

Massachusetts Anti-bullying Law:

IEP and Schoolwide Strategies to Prevent Bullying of Students with Disabilities

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This Workshop Will Address:

1. Background on law

2. Schoolwide efforts to prevent bullying of students with disabilities

3. Individual -creating IEPs to develop student's ability to avoid and respond to bullying

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MA Bullying Prevention and Intervention Law

- Bullying is an important concern for all children
 - Children with disabilities are two to three times more likely to be targets of bullying than nondisabled peers

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MA Bullying Prevention and Intervention Law Definition of Bullying

The repeated verbal, written, electronic expression, or physical act
by one or more students or by a member of a school staff

1. Includes cyber bullying
 2. Causes physical or emotional harm or property damage
 3. Places target in reasonable fear of harm to self or property
 4. Creates a hostile environment at school for the target
 5. Infringes on the rights of the target at school
- OR
6. Materially and substantially disrupts the education process or the orderly operation of a school

MLG ch.71 sec 37O(a)

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MA Bullying Prevention and Intervention Law

Bullying is Prohibited:

- **At school**, immediately next to school, school bus, bus stop, school-sponsored or related activities, or through district technology
 - This include remote learning
- **Any location**, or program, activity, or technology **if** the bullying:
 - Creates hostile environment at school for target
 - Infringes on rights of target at school

MLG ch.71 sec 37O(b)

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MA Bullying Prevention and Intervention Law

Massachusetts anti-bullying law has two major requirements for students with disabilities:

- 1) schoolwide response to prevent bullying of students with disabilities
- 2) IEPs to develop individual student's ability to avoid and respond to bullying

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Schoolwide Response

Districts were required to develop a Bullying Intervention Plan

Must consult with:

- ✓ Parents
- ✓ School teachers, staff
- ✓ Students
- ✓ Community representatives and law enforcement agencies

MLG ch.71 sec 37O(d)

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Schoolwide Response

All aspects of the schoolwide response must address the needs of students with disabilities necessary to prevent bullying

- Needs Assessment
- Training and Professional Development
- Anti-bullying Curriculum
- Student and parent reporting

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Schoolwide Response

Needs Assessment

- Schools should conduct periodic needs assessment
 - Include students with disabilities, parents, special educators, and other experts in surveys, data collection, ongoing review and planning
 - Focus on “hot spots” (hallways, buses, lunch, recess, bathrooms, bus...)

DESE Model Bullying and Prevention Plan, 8/10. P. 1

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Schoolwide Response

Training and Professional Development:

Schools must train educators to build skills to prevent, identify, and respond to bullying of students with disabilities.

Teachers

Administrators

School nurses

Cafeteria workers

Custodians

Bus drivers

Athletic coaches

Paraprofessionals

Advisors to extracurricular activities

MLG ch.71 sec 37O(d)

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Schoolwide Response Anti-Bullying Curriculum

- Age-appropriate, evidence based instruction on bullying prevention for students with disabilities must be incorporated into the curriculum of every grade
- Parents must be informed about the bullying prevention curriculum:
 - how to reinforce at home and support the plan
 - dynamics of bullying
 - online safety and cyber-bullying

MLG ch.71 sec 37O(c),(e)
"DESE Resource Guidance" , p. 9

Note: Involve parents, students, and special education staff to addresses needs of students with all types of disabilities, including emotional impact of curriculum.

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Schoolwide Response Reporting

School plan must develop accessible reporting procedures

- School staff are required reporters if witness or "become aware of" bullying or retaliation
- Procedures must include students and parents

MLG ch.71 sec 37O(g),(d)

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Schoolwide Response

- Investigate promptly
- Develop accessible reporting procedures
- Balance the need for accountability with the need to teach appropriate behavior
- clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection
- Ensure students with disabilities understand what bullying is and know how to respond
- General education staff collaborate with IEP Teams when bullying occurs re: IEP considerations, including communication supports and accommodations
- Consult with IEP Team to consider role of student's disability in the behavior before disciplining or reporting to police

MLG ch.71 sec 37O(d),(g), DESE Resource Guidance, See Sections V, I, Whole School Considerations

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What can you do If you feel the school did not follow the district Bullying Prevention Plan?

1. Request a copy of the school's anti-bullying plan
2. File a complaint with the department of elementary and secondary Education DESE
3. Call your legislator

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IEP Implications

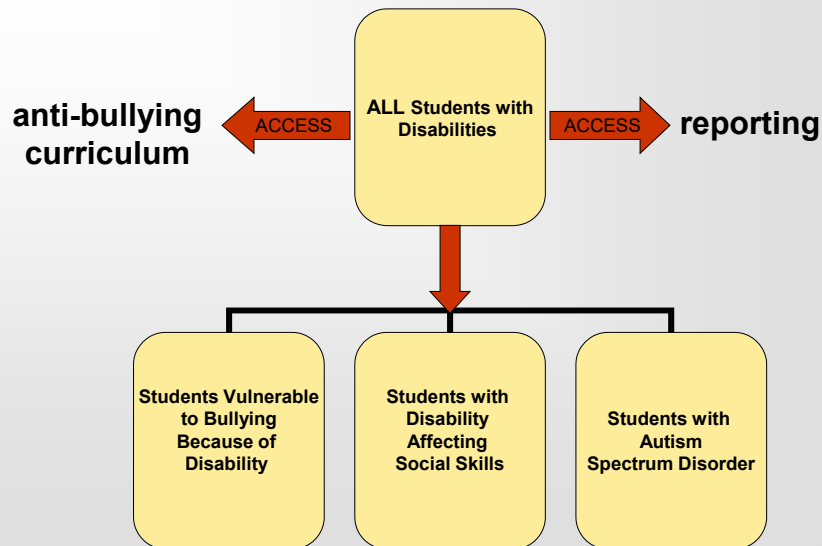
All IEP Teams must address bullying

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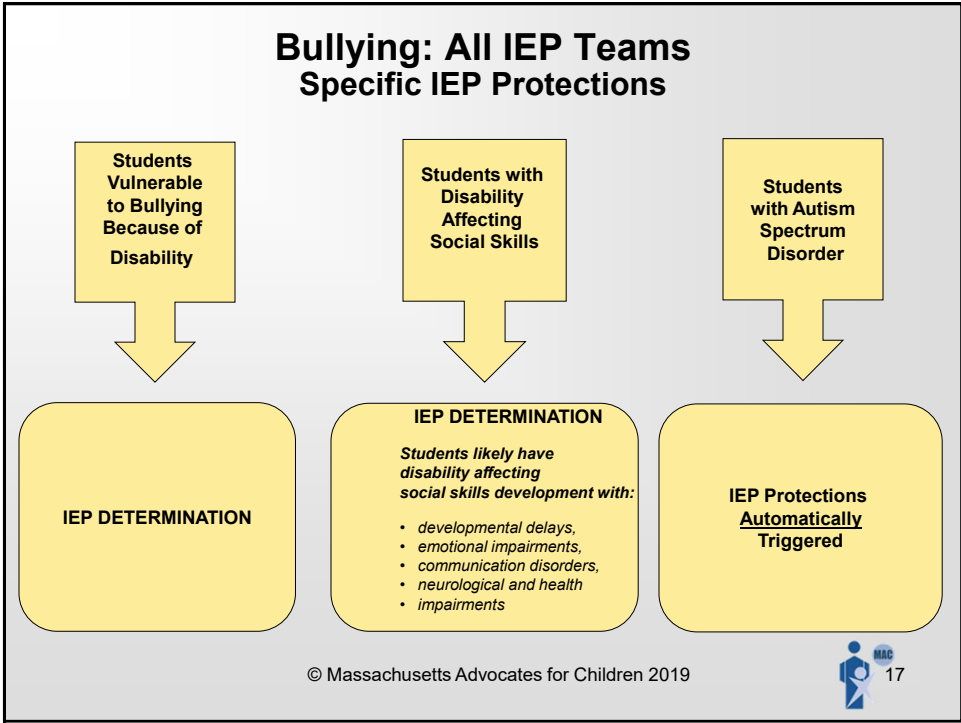
Bullying: All IEP Teams



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Reconvening the IEP Team

District should convene IEP Team if you or a staff member believes your child is at risk of being bullied or is exhibiting bullying behavior due to disability

DESE Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention, p.2

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Implications for the IEP

Evaluations and Re-evaluations

- Educational Assessment must assess social skills development:
 - social relations with peers and groups- with a focus on any changes or regression
 - communication skills
 - participation behaviors
 - attention skills
- All areas related to suspected disability including social and emotional status
- Psychological, Speech and Language, Functional Behavioral

603CMR sec.28.04(2)(a)(2)(ii); 34CFR sec.300.304(c)(4)

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Determining Impact of Disability on Bullying

Questions to Assist at TEAM Meetings

- Does the student feel safe at school? If not, why not?
- Does the student have a clear understanding of what bullying is and is he or she able to identify bullying attempts?
- Does the student have sufficient self-advocacy skills to obtain help/know what to do if he/she is bullied?
- Does student engage in behavior that might be identified as bullying?
- Given the specific nature and extent of the student's disability, is the student able to conform to the school's code of conduct relative to bullying?
- What has been done to integrate the student into the social life of the school during the school day and during extracurricular activities?

DESE Resource Guidance, p.2

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Developing the IEP

Address student needs related to bullying including mental health issues related to recovery:

- i) Parent/student concerns/vision statement
 - i) Can include bullying concerns as they relate to schools
- ii) Present levels of Performance
 - i) Measurable goals and short-term objectives
 - i) Accommodations
 - i) Special Education and Related services (service delivery grid)
 - i) Extracurricular and Nonacademic Activities
 - i) Transportation

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CASE STUDY

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Considerations for IEP Teams

- School Leadership
- Training and Professional Development
- Access to Resources and Services
- Academic and Nonacademic Activities
- Policies and Procedures for Responding to Bullying
- Collaboration with Families

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Considerations for IEP Teams

School Leadership

Sample IEP Provisions

- Provide aide, accommodations, services, or activities during identified times (lunch, recess, study hall, bus, free times, extracurricular...) when student needs support or instruction to respond to or avoid bullying.
- Identify staff (guidance counselor, nurse, cafeteria workers, bus drivers, extracurricular staff) whom leadership should inform about particular concerns and IEP requirements about bullying.
- Specify how to inform leadership, particularly those with disciplinary responsibilities, of disability-related IEP accommodations to the student code of conduct for a particular student.

DESE Technical Assistance Advisory SPED 2011-2 ; DESE Resource Guidance 2/10/11, p.3

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Considerations for IEP Teams

Training

Sample IEP Provisions

- Provide training or ongoing consultation to staff, identified teachers or service providers from a professional (either in- or out-of-district) with bullying expertise given the student's particular needs and disabilities.
- Provide specific training and consultation to staff related to the student's particular type of disability

DESE Resource Guidance 2/10/11, p.3-4

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Considerations for IEP Teams

Access to Resources and Services

Sample IEP Provisions

- Social skills group (SLP or other trained professional)
- Social Stories, role plays
- Communication skills/pragmatic skills group

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Considerations for IEP Teams

Academic and Nonacademic Activities

Sample IEP Provisions

- Teach student how to address bullying in a safe way, including walking away after responding to a bullying situation and accessing "home base" or their "safe person."
- Provide non-academic and extracurricular opportunities, with supports if needed, for the student to demonstrate his/her strengths, practice social skills, and develop self-esteem.

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Considerations for IEP Teams

Academic and Nonacademic Activities

Sample IEP Provisions

- Provide student opportunities to use strengths and to take a leadership role with other students, thereby providing a basis for forming friendships and developing self-esteem and self-confidence.
- Provide supported and monitored opportunities to develop social skills in the general education setting, reinforcing skills introduced and practiced in small groups.
- Provide specialized instruction that includes:
 - practice, reinforcement, extra practice, explicit instructions, and generalization.

DESE Resource Guidance 2/10/11, p.5

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Considerations for IEP Teams

Policies and Procedures for Responding to Bullying

- Develop a “safety plan” that includes:
 - “home base”
 - “safe person” chosen by student and parents
 - “checking in” to determine if student is feeling safe, has witnessed bullying, or has engaged in bullying behaviors
 - changes to school environment (locations or times of day where student is high risk, need for increased supervision, etc.)
 - Individualized plan to communicate with staff
 - Specifying all staff who have contact with the student and communicating IEP components relevant to bullying prevention, including safety plan, skills student is working on, script student may be using when confronted with bullying incidents, etc.

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Considerations for IEP Teams

Policies and Procedures for Responding to Bullying

Sample IEP Provisions

Identify accommodations and concerns in the event student is involved in a bullying incident, such as:

- Supports needed so student can communicate effectively
- Changing the seat of the aggressor rather than the target
- Supports to address difficulty with self-advocacy
- Identify any modifications to code of student conduct that are appropriate based on student's disabilities
- If student was aggressor, consult with IEP Team to consider impact of disability before disciplining or reporting incident to the police
- Add accommodations that may be needed if student needs to be remote in the future (quarantine, home hospital, etc.)

DESE Resource Guidance 2/10/11, p.6

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Considerations for IEP Teams Collaboration with Families

Sample IEP Provisions

- Provide parent training on the following:
 - bullying curriculum and strategies to support student's mastery of curriculum in and out of school.
 - Strategies and approaches for helping build student's social skills.
 - Strategies to help student develop skills and proficiencies necessary to prevent and respond to bullying.
 - Strategies to help student understand Internet safety and develop skills to avoid cyberbullying.
- Use Team meeting process to educate families about the district's anti-bullying plan, curriculum, and the reporting mechanisms.

DESE Resource Guidance 2/10/11, p.7

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Students with Disabilities Under Section 504

- Section 504 requires access to district or schoolwide bullying prevention and intervention programs and initiatives required by the new state law, including the new required curricula.
- Section 504 prohibits bullying if it constitutes harassment based on disability:
 - If Peer harassment based on disability is so serious that it creates a hostile environment
 - and*
 - If harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees

10/26/10 Dear Colleague letter from U.S. Department of Education, Office for Civil Rights

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Summary

Steps you can take

- ✓ Work with SEPAC, PTO, school council, or form a group of parents whose children have experience bullying to *ensure school's bullying training, curriculum, reporting, and investigatory procedures address needs of students with disabilities*
- ✓ Assist your child in communicating
- ✓ Maintain written log of all incidents
- ✓ Meet with leadership, teachers to discuss concerns
- ✓ Communicate concerns with school district in writing
- ✓ Request IEP Review

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Summary

Steps you can take

- ✓ Prepare for IEP meeting
- ✓ Students 14 and older, determine how best to use opportunity to participate in IEP meeting
- ✓ Bureau of Special Education Appeals
 - mediation
 - hearing
- ✓ Program Resolution System (PRS) at Massachusetts DESE
- ✓ U.S. Office for Civil Rights

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Resources

- AN ACT RELATIVE TO BULLYING IN SCHOOLS
<http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92>
- Massachusetts Department of Elementary and Secondary Education (DESE)
Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention
http://www.doe.mass.edu/sped/advisories/11_2fa.html
- Massachusetts Department of Elementary and Secondary Education (DESE)
Considerations in Addressing the Needs of Students with Disabilities in the IEP
and in School Bullying Prevention and Intervention Efforts
<http://www.doe.mass.edu/bullying/considerations-bully.html>
- Dear Colleague letter from U.S. Department of Education, Office for Civil
Rights, 10/26/10 at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

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Resources

- **Massachusetts Advocates for Children** 617-357-8431
www.massadvocates.org
-- [MAC Helpline](#)
-- [MAC Sample letters](#)
-- [MAC Special Education Rights Videos](#)
-- For the latest MAC news: [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)
- **Massachusetts Advocates for Children**
Targeted, Taunted, Tormented: the Bullying of Children with Autism Spectrum Disorder
http://massadvocates.org/documents/Bullying-Report_000.pdf
- File a PRS [complaint](#) or BSEA [mediation](#)
- **Office of Civil Rights (OCR)** 617-289-0111
- The Federal IDEA Regulations (34 CFR 300):
<http://www.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.pdf>
- Massachusetts Special Education Regulations (603 CMR 28):
<http://www.doe.mass.edu/lawsregs/603cmr28.html>

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