

U.S. Education Department Sends Schools Guidance On Bullying Of Students With Disabilities

By Administrator

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RALEIGH, (SGRToday.com) - The federal government is urging the nation's schools to be mindful of the bullying that can be targeted on the nation's 6.5 million disabled students.

In guidance issued this week by the agency's Office for Civil Rights, federal officials reinforce that bullying must not be tolerated. The letter to educators details public schools' responsibilities under Section 504 of the Rehabilitation Act and Title II of Americans with Disabilities Act.

If a student with a disability is being bullied, federal law requires 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, officials said.

“While there is broad consensus that bullying cannot be tolerated, the sad reality is that bullying persists in our schools today, especially for students with disabilities,” said Catherine E. Lhamon, Assistant Secretary for Civil Rights in a news release posted to the agency's website. “Basic decency and respect demand that our schools ensure that all their students learn in a safe environment. I look forward to continuing our work with schools to address and reduce incidents of bullying so that no student is limited in his or her ability to participate in and benefit from all that our educational programs have to offer.”

Since 2009, OCR has received more than 2,000 complaints regarding the bullying of students with disabilities in the nation's public elementary and secondary schools.

The anti-bullying guidance lay out schools' legal obligations to fix the problem, including:

A 2013 dear colleague letter and enclosure by the Office of Special Education and Rehabilitative Services (OSERS) clarifying that when 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.

A 2010 dear colleague letter by the OCR, which elaborated on potential violations when bullying and harassment is based on race, color, national origin, sex, or disability.

A 2000 dear colleague letter by the OCR and OSERS, which 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).

More information can be found at ed.gov.