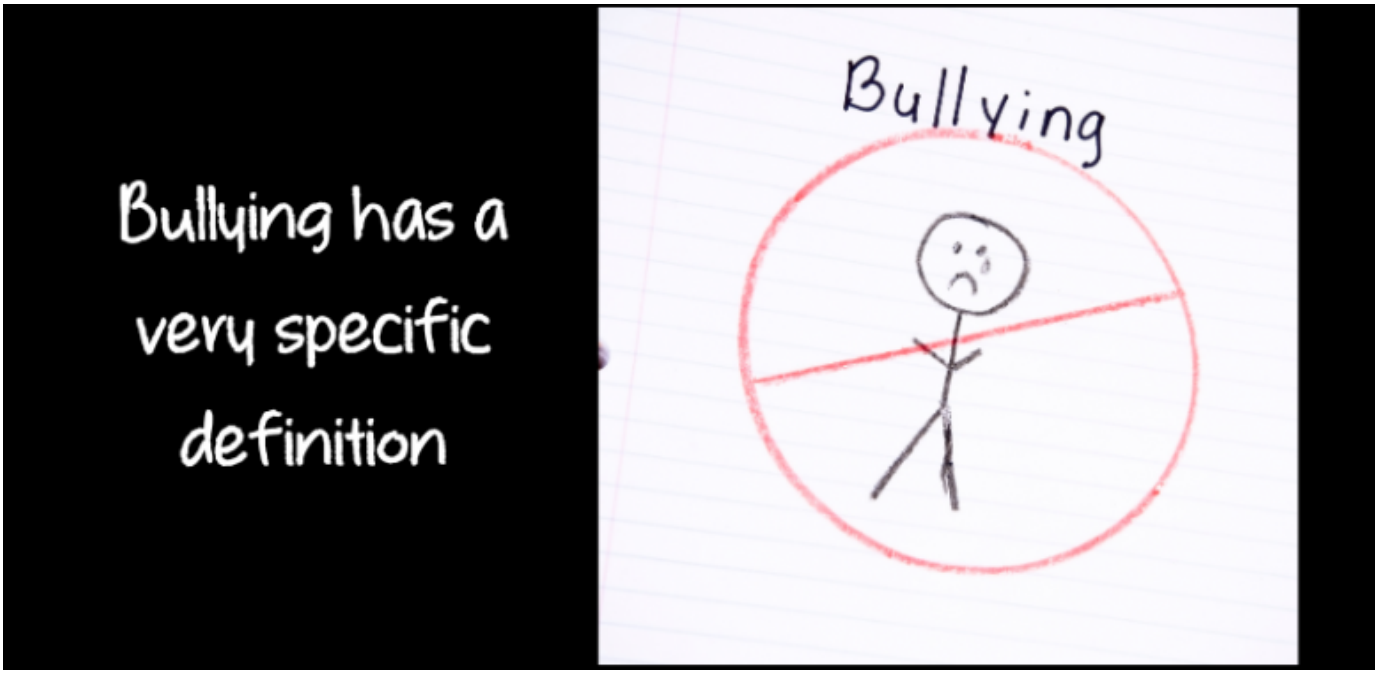
How bullying intersects with special education needs



by Clinton Householder, staff attorney

The word bullying strikes fear in the hearts of parents and educators alike. And it seems that our young people are dealing with bullying on so many more planes than in the past. What used to happen in the hallways and courtyards now also flourishes in group chats and on social media as well. Around 20% of American high schoolers experience bullying, and studies suggest children with intellectual and emotional disabilities are more likely to be targets of bullying, or labeled as bullies themselves. For parents and professionals who work with youth, the presence of bullying can be a red flag for larger special education needs for both the bully and target.

But what is bullying, exactly? Why are certain children more likely to be a part of its harmful dynamics? And most importantly, what can be done?

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Bullying has a very specific definition put forth by the Department of Education and the Centers for Disease Control.

According to the CDC:

“Bullying is a form of youth violence and an adverse childhood experience (ACE). CDC defines bullying as any unwanted aggressive behavior(s) by another youth or group of youths, who are not siblings or current dating partners, that involves an observed or perceived power imbalance, and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm or distress on the targeted youth including physical, psychological, social, or educational harm. Common types of bullying include:

- Physical such as hitting, kicking, and tripping
- Verbal including name-calling and teasing
- Relational/social such as spreading rumors and leaving out of the group
- Damage to property of the victim

Bullying can also occur through technology, which is called electronic bullying or cyberbullying. A young person can be a perpetrator, a victim, or both (also known as “bully/victim”).”

Not all harmful, immoral, or rule-breaking behavior between children is considered bullying. A single shove in the hallway with a hateful comment on appearance is wrong, but it’s not bullying. But compare this to the student walking down the hall every day - pushed, jostled, and elbowed repeatedly - by the physically larger student or group of students. This is a pattern, and the perpetrator is seeking out the target with purpose. When we start to see these boxes ticked - unwanted, aggressive, repeated, power imbalances - we must pay close attention.

Often, bullying is lurking behind seemingly larger issues in a child’s life - as either the cause or the effect. As legal advocates, we frequently unearth bullying in cases related to suspension, expulsion, and especially special education. When we learn a student has been bullied, it’s a red flag. Once it’s happened, it can lead to sleep and eating disruptions, difficulty focusing, and trouble forming positive social

relationships with adults and peers. Longer term impacts can be even more devastating. Physical and mental health can both suffer, and long-term effects can include truancy, poor academic performance, self-harm, and suicide.

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Targets of bullying share some commonalities. Notably, many studies show children with disabilities and special learning needs are two to three times more likely than their peers to be the targets of bullying. We often see this in the context of children who struggle communicating and forming relationships - often accompanying autism, asperger's syndrome, communication deficits, anxiety, or depression. These young people are less likely to have the skills to speak up, ask for help, and diffuse situations. According to the Department of Education, if a child who is a target of bullying is not already receiving services, they should receive an evaluation to see whether services are warranted to help recoup potentially lost learning and put in place coping skills.

On the other side of the coin, children who bully often face their own struggles that call for intervention. Bullying can be learned behavior or a display in response to another issue like trauma, mood disorders, or oppositional defiant disorder that could warrant a special education response. Just as with targets of bullying - we should be conducting evaluations on kids exhibiting bullying or bullying-like behavior. Many children who bully naturally lack appropriate behavior skills and communication skills and could benefit from social-emotional learning goals and services. Behavior plans can help identify triggers and effective evidence-based interventions and get to the heart of why this behavior is occurring. Is it a form of school avoidance - essentially asking to get expelled? Is it an unidentified sensory issue? A form of attention seeking? If we can figure out the function of the bullying behavior for that youth, there is a chance we can move beyond expulsion and suspension into a place of helping and support.

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Fortunately, most of our schools are very tuned in to bullying and have a carefully defined role in its response. Schools should have formal bullying policies available on their website. These talk about how to file a complaint, who is responsible for follow-up, potential disciplinary action, and reporting requirements to the Department of Education. When schools learn about potential bullying, they are required to launch

an investigation, consider evidence, and take action to put in place reasonable safeguards to help eliminate ongoing concerns and the threat of a hostile learning environment. In northeast Ohio, many of our local public schools have printed bullying complaint forms at the front desk, often in carbon copy form. This can help parents and children follow the proper protocol and trigger the school's required response.

Even in schools who are doing great work around bullying, there can be stumbling blocks in the response process. This is often attributed to the nature of bullying and some of the common challenges its targets face. For example, the complaint (when it happens at all) happens well after the fact. For many children - and especially those with communication deficits - it could be hours, days, or even weeks before they tell a trusted adult. By the time the school learns of the incidents, we are well removed from real time. Witnesses, and even parties, to the bullying may begin to forget details. Further, due to federal privacy law protecting students, the bullying target and family members often feel disconnected from the school's response. The school isn't able to share specific disciplinary actions, creating fear and uncertainty for those negatively impacted.

Imperfections in the process, paired with the prevalence of special education needs on both sides of the bullying relationship, illustrate the importance of IEP teams in our schools related to bullying and the issues surrounding it. At the intersection of law and education, examples of this are common. Take the case of a middle schooler who had been receiving longtime IEP support for typical academic challenges like writing, reading, and math. This student had no IEP goals around things like communication, confidence, or self-advocacy. Suddenly, his grades began declining and he wasn't showing up for school. Parents and educators alike struggled to figure out what had changed for this young person and the issue persisted for months. His truancy patterns became a real problem and his parents were at risk of being charged with child neglect as a result. Finally, at an IEP meeting, the student told the team that a group of bullies were waiting for him on the way to and from school. He burst into tears and the IEP meeting became a real eye-opener for all the adults in his life. This conversation prompted special counseling and an investigation into the bullying accounts. Additionally, the student's IEP was revised to include goals around communication and self-advocacy - to help this young person learn the skills he needed to communicate his needs in real-time, to de-escalate conflicts, and to build positive relationships with trusted

adults.

Bullying and special education needs often go hand in hand. To prevent bullying - and the troubling snowball effect that often follows - advocates and professionals who work with youth should always be aware that one could be accompanying the other. Only getting to the true root of the problem and providing our young people the supports they need can we have a real chance at reducing bullying.

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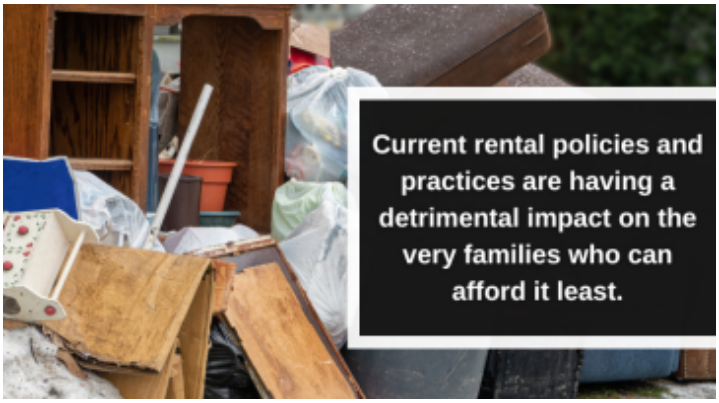

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