

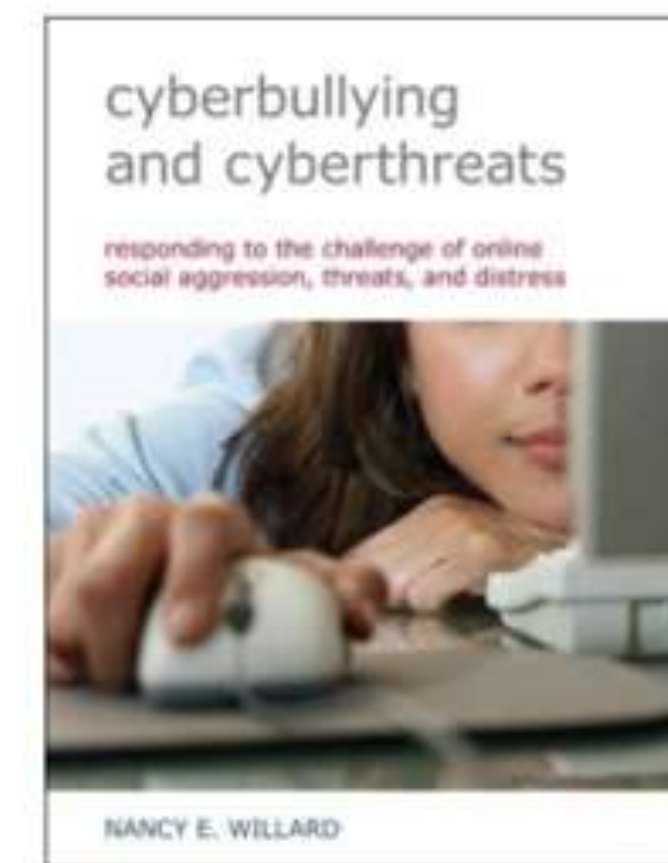


Bullying of Students with Disabilities

Strategies to Work with the School to Stop the Harm and to Empower Your Child

Nancy Willard, M.S., J.D.

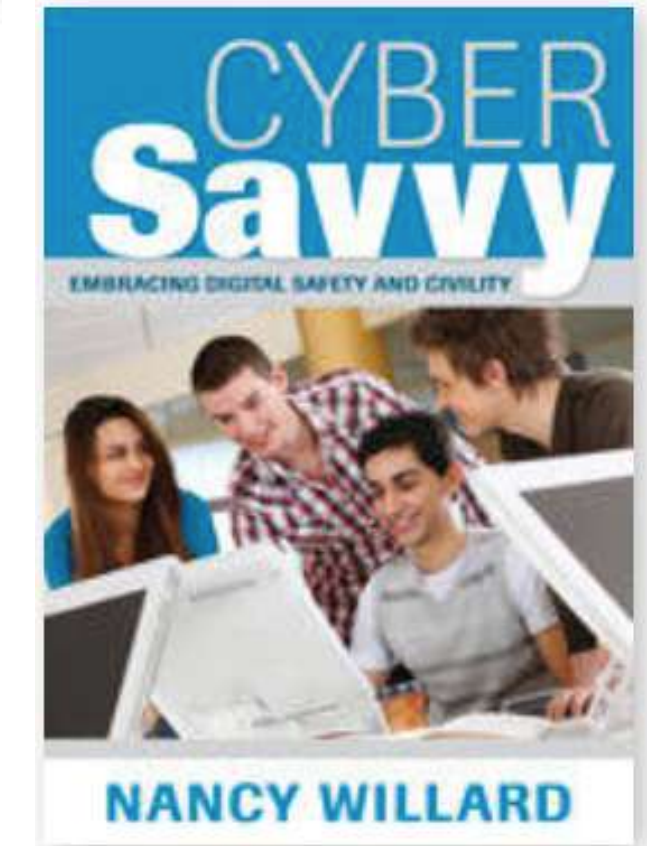
© 2023 Nancy Willard



2007



2007



2011

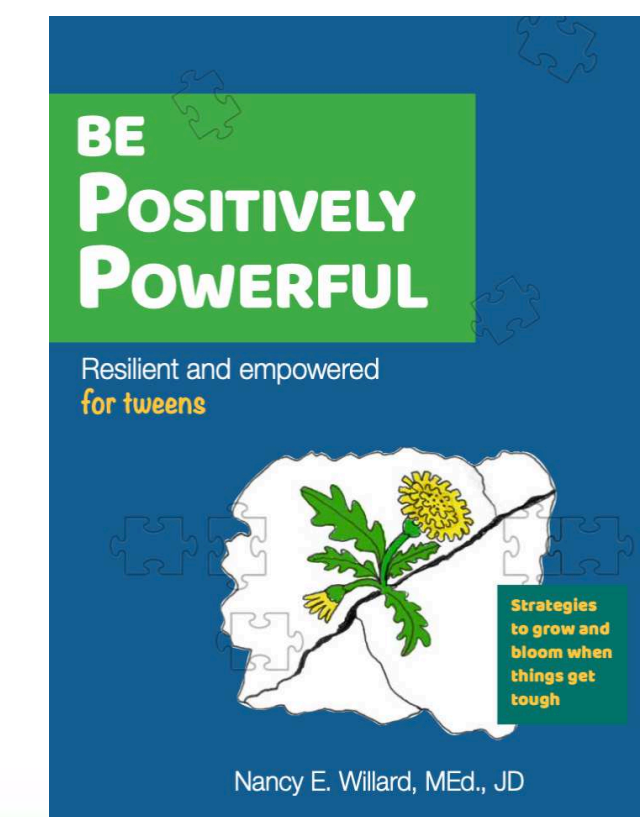
My Background

- Special education teacher
- Attorney
- Educational technology consultant
- Researcher/consultant in trauma/bullying/harassment/digital safety

On Amazon Now

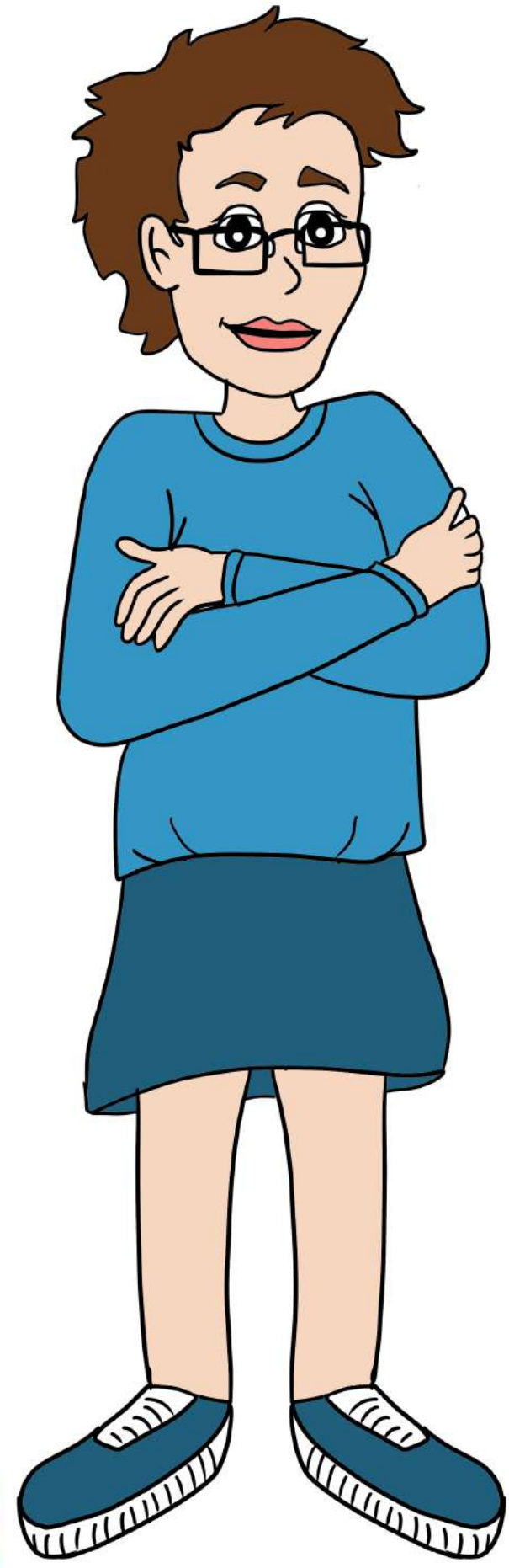


Coming 2024
Two Be Positively Powerful books



On Amazon Now

WHAT THIS PRESENTATION WILL ADDRESS

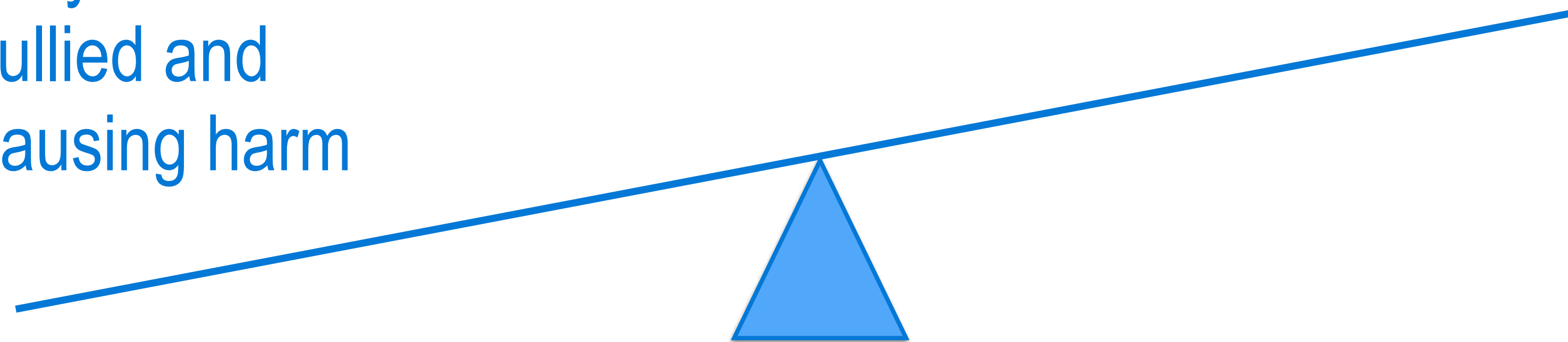


- Why what schools are doing to address bullying is not working effectively
- How schools should intervene in these situations
- How to insist your child's school stops the harm
- Additional strategies to empower your child

Correcting an imbalance of power by providing parents with greater insight

Parent: My child is being bullied and this is causing harm

School: This isn't "bullying, so there is nothing we can or will do



School leaders present themselves with significant power, which is often intimidating for parents whose children are being harmed

YOUNG PEOPLE WITH DISABILITIES

Are more likely to be bullied or harassed than peers

- Their challenges lead to being targeted and not responding effectively

Bullying is a form of trauma that can have a long lasting harmful impact

Bullying can have a profoundly harmful emotional impact and interfere with the educational opportunities they need to achieve success

When the bullying of a student with disabilities is interfering with that student's ability to receive a Free and Appropriate Public Education, there are strict, comprehensive requirements placed on schools to intervene appropriately

ARE SCHOOLS EFFECTIVE?

- There has been NO decline in student reports of being bullied or not going to school for safety concerns on the national Youth Risk Behavior Survey **since 2009**



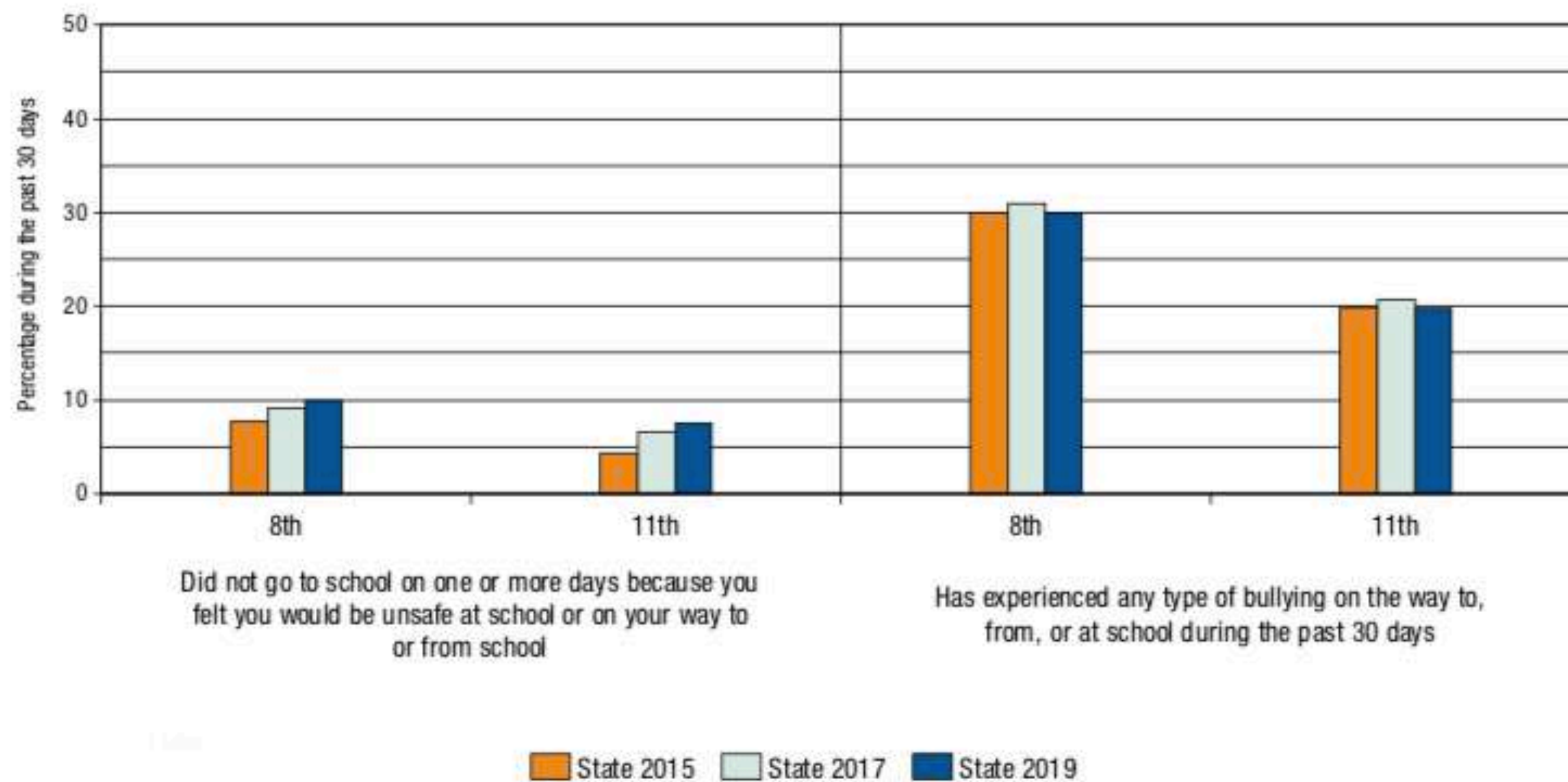
Centers for Disease
Control and Prevention



THE PERCENTAGE OF HIGH SCHOOL STUDENTS WHO:	2009 Total	2011 Total	2013 Total	2015 Total	2017 Total	2019 Total	Trend
Were bullied at school	19.9	20.1	19.6	20.2	19.0	19.5	
Did not go to school because of safety concerns	5.0	5.9	7.1	5.6	6.7	8.7	

ARE SCHOOLS BEING EFFECTIVE?

Chart 8. Overall school climate



Oregon Healthy Teen 2015-19

- No decline in bullying
- Increase in school avoidance due to safety concerns

ARE SCHOOLS BEING EFFECTIVE?



Eugene School District

Spring 2018 survey

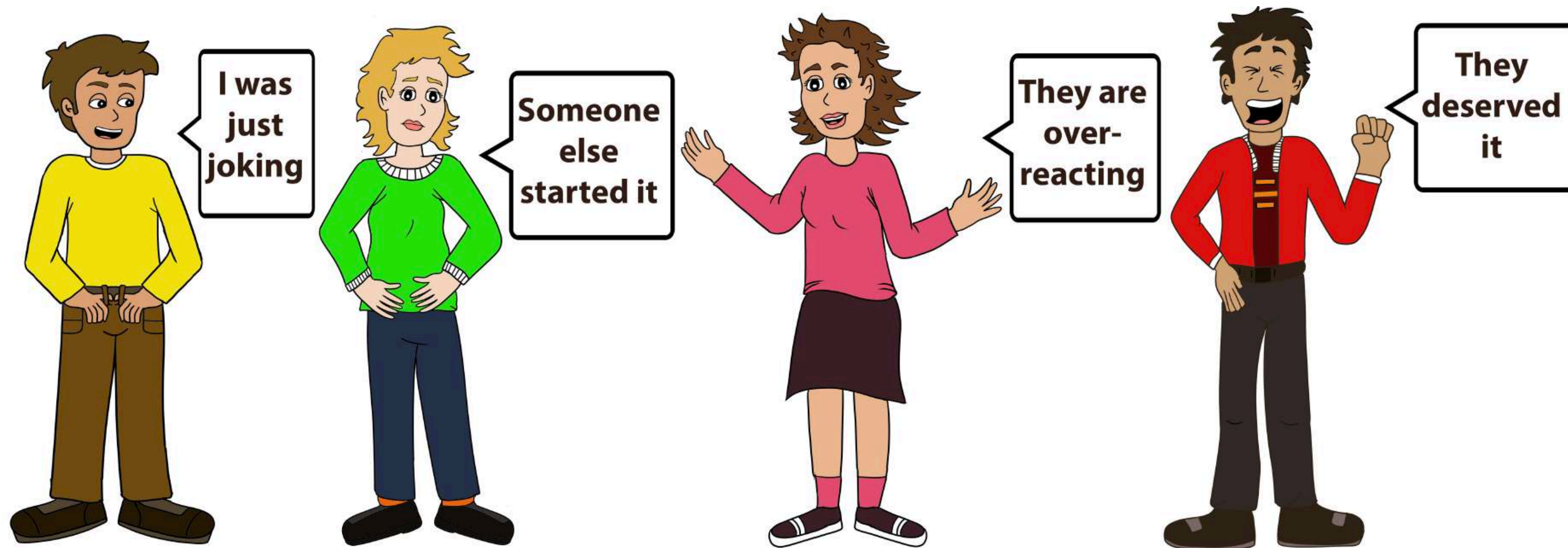
	NEVER	RARELY (FEWER THAN 3 TIMES PER YEAR)	SOMETIMES (1-3 TIMES PER MONTH)	OFTEN (ONCE A WEEK OR MORE)
I have been bullied	56.58%	26.54%	10.54%	6.35%
I have been harassed	61.46%	23.24%	9.76%	5.53%

Eugene 4J Survey

- 8.8% of secondary students report being bullied once a week or more
- 32% reported they had witnessed students with disabilities bullied sometimes or often

MORAL DISENGAGEMENT

People create rationalizations when their behavior is not in accord with their values



Spin It

Deny Responsibility

Deny the Harm

Blame the Other

HOW OFTEN HAVE YOU HEARD THIS?

- Common rationalizations
 - This was just a hallway disturbance
 - This wasn't bullying — not a violation of policy
 - Off-campus, not my job
 - Your child overreacted — it was not that bad
 - If your child would just stop (behavior), this would not happen



WHY WHAT SCHOOLS ARE DOING IS NOT WORKING

SYSTEMIC CONCERNS

- Inaccurate understanding of bullying behavior
- Failure to address staff bullying
- Ignoring harmful impact of behavior management approach
- The state statutory disciplinary code approach
- Ineffective implementation of restorative practices
- Failure to implement comprehensive civil rights requirements

The problem is the system —
not individual principals

I believe the vast majority of
principals want all students to
feel safe and welcomed and feel
happy and successful



INACCURATE UNDERSTANDING OF BULLYING

Concern for Children and Youth Who Bully

- Children and youth who bully others are more likely than their peers to:
 - Exhibit delinquent behaviors
 - Dislike school, drop out of school
 - Drink alcohol and smoke
 - Hold beliefs supportive of violence
 - Bring weapons to school
 - Think of suicide and attempt suicide

Educators are told that those who bully others are students who have significant challenges

GREATEST SOURCE OF BULLYING

Students who are hurtful to achieve
dominance and social status

Popular Competent Attractive
Socially skilled **Leaders**
“Cool” Good athletes
Have empathy *Compliant to staff*



TWO KINDS OF TARGETS



Perceived to be
“different” or “weird”



Rivals or
perceived rivals

This is ethological-based behavior used by animals and humans to achieve dominance for the purpose of resources and procreation

CONCERNING OUTCOMES

Socially skilled, compliant student who is viewed as a leader is slyly and persistently hurtful to a student with disabilities

- Targeted Student bravely reports

- Principal does not think compliant student is likely to have been that hurtful

- Targeted Student triggers or retaliates

- Results in visible outburst
- Results in suspension of the Targeted Student

PLAYERS

- Targeted Students

- The students who are treated badly

- Marginalized Hurtful Students

- Students who are both treated badly and are hurtful to others

- Dominance Motivated Hurtful Students

- Hurtful to achieve dominance, social status, attention, sexual partners

STAFF BULLYING

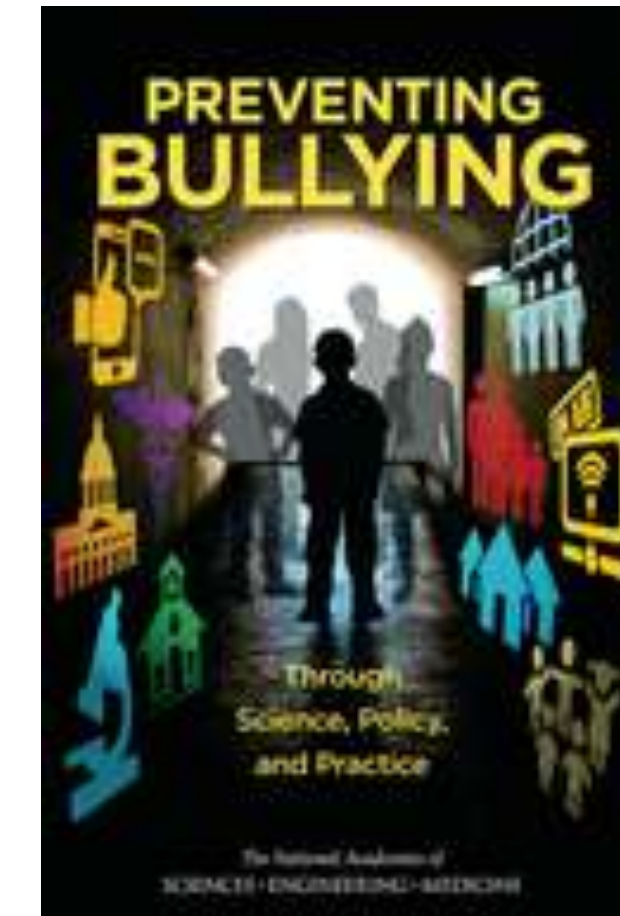
A pattern of conduct, rooted in a power differential, that threatens, harms, humiliates, induces fear, or causes students substantial emotional distress

An abuse of power that is chronic and involves degrading a student, often in front of other students.

- Significant concerns
 - Hurtful staff cause profound harm and destroy trust
 - Hurtful staff model hurtful behavior to students
 - Students who are bullied by both staff and peers experience profound distress

NEGLECT OF ATTENTION

- A recent National Research Council report and a recent 2 volume set of academic papers did not address this concern
- No guidance on staff bullying on Stopbullying.gov
- No questions about staff bullying on any national student survey



stopbullying.gov

STAFF BULLYING

- Vulnerable students

- Minority sexual orientation or identity
- Weight problems
- Disabilities
- Minority religion
- Minority race or national origin

- These students also become targeted by students and are not defended by other students

- There are usually no negative consequences for staff

IGNORE IMPACT OF BEHAVIOR MANAGEMENT

- Behavior management programs like Positive Behavior Interventions and Support (PBIS) — incorporate practices that are discriminatory and model bullying
 - Especially for students who have greater challenges



IGNORE IMPACT OF BEHAVIOR MANAGEMENT

- Token rewards are based on mistaken perspective that rewarding students who do not have challenges will motivate students who have challenges to comply with expectations
 - Students with behavior challenges do not lack the will to comply — they lack the skills and support
- Token rewards and behavior cards systems designate which students are considered “good” — and which are considered “bad”
 - This models that denigrating and excluding those who do not meet expectations is appropriate

IGNORE IMPACT OF BEHAVIOR MANAGEMENT

- Students are hurtful to students who do not “meet their expectations”
 - Students with disabilities often do not meet the “expectations” of students in terms of how young people should look and behave

- Creates the mindset of staff that “bad” students are more likely to have done something wrong
 - Staff rationalizes that student with disabilities did something that caused “good” student to treat them badly

DISCIPLINARY CODE — MAKE RULES

stopbullying.gov

Staff Training on Bullying Prevention

To ensure that bullying prevention efforts are successful, all school staff need to be trained on what bullying is, what the school's policies and rules are, and how to enforce the rules.

This is an “adult control” thinking

This didn't work



So why do we think
this will work?



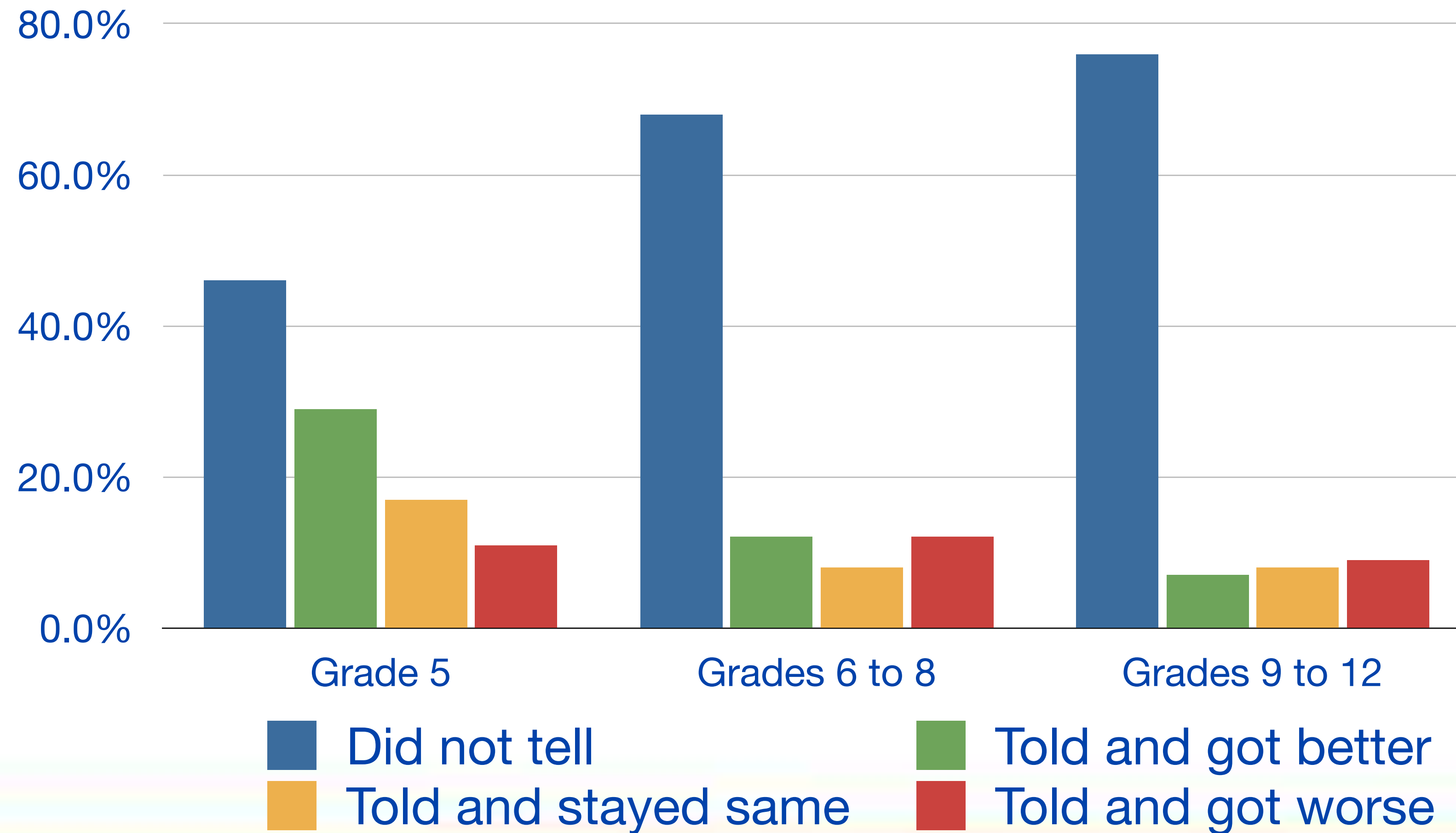
DISCIPLINARY CODE — “TELL AN ADULT”

- Establish a Reporting System
 - The majority of students do not report because they do not think this will resolve the concern and fear reporting will make things worse



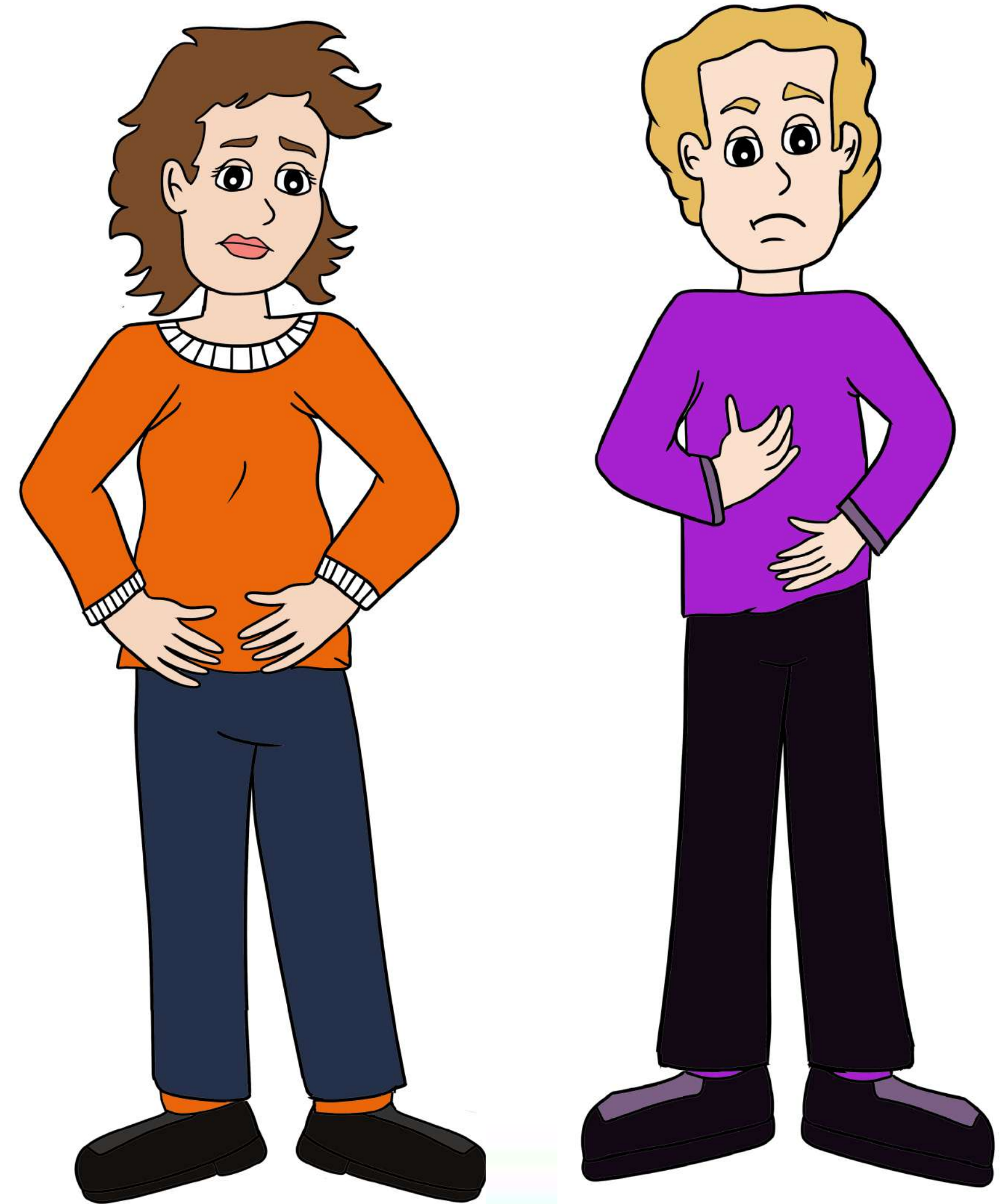
YOUTH VOICE PROJECT

Students who were bullied and distressed



WHY THEY DO NOT TELL

- Do not think a school staff member would do anything to help
- Think that a school staff member might make things worse
- Think they would be blamed
- Think they probably deserved it
- Know the student being hurtful will likely retaliate



STAFF RESPONSE

Numerous studies have found that students do not perceive the actions of school staff to be effective in preventing or responding to bullying



DISCIPLINARY CODE — INVESTIGATE

- The investigation focuses on whether the accused student violated the rules
 - Not on the overall situation, concerns of the target, or the environment that may be supporting the bullying

- The Targeted Student is not told the results of the investigation because, as this relates to the disciplinary code, the results are protected by privacy law

DISCIPLINARY CODE — PUNISH

- Principal will only impose punishment if the actions of a student caused a “substantial disruption” in the school
 - Most often, the concern is persistent hurtful treatment which is causing emotional distress to the Targeted Student — but is not a “substantial disruption”
- Punishment does not result in positive change in behavior
 - Punishment often leads to retaliation — which is not then reported because prior report resulted in things getting worse
 - For some students, a suspension is a reward — time off from school

DISCIPLINARY CODE — PUNISH

- Rarely imposed on Dominance Motivated Hurtful Students

- Hurtful acts did not create a substantial disruption
- Hurtful acts are rationalized
- Parents of Dominance Motivated Hurtful Student are likely to protest

- More often imposed on Marginalized Hurtful Students

- Hurtful acts did create a substantial disruption
- Ignores the hurtful acts directed at this student which triggered their hurtful acts
- Punishment does not address their underlying challenges

DISCIPLINARY CODE — PUNISH

- Most state statutes and district policies incorporate language that references “protected class” students
 - Most principals think this means their policy addresses hurtful treatment of protected class students
 - They ignore requirements of civil rights laws

- Schools must report suspensions and expulsions — which is a “black mark” on the school
 - Principals are motivated to not impose punishment

USDOE REPORTING DIRECTIVES

- In 2010, USDOE advised states to have statutes that require schools make annual public reports of bullying incidents

- In states that have this requirement, the number of cases reported by schools has plummeted

NYC public schools have been underreporting bullying: report

Schneiderman's analysis of state Education Department data from the 2013-14 school year found that 1,257 of 1,792 city schools — or 71 % — reported zero incidents of harassment, bullying or discrimination of students for that entire year. And 1,762 schools — or 98% of the total — reported 10 or fewer incidents.

- Oregon does not have this requirement

EVERY STUDENT SUCCEEDS ACT

- ESSA requires all schools annually report number of protected class bullying incidents

Eugene SD 4J
Eugene, OR
NCES ID: 4104740 (Survey Year: 2017)

Reported Allegations of Harassment or Bullying

Reported Allegations

Category	Number of Allegations
On the basis of sex	13
On the basis of race, color or national origin	1
On the basis of disability	0
On the basis of sexual orientation	1
On the basis of religion	1

Springfield SD 19
Springfield, OR
NCES ID: 4111670 (Survey Year: 2017)

Reported Allegations of Harassment or Bullying

Reported Allegations

Category	Number of Allegations
On the basis of sex	0
On the basis of race, color or national origin	0
On the basis of disability	0
On the basis of sexual orientation	0
On the basis of religion	0

MAJOR DISCONNECT

- The vast majority of students do not report when they are bullied — even seriously distressing
 - When they do report, this is frequently persistent situations that have not caused a substantial disruption
 - The principal considers the situation to not be bullying because there is a desire not to suspend students

- So the school decides that “bullying” is not a problem — even though their data demonstrates it is a problem

RESTORATIVE PRACTICES

- Principals have been told to use Restorative Practices (RP) instead of punishment
 - Ensuring that students accept personal responsibility for wrongdoing and take steps to remedy the harm is excellent!

- BUT
 - There is no consistent understanding what RP actually is
 - Research has not demonstrated that RP is being implemented effectively
 - There has been insufficient professional development

RESTORATIVE PRACTICES

- RP Training is often not “bullying aware”
 - Need to distinguish between Marginalized and Dominance Motivated Hurtful Students
 - Imbalance of personal power between Targeted and Dominance Motivated Hurtful Student interferes with restorative outcome

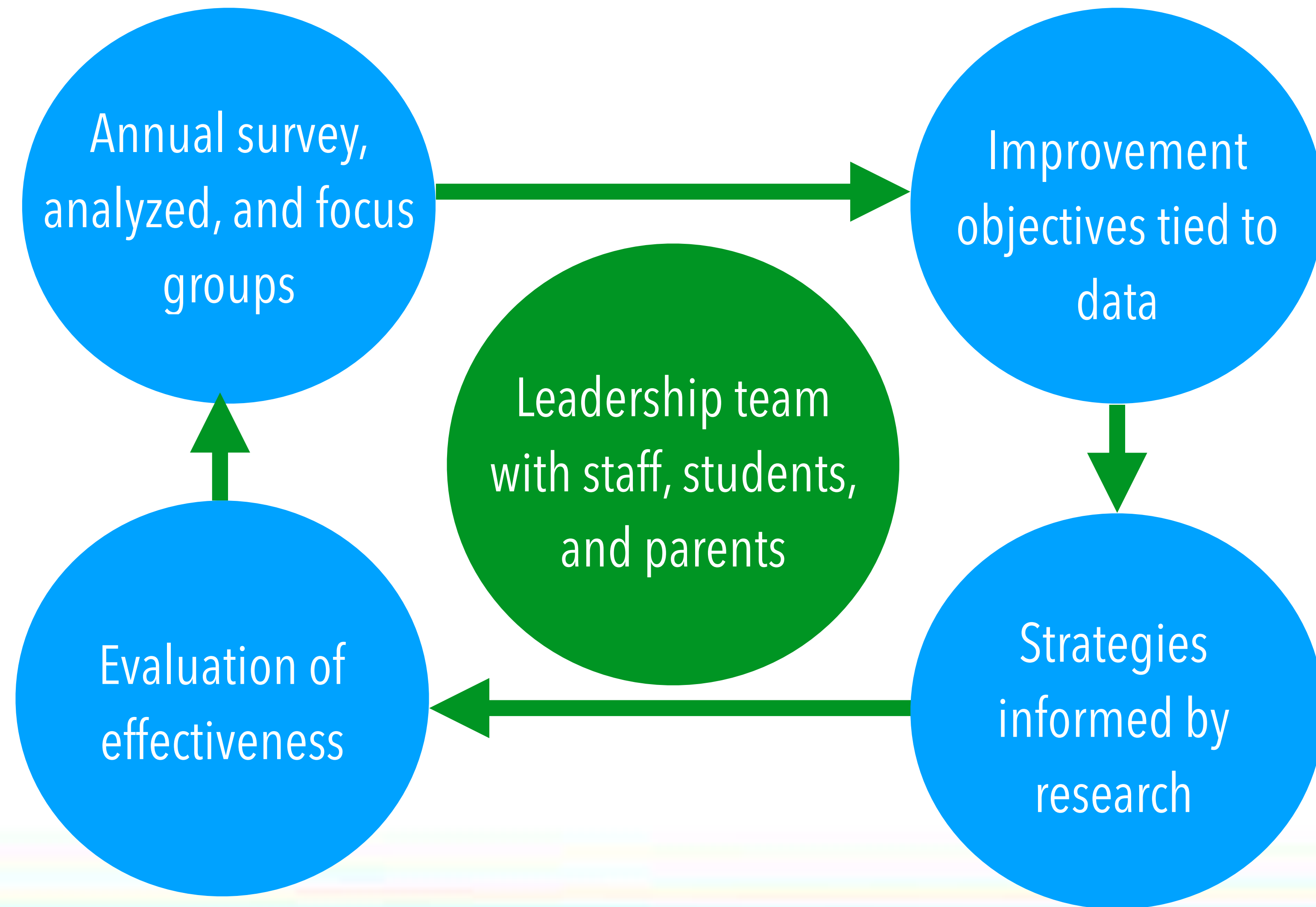
- RP approaches often not effective
 - “Alternative consequence” imposed on wrongdoer does not remedy the harm
 - Mediation can become forced acceptance of a fake apology
 - Classroom circles can result in blame of “weird” student
 - RP Conference may be effective — with skilled moderator

WHAT SCHOOLS SHOULD BE DOING

CONTINUOUS IMPROVEMENT

- Diverse Leadership Team at the district and schools to focus on school climate and positive relationships
 - Include parents and, at the secondary level, students
 - Evaluate effectively analyzed data about the current status
 - Create measurable objectives for improvement
 - Identify strategies that have a research-based likelihood of success
 - Set forth an evaluation plan

CONTINUOUS IMPROVEMENT



MY RECOMMENDATION FOR ACCOUNTABILITY

- Each district or school plan should be submitted to their school community for comment and the final to the state
- In subsequent years, there should be a demonstrated improvement in the survey data
- If there is not improvement, additional support should be provided to the district or school to ensure that positive changes are made

STUDENT LEADERSHIP TEAM

- Establish a diverse team of kind and compassionate students
 - Including students with disabilities
- Engage the team in ongoing kindness activities



INTERFACE OF BULLYING AND TRAUMA

- Being bullied is experiencing trauma

- Those who have experienced trauma may be more likely to be bullied — because the trauma has interfered with their ability to form positive relationships

- Those who have experienced bullying or other trauma may be more likely to engage in aggression — because they are trying to gain some power in their painful environment

TRAUMA INFORMED STRATEGIES



SAMHSA's
Concept of Trauma
and Guidance for a
Trauma-Informed Approach

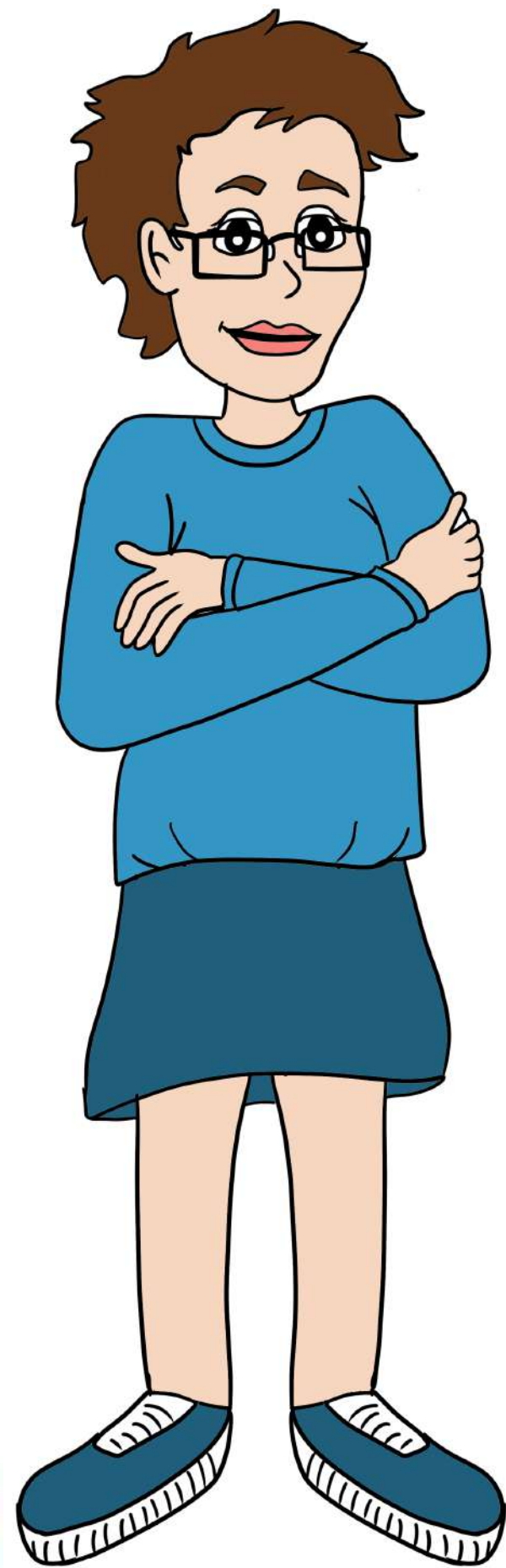


The term "bullying" not found in most resources
4 references found in one document, all focused on "have a policy"

TRAUMA INFORMED PRACTICES

- Recognize that being bullied is a form of trauma
 - Most guidance on trauma informed practices focuses on adversities that occur in home and community
- Maintain a strong focus on increasing student self regulation
 - Daily meditation practices, calming places, all staff trained in de-escalation
- Implement school wide practices to increase resilience and empowerment

NOT TRAUMA INFORMED



My Opinion:

It is entirely inappropriate for schools to claim they are implementing “trauma informed practices” if they are not implementing a comprehensive approach to address the bullying that is occurring while students are at school and online and annually assessing their effectiveness in reducing and intervening in situations of hurtful behavior of students or staff

SKILLS TO MAINTAIN POSITIVE RELATIONSHIPS

- Increase instruction into how to maintain positive relationships

- Use hurtful incidents as “teachable moment” to increase student skills

- Targeted Students

- Strategies to reduce likelihood of being treated badly and how to respond effectively if treated badly

- Hurtful Students

- Consider motivations for being hurtful and how to stop, own it, and fix it

- Witnesses

- How to safely and effectively step in to help, tell someone being hurtful to stop, and when/how to report serious or unresolved concerns

HOW TO INSIST YOUR CHILD'S SCHOOL STOP THE HARM

THERE IS A BETTER WAY

- Intervention requirements under federal civil rights laws hold a greater promise for effectiveness
 - *Title IX of the Education Amendments* — sex, sexual identity, gender orientation
 - *Title VI of the Civil Rights Act* — race, color, or national origin, and religion, if grounded in national origin
 - *Section 504 of the Rehabilitation Act and The Americans with Disabilities Act* — Disabilities

THE BETTER WAY

- State Statute

- Adopt policies
- Tell students to report
- Investigate
- Impose punishment

- Civil Rights Requirements

- Identify a hostile environment
- Take steps reasonably calculated to stop the hurtful conduct, remedy the harm, correct the environment, and monitor

- Students with Disabilities

- Implement civil rights intervention in a IEP or 504 Team Meeting
- Include plan to address hostile environment in IEP or 504

EFFECTIVE INVESTIGATION

A “**hostile environment**” exists when hurtful conduct is serious, persistent, or pervasive and interferes with a student’s ability to learn and participate in school activities

- To Persistent — multiple hurtful acts directed at one student
- Pervasive — multiple hurtful acts directed at a group of students within a protected class

If school knows, or should know of concerns, it must conduct a **prompt, thorough, and unbiased investigation**

- To determine whether a hostile environment exists — not to determine whether accused student should be punished

If a student is experiencing a hostile environment, the hurtful acts are called “discriminatory harassment”

EFFECTIVE INTERVENTION

- If a hostile environment exists, schools are required to take steps that are **reasonably calculated** to
 - Stop the Hurtful Conduct — stop the hurtful conduct of the hurtful student/ students and prevent retaliation
 - Remedy the Harm — remedy the harmful effects on the target — both emotional and academic
 - Correct the Hostile Environment — correct any aspects of the environment that appear to be supporting hurtful acts
 - Monitor — to ensure effectiveness

FOUR ESSENTIAL COMPONENTS

Stop the Hurtful Conduct

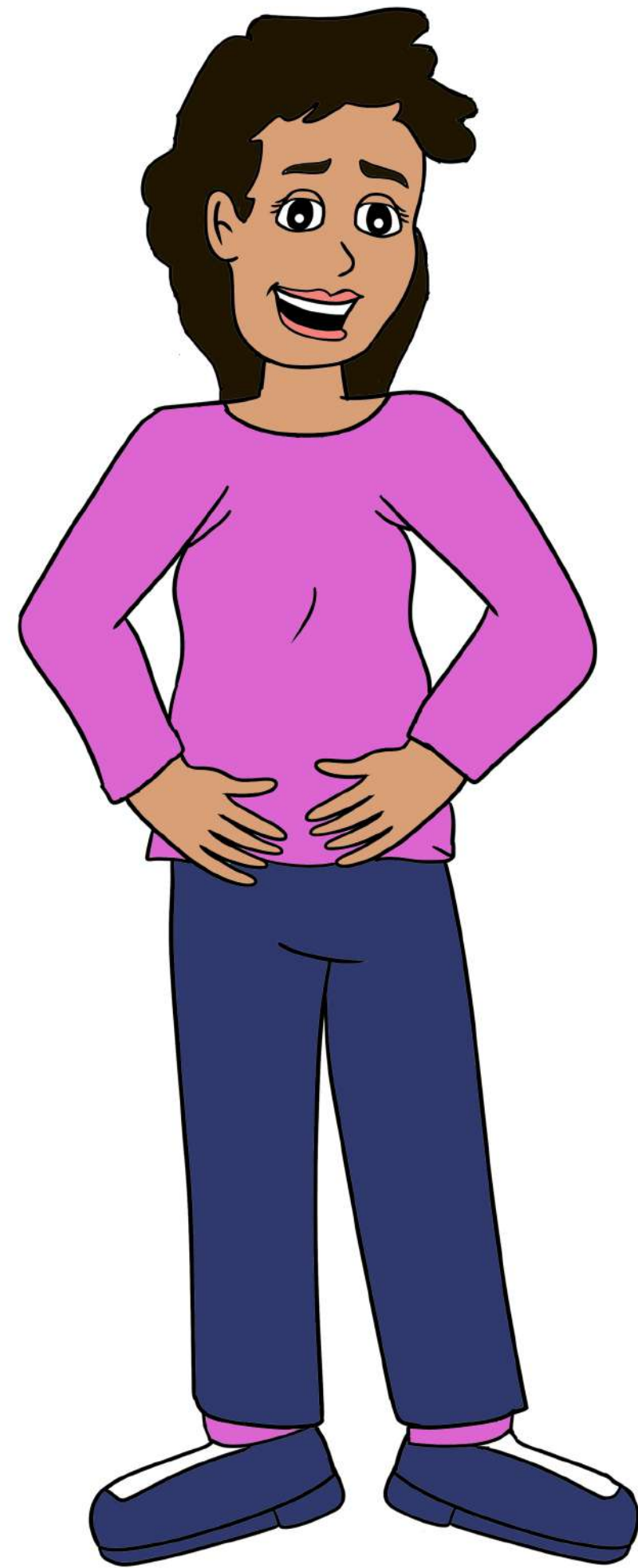
Accountability approach requires the offender and their supportive friends to accept responsibility for their hurtful acts, to take steps to remedy the harm, and agree to stop any further harmful acts

Remedy the Harm

The targeted student receives both remedy from the offender and support from the school to remedy other resulting harms



FOUR ESSENTIAL COMPONENTS



Correct the School Environment

This could include how staff are treating students, behavior management approaches, cultural competencies, implicit bias, athletic department perspectives, etc — which will benefit all students

Monitor

The school remains engaged and monitors to ensure the intervention has stopped and remedied the harm

STUDENTS WITH DISABILITIES

- Under guidance from USDOE issued in 2013 and 2014, if student with disabilities is being bullied or engaging in bullying, the school must develop an **Intervention Plan** that addresses the identified concerns in an IEP or 504 team meeting
 - An IEP or 504 team includes parent and student, if older
 - Steps reasonably calculated to address the hostile environment must be included in the IEP or 504 Plan
 - Is a legally enforceable plan!

DESIRED OUTCOME

- The appropriate response by the school will be
 - Investigation of the situation by a knowledgeable, unbiased professional
 - ▶ This person must have knowledge of discriminatory harassment under civil rights laws and be unbiased
 - Hold a Section 504 or IEP Team Meeting
 - ▶ This Team should include you and your older child — and any other person who you think could provide assistance
 - The Section 504 Team will develop a plan of action that is included as Supplemental Aids and Supports

DOCUMENTATION

- Your documentation should address
 - Hurtful incidents involving other students
 - Hurtful conduct of staff
 - Staff witness response
 - Result if reported to school
 - Harmful Emotional Impact
 - Harmful impact on FAPE



HURTFUL INCIDENTS

- Treated Badly by Students at School
 - Describe how your child has been treated badly by students while at school
 - ▶ What happened
 - ▶ Where and how has this happened
 - ▶ Who was being hurtful
 - ▶ Who was supporting the hurtful acts — and who stepped in to help
 - ▶ Identify staff who were present and describe their actions and the outcome
 - ▶ Identify other students who were present who might be willing to describe what happened

TREATED BADLY ONLINE

- Treated Badly By Students Online
 - Describe how your child has been treated badly by other students from this school or other schools in the district when using digital media
 - ▶ Note whether incidents occurred while students were at school or were outside of school.
 - ▶ Describe how these hurtful digital acts are related to what is happening in school
 - ▶ Save and print out all hurtful digital communications or posts if you can find them at this time — and into the future

TREATED BADLY BY STAFF

- Treated Badly by School Staff
 - Describe any situations where a school staff member has denigrated, bullied, harassed, or unfairly excluded your child
 - ▶ Describe who, what happened, where, how has this happened, any outcomes — including responses by other students at the time or later
 - ▶ For each incident, identify any other staff members who were close by and how this other staff person reacted
 - ▶ Identify if students who are friendly to your child were present — talk with the parents — if their child recalls, ask them to write a description of what their child saw and provide this to you — in a manner that does not reveal their child's identity

STAFF WITNESS RESPONSE

- Staff Response when Witnessed Your Child Treated Badly by Students
 - Identify from any hurtful incidents that occurred in front of staff members or that were reported to a staff member
 - ▶ Identify staff member(s) who witnessed or to whom this was reported
 - ▶ Describe how each staff member responded
 - ▶ Describe what happened after this

REPORTED TO SCHOOL

- Response if Reported to School
 - Describe what happened upon any reports to the school by your child or you
 - ▶ To whom was this reported? When and how was this reported?
 - ▶ What happened in direct response? What happened after this?
 - ▶ Describe whether things got better, stayed the same, or got worse
 - ▶ Describe whether your child experienced any retaliation
 - ▶ If you or your child decided not to report in any of the above incidents that were serious or caused your child significant distress that interfered with their learning, explain why you or your child decided not to report

HARMFUL EMOTIONAL IMPACT

- Describe the Harmful Emotional Impact on Your Child
 - Is your child re-experiencing or frequently thinking about what has been happening, having upsetting memories of what has been happening, having dreams where people are hurtful, feeling distressed just thinking about going to school?
 - Is your child avoiding or trying to avoid thinking about things that can bring up memories or trying to avoid people, places, or activities that relate to this?
 - Is your child feeling anxious, sad, angry?
 - Does your child have negative thoughts about themselves, other people, school, the world?
 - Does your child sometimes blame themselves?
 - Is your child avoiding activities that they used to like to do?

HARMFUL EMOTIONAL IMPACT

- Does your child feel disconnected from others?
- Do they have difficulties feeling positive emotions like being happy and joyful?
- Does your child find that sometimes they are distressed or become aggressive?
- Is your child engaging in impulsive or self-harmful behavior?
- Does your child feel like they constantly have to be on guard because someone might be hurtful?
- Does your child sometimes startle when people come up?
- Does your child have difficulties concentrating or problems sleeping?
- Is your child having headaches or stomach pain or other unexplained feelings of discomforts

IMPACT ON FAPE

- Describe Interference on Your Child's Learning or Participation
 - Describe how your child has been unable to concentrate, learn, and/or participate in school activities
 - Has your child skipped school one or more days, skipped a class one or more times, had difficulties concentrating in class, found it hard to complete assignments, received lower grades, or not felt comfortable participating in class discussions?
 - Has your child avoided riding the bus, certain areas of the school building, using the bathroom, using the locker room, or going into the cafeteria?
 - Has your child avoided participating in school clubs, participating on a school sports team, or attending school games or other activities?

HOSTILE ENVIRONMENT

- Describe Contributing Aspects of the School Environment
 - Describe any aspects of the school environment that you think may be reinforcing the way your child is being treated badly by others
 - Describe what aspects of the environment make your child feel unwelcome
 - ▶ Is your child's school using a behavior management chart or a token rewards approach that is discouraging for your child?
 - ▶ Do staff or students make statements that negatively describe any identity groups your child belongs to?
 - ▶ How and why does your child feel denigrated or excluded by these school practices?

OUTBURSTS OR RETALIATION

- Outbursts or Retaliation Acts by Your Child
 - Describe any incidents or situations where your child responded badly because of how they were being treated and engaged in some form of outburst or retaliation?
 - Acknowledge that your child must accept personal responsibility for their actions
 - Describe how your child was being treated before this happened and any other past history
 - Were the hurtful acts of all involved students noted and addressed?
 - What happened as an outcome?

LETTER FROM DOCTOR OR COUNSELOR

- Provide documentation to your pediatrician and/or counselor
 - Ask this professional to review and to discuss this with your child
 - ▶ Inform them the questions set forth under Harmful Emotional Impact have been guided by the diagnosis requirements for DSM-V Specified Trauma and Stressor Related Disorder
 - Ask this professional to provide a letter to you to take to the school
 - ▶ This letter should state that based on the information provided to them and their evaluation, it appears that your child is experiencing serious or persistent hurtful conduct while at school, that this appears to be resulting in mental health challenges of (their diagnosis) as well as a significant interference with your child's ability to learn and participate in school activities

STAGE 1

- Provide your documentation to the school, stating:
 - “My child is being bullied and harassed and this is interfering with my child’s ability to learn and participate at school — which is a violation of FAPE. I request that an appropriate evaluation and investigation be conducted, and that a plan of action be developed to address these concerns in a Section 504 or IEP Team Meeting.”

STAGE 1

- If the principal responds that they have investigated these concerns, this is not bullying, and no disciplinary action is warranted, state:
 - “I am not filing this complaint as a violation of the school’s anti-bullying policy. My child is experiencing serious and persistent hurtful treatment that is interfering with their ability to learn and participate. I am requesting that an evaluation and investigation be accomplished by an unbiased school professional who has expertise in civil rights regulations. This should be followed by a Section 504 or IEP Team meeting, where the Team will address steps that are reasonable calculated to stop the harmful conduct, remedy the harm to my child, correct the hostile environment, and monitor.”

STAGE 2

- If the principal does not immediately proceed in response to your request, ask for information on your child's due process rights under Section 504 or IDEA
 - Follow the due process or grievance procedure as outlined by your district
 - Provide your documentation to the district and state:

STAGE 2

- “The principal has indicated that they do not think this is ‘bullying’ under your anti-bullying policy. I have specifically requested that this not be handled under this policy. My child is being treated badly on a serious or persistent manner that is interfering with their ability to learn and participate in school activities. I have requested that a comprehensive evaluation and investigation be conducted by an unbiased school professional who has expertise in civil rights regulations and that a Section 504 or IEP Team of knowledgeable people, including my child and I, be convened to develop a plan of action with steps that are reasonably calculated to stop the hurtful conduct, remedy the harm to my child, correct aspects of the environment, and monitor”

STAGE 3

- Remember, your child has valuable rights, if ...
 - You are denied a due process hearing
 - The due process hearing decision is not supportive of your child's right to receive Section 504 services
 - The plan of action does not meet what you and your child think will achieve desired results
 - After the plan of action was agreed to, it is not appropriately implemented

STAGE 3

- If plan of action has not effectively addressed the concerns, which has been reported, and the Team has not met to reconsider and make amendments
- Then, file a complaint with the Oregon Department of Education or USDOE Office for Civil Rights
 - Google: Oregon Department of Education, civil rights

It is a policy of the State Board of Education and a priority of the Oregon Department of Education that there will be no discrimination or harassment on the grounds of age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity in any educational programs, activities or employment.

COMPREHENSIVE INVESTIGATION

- A comprehensive investigation is necessary first step
 - This investigation must address the concerns in a sufficient manner to accomplish an effective plan of action — how the school will take steps respond in accord with the requirements
 - The investigation must be comprehensive, prompt, and unbiased
 - You have the right to question the investigator's expertise
 - You can ask for an Independent Educational Evaluation — paid by the district

COMPREHENSIVE INVESTIGATION

- The evaluation and investigation should address
 - The dynamics of the hurtful incidents
 - The perceived motivations and any challenges of student(s) being hurtful and their supporters
 - ▶ Some of this information may be considered to be protected under federal privacy laws
 - ▶ You should receive sufficient information to allow you to ascertain that the school has taken the time to consider these issues and efforts to stop the hurtful conduct

COMPREHENSIVE INVESTIGATION

- Protections and support needed for your child
 - ▶ There should be a complete evaluation of the common occurrences to allow for the development of a Protection Plan
 - ▶ The harm to your child, both in terms of emotional distress and harm to your child's academic progress, should be outlined so that plans can be developed to remedy these concerns
 - ▶ If your child has any challenges in maintaining personal relationships, these should be addressed as Functional Objectives in the Section 504 Plan or IEP

COMPREHENSIVE INVESTIGATION

- Aspects of the environment that may be implicated and must be corrected
 - ▶ Assess whether any staff members are treating your child in a disrespectful manner or not responding effectively if they witness your child being treated badly — which will allow for plans to correct staff behavior and improve the skills of staff
 - ▶ Evaluate the behavior management approaches to determine whether this is modeling the denigration and exclusion of students who have challenges — behavior charts, behavior cards, or token rewards
 - ▶ Other aspects of the school environment should be evaluated related to the objective of increasing inclusion of all students

STOP THE HURTFUL BEHAVIOR

- The school should be able to outline the following strategies to you
 - Any information on disciplinary actions cannot be disclosed due to privacy protections for hurtful students and their supporters
 - What strategies will be used to ensure the hurtful student(s) and their supporters accept personal responsibility, will take steps to remedy the harm to your child, and will abide by the Protection Plan that will be developed for your child?
 - ▶ The requirements placed on these students to avoiding any further hurtful conduct directed at your child should be disclosed to you and your child — this is not protected by federal privacy laws

STOP THE HURTFUL BEHAVIOR

- Do not push for suspension of these students, unless initial efforts to stop their hurtful behavior fail
 - Your school should be able to explain to you how they will use an accountability intervention approach that requires the hurtful student and supporters accept personal responsibility, agree to discontinue hurtful behavior, and take steps to remedy harm to both your child and school community
 - It should be made clear to these students that there will be more significant disciplinary consequences for any future hurtful conduct or failure to abide by the Protection Plan that has been established for your child.

STOP THE HURTFUL BEHAVIOR

- If any changes in schedules or activities need to be made, those changes should be made by the hurtful student(s) — not your child
 - ▶ If your child is enjoying a class they are in with a hurtful student and the continuation of both in the same class is perceived to present challenges, the hurtful student should be removed from the class

REMEDY THE HARM

- Your child's Section 504 Plan or IEP should outline how the school will remedy the harm and provide support for your child
 - A Protection Plan should be set forth to ensure the safety and emotional well-being of your child within school building and grounds, going to and from school, and in relation to classes and school activities
 - ▶ This Protection Plan should address risk in all of the locations that were identified in the investigation to present possible concerns to the well-being of you child
 - ▶ Hurtful students and their supporters should be required to acknowledge any aspects of this plan that relate to their location or other requirements, such as a “no contact order”

REMEDY THE HARM

- ▶ This Protection Plan should include specific instructions for your child on how to respond and report any further hurtful incidents
- ▶ This Protection Plan must be conveyed to all staff responsible for ensuring its effectiveness
- A Resiliency Plan should be developed to provide support, remedy emotional harm, and address any social relationship challenges your child might have
- An Academic Remedy Plan may be necessary to remedy any impact of hurtful conduct on your child's learning and achievement
 - ▶ This may include tutoring, extra credit opportunities, priorities in scheduling for classes, and the like

REMEDY THE HARM

- Your child may benefit from Functional Behavior Objectives to address may identified concerns in their personal relationship skills
 - However, this should not make your child feel blamed
- Your Child's Involvement
 - All aspects of these plans should be developed in close coordination with your child in a participatory problem solving manner
 - The concern should be identified — you, your child and other members of the team should outline and discuss possible strategies to address these concerns

CORRECT HOSTILE ENVIRONMENT

- The plan of action should also incorporate the strategies the school intends to implement to improve how your child is being treated and the school climate in relation to increasing inclusion of all students
 - Correcting the environment will require more comprehensive, school-wide initiative that may be referenced in your child's plan, but not detailed
 - You may want to consider volunteering to serve on a school committee to correct the hostile environment

CORRECT HOSTILE ENVIRONMENT

- Correct how staff will respond if they witness hurtful behavior directed at your child
 - The plan should outline the school's commitment to agreed upon standards for how staff will respond, insight into how staff will receive training, and the precise steps you or your child should take if there are any future hurtful incidents where staff responds ineffectively
- Correct any behavior management approaches that have modeled the denigration and exclusion of your child

CORRECT THE HOSTILE ENVIRONMENT

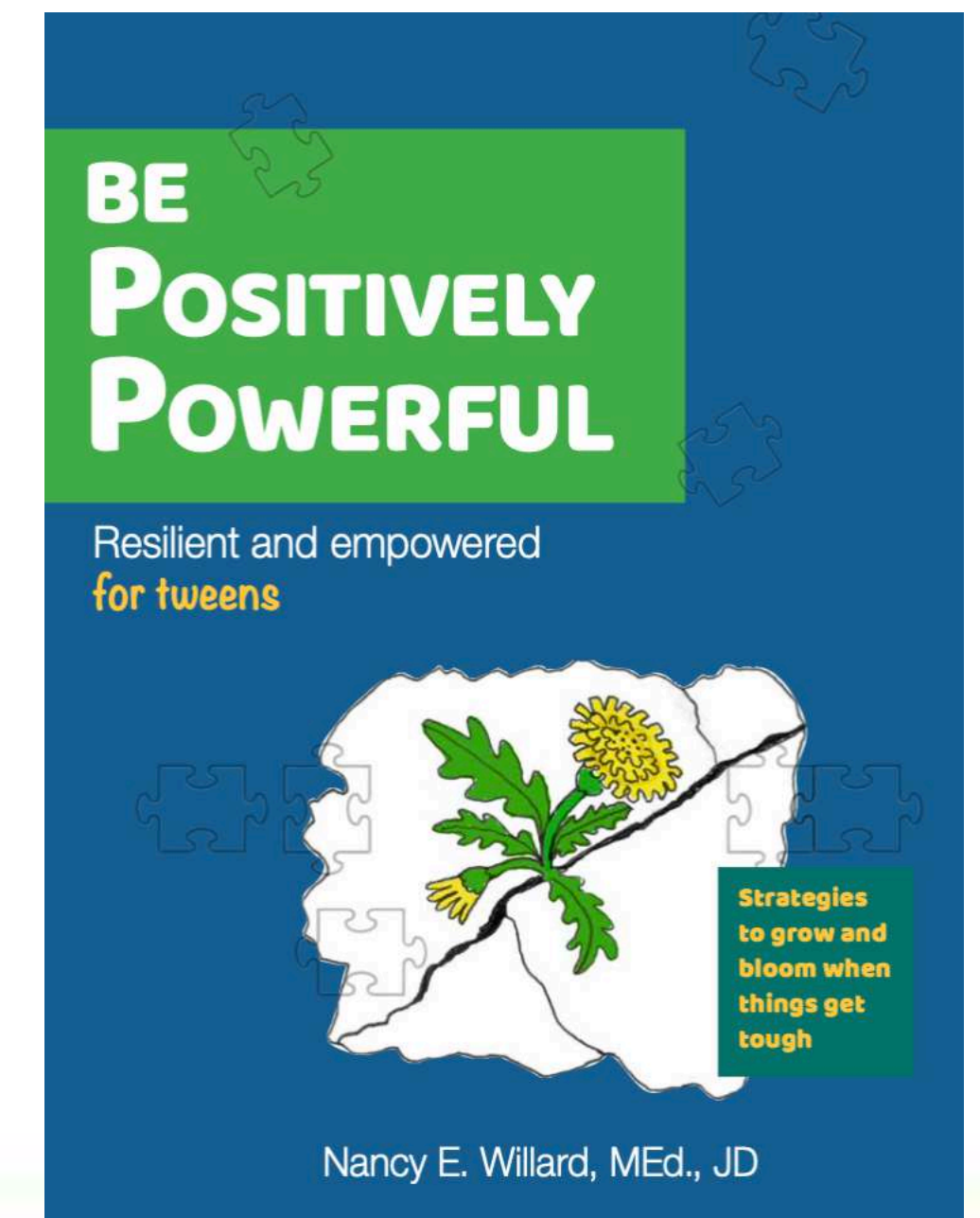
- Increase school activities to support inclusion of students
 - There are many innovative approaches schools are implementing to increase the positive inclusion of all students
 - These also are a more significant undertaking than should be set forth in an individual student's 504 Plan
 - Reference to the intent to implement increased inclusion strategies is advised
 - Reference of an intent to include both you and your child, if you so desire, on a task force to identify, plan, and implement such activities is also advised

MONITORING

- The 504 Plan or IEP should set forth how this situation will be monitored and addressed if challenges continue
 - You and your child should know how to report concerns and have the expectation that a prompt response will occur
 - Information on how to do this should be incorporated into the 504 Plan

BE POSITIVELY POWERFUL

- I wrote 2 books for young people entitled Be Positively Powerful
 - I did not engage in sufficient efforts to sell them
 - So I am starting over
 - This is a test cover — not final
- I also have established a donkey empowerment program that imparts the same insight and skills



The Way of the Donkey

© 2023 The Way of the Donkey



Connect with Friends



Reach Out to Be Kind



Build My Strengths



Be Thankful



Stay Calm



Stand Tall



Think Things Through





EMBRACE
CIVILITY

WEBSITES: [HTTP://EMBRACECIVILITY.ORG](http://EMBRACECIVILITY.ORG)

[HTTP://BEPOSITIVELYPOWERFUL.COM](http://BEPOSITIVELYPOWERFUL.COM)

EMAIL: INFO@EMBRACECIVILITY.ORG