



## **Bullying and Kids with Disabilities**

By [Judith L. Smith, Esq.](#)

Bullying in its many forms is a serious, all-too-common problem, and social media has moved this abuse online. The bullying may involve insults, threats or physical violence, with results that range from damaged self-esteem to poor academic performance to bodily injury.

Children with special needs are more frequently targeted by bullying, less able to deal with it and more likely to suffer permanent harm. Since they often have difficulty with social skills, they may misinterpret a bully's intentions. And since they frequently yearn for acceptance, they may avoid telling teachers and parents about incidents for fear of becoming even more isolated.

If a child becomes anxious, depressed or avoids social situations they previously enjoyed, it's time to investigate. If they appear angry or upset when using a smartphone or computer, cyberbullying could be the cause. Watch for a sudden increase or decrease in their use of such devices or a tendency to hide their screen from others.

### **Federal Law**

While there are many steps that parents and schools can take in order to prevent or stop bullying, families should be aware that they also have powerful legal resources at their disposal.

Students with disabilities are guaranteed a "free and appropriate education" under the Individuals with Disabilities Act (IDEA). So if bullying creates an environment that interferes with their learning and the school district is aware of the situation, but takes no action, the law is on the family's side. In addition, both Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA) protect the civil rights of individuals with disabilities. Many states have anti-bullying laws, as well.

### **Cyberbullying**

Certain forms of cyberbullying *are against the law* and local authorities should be informed if it involves:

- violent threats,
- child pornography or other sexually explicit content,

- photography or videos that are an invasion of privacy, or
- stalking and hate crimes.

Some states consider additional forms of cyberbullying to be criminal, and parents should consult state law.

Do not respond to or forward cyberbullying content and block the perpetrator from your child's online accounts. Report the individual to internet and cell phone service providers and social media platforms, since such behavior is likely prohibited by their terms of use.

### **What Parents Can Do**

If you suspect that your child is being bullied, talk to them about what's been going on. Find out how and when the bullying began and who is involved. Then immediately contact their teachers and school administrators. Give your child emotional support and determine if they could benefit from counseling. Document all episodes in writing. If cyberbullying is involved, print screen shots, emails and texts, and keep track of dates, times and other details regarding when the incidents occurred.

Insist that there be a point person to whom your child can report any future incidents. If you're concerned about potential retaliation against your child, request increased supervision. School authorities should reassure your child that the incidents aren't their fault and that it's their right to feel safe. Monitor the school's response, and if you're not satisfied with the school's response, continue following up.

Request an IEP (Individualized Education Program) meeting. Social and self-advocacy skills can be even more important than academic performance. Speech therapy and learning conversational norms could help your child avoid taunting. It may be useful to include the child's psychologist and other members of their private support team in the IEP meetings. Consider involving a special education attorney if you're not making progress.

### **What Schools Should Do**

Schools are expected to take proactive steps to avoid bullying, including:

- a zero-tolerance policy in their code of conduct and conduct;
- mandatory training for both staff and students;
- a defined process for handling bullying incidents; and
- school-based counseling for both bullying victims and perpetrators.

Teachers should closely supervise students and quickly address bullying incidents. Schools should educate students about diversity and build inclusive cultures. They should consider creating peer support groups, since research indicates that over half of all bullying situations cease once another student intervenes.

Bullying can cause lasting damage, but a multi-pronged approach can avoid or stop it. Parents and schools must give students with disabilities the support and tools they need in order to have fulfilling educational and social experiences.

---

**About this Article:** *We hope you find this article informative, but it is not legal advice. You should consult your own attorney, who can review your specific situation and account for variations in state law and local practices. Laws and regulations are constantly changing, so the longer it has been since an article was written, the greater the likelihood that the article might be out of date. SNA members focus on this complex, evolving area of law. To locate a member in your state, visit [Find an Attorney](#).*

**Requirements for Reproducing this Article:** *The above article may be reprinted only if it appears unmodified, including both the author description above the title and the “About this Article” paragraph immediately following the article, accompanied by the following statement: “Reprinted with permission of the Special Needs Alliance – [www.specialneedsalliance.org](http://www.specialneedsalliance.org).” The article may not be reproduced online. Instead, references to it should link to it on the SNA website.*