



“Bullying in Schools—What Parents Can Do to Protect Their Child With a Disability”

By Jennifer Lukach Bradley, Esquire

Unfortunately, harassment in schools is a too common occurrence. Children with disabilities tend to be targeted more often because of their disabilities. Disabled children are often subjected to peer-on-peer harassment such as name-calling and physical abuse. Bullying, if not addressed, can lead to children experiencing low self-esteem, depression, behavior problems and school avoidance. However, parents can advocate for their children to end the harassment. Furthermore, disability harassment is a form of discrimination prohibited by federal law and state laws.

Schools have a legal responsibility to prevent and respond to disability harassment. Upon learning that a child is being bullied in school, the child’s parent must immediately notify the child’s teacher. The parent should provide the teacher with as much information as possible such as the “bully’s” name, the date of the incident and the nature of the incident. If the teacher is unable to address the bullying, the parent should then notify, in writing, the principal, special education supervisor and the superintendent. The school is obligated to address the issue of harassment because it can interfere with a disabled child’s right to a free and appropriate public education.

If the issue is not resolved in a sufficient period of time, the parent should request to convene an Individualized Education Program (“IEP”) meeting. Bullying, if not addressed, can hinder a child’s progress toward his/her IEP goals. At the meeting, the parent should inform the IEP team of the harassment and discuss the concrete steps which the school district should take to end the harassment. For example, it may be necessary for the school to implement a bullying prevention program in the school. Many schools already have such programs in place to prevent bullying. Additionally, if the child is experiencing emotional issues as a result of the harassment, psychological or other support services should be added as Related Services to the IEP.

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If the bullying does not stop after the school district is on notice and an IEP team meeting has been convened to address the bullying, it may be necessary to demand a due process hearing against the school district. The parent should consult with an attorney regarding a due process claim, especially if the child has missed school and/or has not made adequate progress towards his/her educational goals because of the bullying. In addition, parents may have a civil rights claim against the school if the school continues to allow disability harassment to occur.

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