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P&A FACT SHEET

Bullying and Students with Disabilities

Bullying is a serious issue for any child. It is especially important to students with disabilities as they are reported to be two to three times more likely to be bullied than their nondisabled peers.¹ Bullying can affect a student's ability to learn as well as the student's mental and physical health. This fact sheet shares information on how parents can help their child if there is bullying.

Is there an anti-bullying law in South Carolina?

Yes, in 2006, the "Safe School Climate Act"² became SC law. The law is aimed at improving the learning environment for all South Carolina schoolchildren up through high school. It requires all school districts to have policies and procedures to deal with bullying.

How does the Act define harassment, intimidation, or bullying?

The South Carolina law states the following:

(1) Harassment, intimidation, or bullying means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or

(b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.

¹ <http://www.pacer.org/bullying/resources/students-with-disabilities/>

² S.C. Code Ann. §§ 59-63-110 to 150 (1976), available at: <http://www.scstatehouse.gov/code/t59c063.php>

School districts are expected to prohibit these acts in all school settings: the classroom, school premises, school bus and bus stops, school events away from school premises, or at any function where the school is responsible for the child. The law further requires that a school employee or volunteer who has reliable information about bullying must report the incident to an appropriate school official.

What must each school district have in its anti-bullying policy?

According to the Safe School Climate Act, each school district's policy is required to:

- Prohibit harassment, intimidation, or bullying of a student and include a definition of such conduct;
- Describe appropriate consequences for anyone committing acts of harassment, intimidation, or bullying;
- Explain procedures for reporting and investigating these acts.

To find out more information on your school district's anti-bullying policy, look on the school district's website for the Code of Student Conduct, or ask the school principal for a copy of the school district's policies on bullying.

So, as a parent/guardian, what can you do if you suspect or know that your student with a disability is being bullied?

1. Report the bullying to a school administrator (and to teachers if the bullying is occurring during class time). You may want to report by telephone or in person, but also report any bullying **in writing by letter or e-mail**. Keep a copy of all your information. Also, encourage your son or daughter to report the bullying.
2. Contact the school and ask what happened as a result of your complaint. There should be a clear plan for preventing further bullying. Due to privacy rights, the school may not be able to share information about discipline of other students.
3. If your student has an Individual Education Program (IEP) or Section 504 Plan, request a team meeting to discuss the bullying; develop or revise your student's Behavior Intervention Plan (BIP) to deal with bullying. Interventions could include identifying a safe person for your son or daughter to talk to during the school day. The plan could also have your son or daughter leave class late or early to avoid stressful parts of the school day such as a busy hallway during class transitions. Designated seating could be considered to prevent bullying on the school bus. Avoid simply letting the school move your child to a more "protected" class just to avoid bullying. Your child has a right to go to school in the Least Restrictive Environment.

4. Use positive feedback and be a model for your student in handling appropriate social interactions. Do not encourage violence as a response to bullying.
5. Stay actively involved in your student's education, and make positive suggestions to the school that you think will curb or stop bullying in the school. Check out the suggestions in the Resources section below. With proper support and involvement between students, parents/guardians and school officials, students with disabilities can be protected from most forms of bullying.
6. According to the U.S. Department of Education, bullying that interferes with the education of a child with disabilities may be a violation of special education rights.³ If the school fails to take effective action about bullying, make a complaint to the SC Department of Education or the Office of Civil Rights of the U.S. Department of Education (OCR). (See other P&A Fact Sheets on how to make these complaints)

RESOURCES:

- US Department of Education: Effective Evidence-Based Practices for Preventing and Addressing Bullying: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-enclosure-8-20-13.pdf>
- Office of Civil Rights, Prohibited Disability Harassment letter (2000) and (2010): <http://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>
- PACER's National Bullying Prevention Center: <http://www.pacer.org/bullying/>
- US Department of Health and Human Services: <http://www.stopbullying.gov/>
- Eyes on Bullying, Education Development Center, Inc.: <http://www.eyesonbullying.org/>
- OSEP, Technical Assistance Center on Positive Behavioral Interventions & Supports: <http://www.pbis.org/>
- Olweus Bullying Prevention Program: <http://www.clemson.edu/olweus/>

This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates.

This publication is funded in part by the U.S. Department of Health and Human Services (Administration on Community Living and the Substance Abuse and Mental Health Services Administration), and by the U.S. Department of Education (Rehabilitation Services Administration). It does not necessarily represent the official views of the funding authorities.

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August 2013 - - EDUCATION

³US Department of Education, OSER's "Dear Colleague" letter 8-20-13 with enclosure: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf> and <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-enclosure-8-20-13.pdf>