. Others may be reluctant to speak about the situation. There could be a number of reasons for this: the student bullying them may have told them not to tell, or they might fear that if they do tell someone, the bullying won’t stop or may become worse.

When preparing to talk to children about bullying, adults (parents and educators) should consider how they will handle the child’s questions and emotions, and what their own responses will be. Adults should be prepared to listen without judgment, providing the child with a safe place to work out their feelings and determine their next steps. It is never the responsibility of the child to fix a bullying situation. If children could do that, they wouldn’t be seeking the help of an adult in the first place.

For more information, read PACER’s [“Talking with Your Child About Bullying.”](#)

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## **7. The resources – Students with disabilities have resources that are specifically designed for their situation.**

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### **Individualized Education Program (IEP)**

Students with disabilities who are eligible for special education under the Individuals with Disabilities Education Act (IDEA) will have an Individualized Education Program (IEP). The IEP can be a helpful tool as part of a bullying prevention plan. Remember, every child receiving special education is entitled to a free appropriate public education (FAPE), and bullying can become an obstacle to that education.

For more information, read PACER’s “[Individualized Education Program \(IEP\) and Bullying](#).”

### **Dear Colleague Letters**

A [2014 Dear Colleague letter](#) from the Office for Civil Rights states that bullying of any kind, not just on the basis of a student’s disability, may result in a violation of FAPE, and reiterates schools’ responsibilities to address behavior that may result in violations of FAPE or disability-based harassment.

A [2013 Dear Colleague letter](#) and [enclosure](#) by the Office of Special Education and Rehabilitative Services (OSERS) clarifies that when the bullying of a student with a disability results in the student not receiving meaningful educational benefit under IDEA, the school must remedy the problem, regardless of whether the bullying was based on the student’s disability.

In [2010, another Dear Colleague letter](#) from the Office for Civil Rights was issued that reminded school districts of their responsibilities under civil rights laws that prohibit discrimination and harassment on the basis of race, color, national origin, sex, disability, and religion.

In [2000, a Dear Colleague letter](#) was sent to school districts nationwide from the U.S. Department of Education’s Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) that defined the term “disability harassment.” The letter also explained that bullying based on disability may violate civil rights laws enforced by OCR as well as interfere with a student’s receipt of special education under the Individuals with Disabilities Education Act (IDEA).

### **Template Letters**

Parents should contact school staff each time their child informs them that he or she has been bullied. Parents may use one of these template letters as a guide for writing a letter to their child’s school. These letters contain standard language and “fill-in-the-blank” spaces so that the letter can be customized for each child’s situation. [PACER Center’s sample letter\(s\)](#) can serve two purposes:

- First, the letter will alert school administration of the bullying and your desire for interventions.
- Second, the letter can serve as your written record when referring to events. The record (letter) should be factual and absent of opinions or emotional statements.

The two letters — “Student with an IEP, Notifying School About Bullying” and “Student with a 504, Notifying School About Bullying” — are for parents who have a child with an Individualized Education Plan (IEP) or Section 504. The bullying law of the individual state applies to all students as noted in the law. When bullying is based on the child’s disability, federal law can also apply under Section 504, the Individuals with Disabilities Education Act (IDEA), and Title II of the Americans with Disabilities Act.

## **8. The Power of Bystanders – More than 50 percent of bullying situations stop when a peer intervenes.**

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Most students don’t like to see bullying but they may not know what to do when it happens. Peer advocacy — students speaking out on behalf of others — is a unique approach that empowers students to protect those targeted by bullying.

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Peer advocacy works for two reasons. First, students are more likely than adults to see what is happening with their peers and peer influence is powerful. Second, a student telling someone to stop bullying has much more impact than an adult giving the same advice.

*Note:* For detailed information, visit the “[peer advocacy](#)” tab.

## **9. Self-advocacy – The importance of involving the student/child in decision making and planning.**

Self-advocacy means the student with a disability is responsible for telling people what they want and need in a straightforward way. Students need to be involved in the steps taken to address a bullying situation.

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

The person who has been bullied should be involved in deciding how to respond to the bullying. This involvement can provide students with a sense of control over their situation, and help them realize that someone is willing to listen, take action, and reassure them that their opinions and ideas are important.

Teens, learn more about what you can do by reading PACER’s “[Drama: Is it Happening To You?](#)”

The [Student Action Plan](#) is a self-advocacy resource. It includes three simple steps to explore specific, tangible actions to address the situation:

- define the situation
- think about how the situation could be different
- write down the steps to take action

*Note:* For detailed information, visit the “[self-advocacy](#)” tab.

## **10. The role of community – Know that you are not alone.**

When students have been bullied, they often believe they are the only one this is happening to, and that no one else cares. In fact, they are not alone.

There are individuals, communities, and organizations that do care. **It is not up to one person to end the bullying** and it is never the responsibility of the child to change what is happening to them. **No one deserves to be bullied.** All people should be treated with dignity and respect, no matter what. Everyone has a responsibility — and a role to play — as schools, parents, students, and the community work together for positive change.

Parents, learn more about what you can do to help your child and create more inclusive schools and communities. Visit “[What Parents Should Know About Bullying.](#)”

Get your school involved with the free online curriculum titled “The We Will Generation,” designed to encourage student-to-student conversation to educate, inspire, and support peers to create kinder and safer schools. Visit “[The We Will Generation](#)” campaign

Show students that they are not alone. Order the online toolkits designed to create communities that are together against bullying — and united to provide kindness, support and hope for those who have experienced bullying through conversation, education, and inspiration. Visit “[You’re Not Alone, We’re Here For you campaign.](#)”