

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name
Director of Student Services
Street Address
City, State, Zip Code

Today's date

[Modify this based on your situation.]

This letter presumes that some staff, such as principal, counselor, school nurse, know that your child is being bullied/harassed, your child is suffering from mental health concerns, that this is interfering with your child's learning and participation in school and that the responses so far have not been effective in stopping the harmful situation.

You should be aware that this recommended approach is a totally new concept and it is likely that the district/school will be resistant. There are two ways to proceed, as set forth by the alternatives below:

Alternative One. The best first step may be to present information to the school regarding your child's mental health concerns and the interference with your child's learning due to the bullying and harassment. Ask the school to evaluate the situation to consider your child for placement on a Section 504 Plan that will include a comprehensive approach to stop the bullying/harassment, prevent it from recurring, remedy the harm to your child, and correct the environment.

Alternative Two: Request an IEE. This alternative is likely best if you already have had extensive challenges in getting school leadership to respond to this situation and they are fully aware of the interference your child is experiencing in their learning. Or you could send the first part of this letter (Alternative One) to the school and if this does not achieve a satisfactory outcome, then send a letter requesting an IEE, modified by what happened after you sent the first letter.

If your child is old enough and you think able to handle this, consider including your child in the Section 504 Team Meeting. Let this be your child's choice.]

Dear (name),

My son/daughter, (child's name) is in the (_) grade, at (name of school), in (teacher's name) class. My child is being bullied/harassed by other students (explain further). Add if appropriate: My child is also being treated in a disparaging manner by school staff, which I think is a related concern (explain further).

At this point in time, my child is now suffering from mental health concerns due to this bullying and harassment. My child has obtained a diagnosis of (specified trauma and stress

related disorder, depression, anxiety). This diagnosis is attached. Alternative: My child has been visiting the school counselor or school's health center and the counselor or nurse has identified my child as having mental health concerns.

My child's mental health concerns, combined with the bullying/harassment, are significantly interfering with my child's ability to learn and to concentrate. Describe examples of interference such as missing school because your child feels unsafe, not being able to concentrate in class, leaving class due to being upset. It is important to focus on how this is interfering with your child's learning and participation in school.

It is my understanding that under Section 504's Child Find requirements, the school is required to evaluate my child for receipt of services under Section 504. Members of the school staff (name) know of the bullying/harassment, my child's mental health concerns, and the interference this is having on my child's right to a free and appropriate education. Steps have not been taken to comply with the Child Find requirements.

It is my understanding that when the school knows that a student with disabilities, including mental health concerns that are interfering with a student's ability to learn and concentrate, is being bullied/harassed, the school is required to conduct a prompt and thorough investigation to determine whether there is a potential of interference with the student's right to a free appropriate public education. If there is any potential of such interference, then the school should convene a 504 meeting to determine whether, as a result of the effects of the bullying/harassment, the student's needs have changed such that the 504 is no longer designed to provide a meaningful educational benefit, and if not, should revise this.

A thorough investigation of the bullying/harassment assessing the potential hostile environment being experienced by my child has not been conducted.

Alternative One: At this time, I am requesting that a thorough investigation be conducted related to the hostile environment my child is suffering that is causing an interference with my child's right to a free appropriate public education. This investigation should assess my child's mental health concerns and the interference with learning and concentration.

I request my child be placed on a Section 504 Plan and a comprehensive approach be incorporated into my child's 504 Plan to stop the bullying/harassment, prevent it from recurring, remedy the harm to my child, and correct the environment. My child wants (or does not want) to be included in the creation of this plan.

Alternative Two: I am writing to request an Independent Educational Evaluation, at public expense, to conduct a thorough investigation/evaluation of the bullying/harassment situation and make recommendations on comprehensive strategies to better stop this bullying/harassment that can be incorporated into my child's 504.

I recognize that Section 504 does not specifically provide for an Independent Educational Evaluation paid for by the district. However, Section 504 does require that the evaluation address the specific areas of educational need and be conducted by trained personnel with expertise in the specific need—which in this case means expertise in the bullying/harassment and the requirements under Section 504 to address these concerns. Based on the response by the school, it is readily apparent that there are no trained personnel with this insight and expertise in this area of my child's need.

Given that the school knows my child is being bullied/harassed and you have not evaluated my child for receipt of Section 504 services, nor have you conducted a thorough investigation of the bullying/harassment that is interfering with my child's right to a free appropriate public education, I strongly hope you will consider this path as a way to achieve a positive result in the best way possible. I recognize that there are other processes I can follow, but would like to seek to pursue this path first.

These are unique circumstances that are outside of the district's normal criteria for Independent Educational Evaluators. If my child were on an IEP, it would be my right to request an Independent Educational Evaluator who has qualifications for an evaluation under unique circumstances.

I would like to request the district pay for the professional services of Nancy Willard, director of Embrace Civility in the Digital Age. Ms. Willard is an internationally recognized authority on bullying and harassment prevention. She is author of several books addressing these concerns, as well as articles in publications for school leaders. She also has a Master's degree in Special Education and a law degree. She has worked as a trial consultant for attorneys on discriminatory harassment cases. Her website is: <http://embracecivility.org>.

She has a strong commitment to positive resolutions that support all involved students.

I would like this Independent Educational Evaluation to be done as quickly as possible so that we can fully address (child's name) needs. Please respond as soon as possible to authorize this Independent Educational Evaluation and advise me how we can proceed. Thank you.

Sincerely,

Your name

cc: your child's principal

your child's teacher

Your child's special education teacher