

BULLYING AND HARASSMENT

**ASHLEY VANCLEEF
4/24/24**

OBJECTIVES

Share strategies to successfully coordinate with your school to develop a safety plan; advocate with your IEP team; and take other legal actions to keep your student safe from bullying.



DEFINITIONS

BULLYING

According to the U.S. Education Department, **bullying** is characterized by aggression used within a relationship where the aggressor has more real or perceived power than the target and the aggression is repeated or has the potential to be repeated over time.

Dear Colleague Letter, [61 IDELR 263](#) (OSERS/OSEP 2013).



BULLYING

Bullying can involve overt physical behavior or verbal, emotional, or social behaviors (e.g., excluding someone from social activities, making threats, withdrawing attention, destroying someone's reputation) and can range from blatant aggression to far more subtle and covert behaviors.

Cyberbullying, or **bullying** through electronic technology (e.g., cell phones, computers, online/social media), can include offensive text messages or emails, rumors or embarrassing photos posted on social networking sites, or fake online profiles. *Dear Colleague Letter*, [61 IDELR 263](#) (OSERS/OSEP 2013).

HARASSMENT

Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying the student's participation in or receipt of benefits, services, or opportunities in the institution's program. *Dear Colleague Letter*, [111 LRP 45106](#) (OCR/OSERS 07/25/00). *See, e.g., Tenafly (NJ) Pub. Schs.*, [121 LRP 5082](#) (OCR 09/17/21)

STRATEGIES FOR A SAFETY PLAN

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1. File a Bullying Report
2. Request a Supportive Measures Plan or Safety Plan
3. Plan has two components: the actions school staff will engage in and the expected actions of the student(s) involved.
4. The plan provides for a primary staff contact – work with your child to help identify who this could be for them

CONSIDERATIONS

- Consequences to the bully can have ripple effects to the child that has been bullied.
- Supervision/consequences can stigmatize and draw more attention to the situation adding fuel to the bully's cause.
- Request to view video footage – see form <https://ww2.montgomeryschoolsmd.org/departments/forms/pdf/236-12.pdf>

MCPS Supportive Measures Plan

Montgomery County Public Schools provides a safe and secure learning environment that is free from **bullying, harassment (including sexual harassment) and intimidation**. Students who have been the **alleged targets** of such behavior may need supportive measures to ensure their emotional and physical safety is secure during investigations and/or after discipline has been imposed on the aggressor. This safety plan highlights key issues for you to consider to assist in providing supportive measures to complainants (alleged victims). It is also strongly encouraged that supportive measures be provided to respondents (alleged offenders) as appropriate. It is understood that each situation is different and that additional considerations may be included. The plan involves two components: the actions **school staff** will engage in and the expected actions of the **student(s)** involved. This plan has a definite start and a proposed end date. It is meant to cover the entire school day, from the time a student boards a bus in the morning until they depart the bus at the end of the day. The complainant needs to be safe during before-school and after-school activities, and protected from any new bullying/harassment by others in retaliation for reporting or in response to disciplinary actions. The plan designates a **Primary Staff Contact** for the complainant. This person is someone with whom the student feels most comfortable. It is the intent of this plan to be implemented in a way which is minimally intrusive and not unreasonably burdensome.

STUDENT INFORMATION

School Name -- Choose One --

Student's Name _____ Grade Level _____

Student Number _____ Bus Route Number _____

Primary Staff Contact _____ Secondary Staff Contact _____

Plan Start Date ____/____/____ Proposed End Date ____/____/____

STAFF SUPPORTS

- Staff who work with the student will be informed of this safety plan and will make every effort to implement it successfully within the school.
- Staff who witness or are otherwise made aware of any harassing, intimidating or bullying behavior directed toward the student will intervene immediately and will report such behavior to administration.
- Staff/security will be visible in the hallways to monitor students during passing times.
- Additional supports in place: _____

SCHOOL SUPPORTS

- Student schedule was changed on ____/____/____
- Classroom/lunch room seat assignments changed: _____
- Student will be dropped off in the main office during arrival, where they will wait until just after the bell rings to go to class to ensure there is no hallway contact.
- Student will be excused 5 minutes early, at the end of each class/dismissal to ensure there is not hallway contact.
- Trusted friends/student escorts: _____
- Bus Route changes, seat assignments, after school activity/team travel: _____
- Extracurricular school activities/events support plan: _____
- Additional supports in place: _____

STUDENT SUPPORTS

- Student will avoid contact or online communication with _____ while this plan is in effect.
- Flash Pass issued: ____/____/____
- The student will immediately report any breach of this plan including on/off school grounds.
- Additional supports in place: _____

PARENTS/GUARDIANS

- Parents/Guardians agree to monitor and support the student with this plan, monitor the student's interactions outside of the school, and contact the school if the problem persists.**

This plan is in place from the dates stated above, pending any agreed upon revisions or termination.

WE AGREE TO THE SUPPORTIVE MEASURES PLAN AS STATED ABOVE

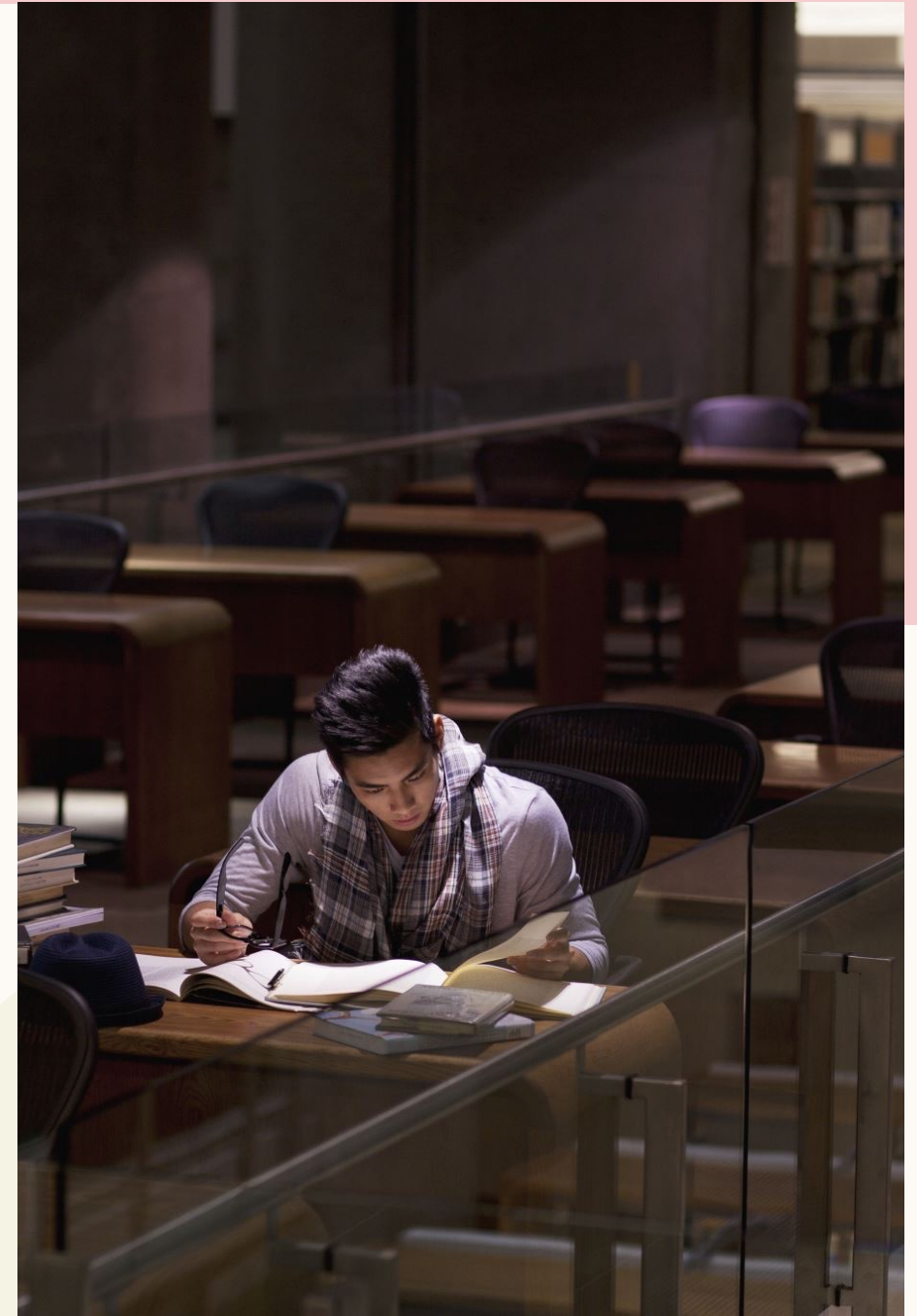
Student Signature _____ Parent/Guardian Signature _____

SAFETY PLAN

- Think about the school day from the moment the child leaves your door to when they return home.
- Look at the times of day the bully may have possible interactions as well as any of the bully's friends
- Consider the implications

IMPACTS OF BULLYING

Being a target of bullying has been concurrently linked to loneliness, anxiety, low self-worth (Graham & Juvonen, 1998), and longitudinally linked to depressive tendencies (Bogart et al., 2014), and low self-esteem (Saint-Georges & Vaillancourt, 2020; Van Geel et al., 2018). Children who are bullied by their peers may have a negative attitude toward school (Kochenderfer & Ladd, 1996a; Rueger et al., 2010), negative perceptions of school climate (Baly et al., 2014; Wang et al., 2014) <https://doi.org/10.1016/j.avb.2022.101722>.





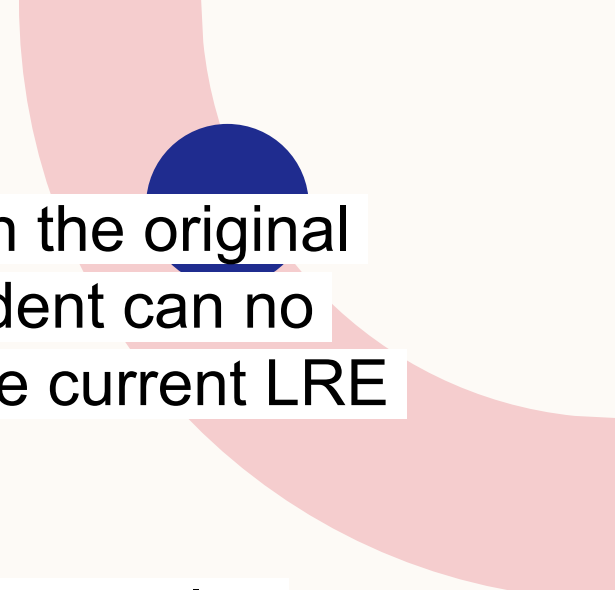
WHEN A SAFETY PLAN IS NOT ENOUGH

CHANGE OF SCHOOL ASSIGNMENT

WHEN THERE ARE EXTENUATING CIRCUMSTANCES involving the physical, mental, or emotional well-being of the student. Parents/ guardians seeking COSAs for this reason should provide documentation of:

- (a) ongoing treatment by a health care provider of issues related to the student's physical, mental, or emotional wellbeing that are directly related to or significantly impacted by the school environment; and/ or
- (b) a significant health issue with unique care requirements (e.g., frequent medical appointments far from the student's home school and/or the parent's/guardian's work location).





IEP teams should exercise caution when considering a change in the placement or the location of services provided to a student with a disability who was the target of the bullying

The student should stay in the original placement unless the student can no longer receive FAPE in the current LRE placement.

Schools may not attempt to resolve a bullying situation by unilaterally changing the frequency, duration, intensity, placement, or location of the student's special education and related services – this is the work of the IEP team.

LEGAL IMPLICATIONS

Appropriate response to bullying: a school should convene the IEP or Section 504 team to determine whether the student's needs have changed because of the bullying such that the IEP or 504 plan is no longer designed to provide FAPE.

Effects of bullying: may cause adverse changes in a student's academic performance or behavior. May include a sudden decline in grades, the onset of emotional outbursts, an increase in the frequency or intensity of behavioral interruptions, or a rise in missed classes or sessions of services.





OCR FINDS A DISABILITY-BASED HARASSMENT VIOLATION UNDER SECTION 504 AND TITLE II WHEN

1. A student is bullied based on a disability;
2. The **bullying** is sufficiently serious to create a hostile environment;
3. School officials know or should know about the **bullying**; and
4. The school does not respond appropriately.

POSSIBLE LEGAL ACTIONS

IDEA/Special Education

**504/Disability
Discrimination**

DENIAL OF FAPE

Bullying of a student with a disability that results in the student not receiving "meaningful educational benefit" constitutes a denial of FAPE. *Dear Colleague Letter*, [61 IDELR 263](#) (OSERS/OSEP 2013). See also *Dear Colleague Letter*, [111 LRP 45106](#) (OCR/OSERS 07/25/00); and *Torrance Unified Sch. Dist.*, [119 LRP 43024](#) (SEA CA 2019)

The bully's motivation is irrelevant in terms of the victim's right to FAPE under the IDEA. "Whether or not the bullying is related to the student's disability, any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of FAPE under the IDEA that must be remedied." See also *Dear Colleague Letter: Responding to Bullying of Students with Disabilities*, [64 IDELR 115](#) (OCR 2014)

Thank you



LAW FOR PARENTS
ASHLEY VANCLEEF



lawforparents.com



(301) 882-2001



ashley@lawforparents.com