



LEGAL AID

Advocates for Equal Justice

Can't We All Just Get Along?—How to Respond to Bullying

Presenters & Agenda

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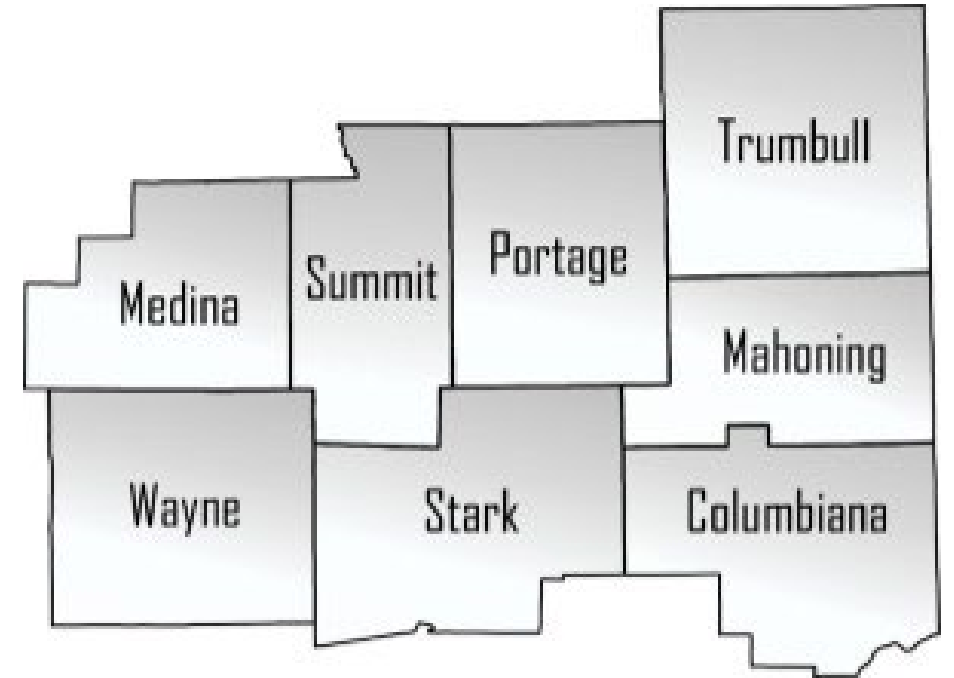
AGENDA:

- **Overview of Community Legal Aid**
- **Bullying - its motivation, potential effects, and how to work with schools on bullying concerns**
- **Questions and Answers**



We are a non-profit law firm

- Provide free legal services focused on civil law
- Help navigate complex legal system
- Advocate for rights/needs of low-income residents
- Partner with others serving similar populations



Who do we help?

Low-income residents with civil legal issues

- Clients must qualify financially
- Legal issue must meet case acceptance criteria



What can we help with?



Housing

- *Evictions
- *Foreclosures
- *Lead and unsafe housing conditions
- *Property titles
- *Subsidized housing
- *Tenant unions



Family Safety & Stability

- *Civil protection orders
- *Custody and visitation
- Divorce
- *Simple estate planning
- *Immigration and citizenship



Financial Outlook

- *Debt collection
- *Creditor lawsuits
- *Bankruptcy
- *Creditor harassment
- *Tax debt and federal tax disputes



Employment - Opportunity

- *Criminal record sealing
- *CQEs
- *Small business and nonprofit start-ups



Public Benefits

- *Denial or termination of benefits
 - *Wrongful reduction in benefit amount
 - *Overpayment disputes
- (Unemployment compensation, Medicaid, Social Security, Disability, OWF cash assistance, SNAP, etc.)*



Education

- *Special needs students
- *IEPs
- *504s
- *School discipline
- *Truancy

How do we help you?

We provide a range of legal services including:

- In-person and online presentations/workshops
- Online community education
- Direct representation - staff or volunteer attorneys
- Counsel and advice - staff or volunteer attorneys
- Pro se assistance (helping clients navigate legal issues on their own) - staff or volunteer attorneys
- Referrals for other types of services



The process to get help

- In general parties apply online or call our HelpLine (800) 988-9454 during operational hours
- Clients are screened for eligibility
- Clients may authorize staff to speak with case managers and other social service providers if additional support is needed
- A written application may be required depending on the type of legal service
- Hearing impaired and non-English speaking clients can apply using the HelpLine. Translator services will be provided

How can we help with Education Issues?

Wide range of education law experience, including:

- Pro se document drafting (evaluation requests, demand letters, etc.)
- Advising parents about education-related issues (bullying, school counseling services, homelessness, truancy, etc.)
- Advocating for development of special education plans (IEPs, behavior intervention plans, sensory intervention plans)
- Advocating for reasonable accommodations at through 504 Plans
- Negotiating for comprehensive evaluations (either conducted by the school or third parties) to diagnose educational problems
- Representing families at Disciplinary Hearings (Suspensions and Expulsions) and related meetings
- Dispute resolution through the Ohio Department of Education

Is your child being bullied?

- Bullying comes in many different forms, it does **not** have to be physical
- Bullying is when another person does or says unwanted things to make someone feel bad or to show power over them.
- The U.S. Education Department says bullying is characterized by aggression used within a relationship where the aggressor has **more real or perceived** power than the target and the aggression **is repeated** or **has the potential to be repeated** over time. Dear Colleague Letter, 61 IDELR 263 (OSERS/OSEP 2013).
- The main criteria for the conduct to be “bullying” is that the behavior is not a one-off episode; it must be repetitive and habitual to be considered bullying.
- Examples: Pushing, hitting, uninvited touching, mean messages, name-calling, hurtful social media posts, or spreading rumors

What are the consequences of bullying?

Kids who are bullied are more likely to experience:

- Depression and anxiety, increased feelings of sadness and loneliness, changes in sleep and eating patterns, and loss of interest in activities they used to enjoy.
- Health complaints
- Decreased academic achievement and school participation.
- They are more likely to miss, skip, or drop out of school.

Kids who bully others can also engage in violent and other risky behaviors into adulthood. Kids who bully are more likely to:

- Abuse alcohol and other drugs in adolescence and as adults
- Get into fights, vandalize property, and drop out of school
- Engage in early sexual activity
- Have criminal convictions and traffic citations as adults
- Be abusive toward their romantic partners, spouses, or children as adults

What Should You Do When You Suspect Bullying?

- You should talk to the school right away
- The best way to tell the school about bullying is **in writing**
- Many schools have their own forms that you can use to report bullying
- Some school policies permit you to file the complaint form anonymously
- Print out the form or write a detailed letter
 - Be as specific as possible: include dates, details about each incident and the impact on your child
- If the bullying is severe, talk to the police

It's important to keep records

- Keep a copy of the letters and forms you send the school and include the date it was given to the school
- You can ask the secretary or office staff to make a copy of any letter or form you turn in
- You should make a report in writing every time your child is bullied
- Take notes or keep information about what the school does in response to the bullying

What is the School Required to Do?

- Ohio law requires certain school personnel to complete in-service training on topics related to student health and safety, including trainings on bullying and harassment. The school should NEVER act like they don't know how to help you.
- Every school in Ohio must have a policy on how to stop bullying – should be found online or at the school building office.
 - Talk to the school about any school-wide programs in place to stop bullying. Many of these programs have worked well to reduce bullying in schools
 - The policy should describe how the school will investigate any complaint and work to prohibit bullying and harassment not just on school property, but also on the bus, at sponsored events, or where off-campus activities create hostility on campus (example: cyberbullying)

Will you as the Victim's Parent be Notified?

- Schools often struggle with keeping parents and the student informed during their investigation. They struggle due to a federal privacy law (FERPA) that protects the confidentiality of students records and information.
- Despite FERPA, the school (usually through the building principal) must notify the parent **in writing** when it investigates the complaint and if the complaint is verified.
- If the complaint is verified, the school should develop an action plan to keep the student safe and determine whether to take disciplinary action against the bully. Most schools will give parents written notice (very generally) about the disciplinary action taken against the bully.

If the school does not respond, you have resources to help

You can talk to:

- A member of the school board
- The police (if your child is in danger)
- A lawyer



How can a lawyer help?

A lawyer can:

- Help you understand Ohio's anti-bullying laws and policies
- Write to school officials about the situation if the school is not responding or helping you
- Give you information about the possibility of filing a civil case against the bully for any harm caused, or of suing the school district
- Help you file a formal grievance with the Office of Civil Rights

What if my child is bullied based on their disability?

- The law has extra protections for bullying based on race, color, national origin, gender, or a **disability**
- If your child is being bullied and it involves one or more of these things, the school must take extra steps to stop the bullying
- It is important to explain to the school if the bullying is related to one or more of these things
- Examples of discrimination: a child with ADHD is called stupid for being distracted easily, a child is made fun of for having an accent, a child with physical disabilities is picked on for using a wheelchair

How is the IEP or 504 team involved when my child is bullied?

- The US Dept. of Education has said that bullying can be a red flag that the student being bullied may be a student with a disability in need of special education and related services
- There are several diagnoses that naturally stem from being bullied - anxiety, depression, and anorexia nervosa.
- If your child already has an Individualized Education Program (IEP) for a disability, services to stop bullying can be added to the IEP. The IEP team should convene immediately to determine how, if at all, the bullying should be address in the IEP.

Recommendations for the IEP

Goals you can add to address behavior and socio-emotional deficits linked to bullying:

- 1. Steer student toward more socially acceptable interests:** Help the student concentrate on interests that are more socially appropriate when he is with his peer group.
- 2. Clarify meaning of friendship:** introduce his entire classroom to characters in literature who have experienced and overcome bullying to elicit discussions about the topic
- 3. Promote self-advocacy:** Teach the student how to respond to a peer who he believes is a bully - create a social narrative that describes in words and pictures the steps the student with autism can take, such as holding his hand up, asking the bully to stop, walking away, and telling a trusted adult.

Johnny's Story



2 SPECIAL INSTRUCTIONAL FACTORS

Does the child have behavior which impedes his/her learning or the learning of others? YES NO

Ask the school positive behavioral interventions and supports (PBIS)

Ask for school to bring bullying intervention staff to the meeting

Ask the school for a **Functional Behavior Assessment (FBA)**

- List the behaviors of concern
- Talk to a doctor
- Talk to the child's school

Antecedent:
What happened
before the behavior
of concern?

Behavior:
Identify the
behavior of concern
for the child?

Consequence:
What happened
after the behavior
of concern?

8 TRANSPORTATION AS A RELATED SERVICE

- If a student requires special transportation, the school must provide transportation services, including nursing and supervisory staff on buses when needed.
- If the child has behavior or medical needs, make sure the box stating “bus driver will be notified” is checked

8 TRANSPORTATION AS A RELATED SERVICE

Does the child require special transportation? YES NO

Does the child need transportation to and from services? YES NO

Does the child need accommodations or modifications for transportation? YES NO

If yes, check any transportation accommodations/modifications below that the child needs:

The bus driver will be notified of the child's behavioral and/or medical concerns Aide (for transportation only)

Specially Adapted Vehicle Wheelchair lift Safety Vest Car Seat Securement Systems

Other Specify: _____

What if the bully is a disabled student?

- The US Dept. of Education has said that bullying can be a red flag that the student engaging in bullying may be a student with a disability in need of special education and related services
- Children with mental health disorders are often identified as bullies – Oppositional Defiance Disorder, Bipolar Disorder, Mood Disorders, etc.
- Study from American Academy of Pediatrics of 64,000 Children Aged 6 to 17 Years in 2007 found that children with mental health disorders were three times more likely overall than their peers to bully or to be identified as a bully.
- **Darion's Story**

If the Bully Has an IEP or 504 plan

- The bully may qualify for an IEP or 505 if they have diagnoses meeting criteria of “emotional disturbance” when they demonstrate : 1) inappropriate behavior or feelings under normal circumstances; or 2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers. The behavior must occur over a long period of time and adversely affect the student's educational performance. 34 CFR 300.8 (c)(4)(i).
- These students need a behavior plan, require functional behavior assessments, sensory needs assessments, communication assessments, and goals targeting socio-emotional and behavioral deficits.
- Prior to disciplinary action, the school may need to follow additional safeguards to account for the student’s disabilities when determining the level of discipline.

Juvenile Protection Orders

- A protection order can help keep your child safe if they are experiencing abuse from someone who is under 18 years old
- A protection order is an official document from a judge
 - When a judge issues a protection order, they are ordering an abuser to stop certain actions to help keep the victim safe
- Juvenile Civil Protection Orders can protect victims of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass and sexually oriented offenses committed by a minor

Juvenile Protection Orders

- You do not need a lawyer to apply for a protection order
- Juvenile Protection Orders are filed in Juvenile Court
- Can be filed even if the prosecutor does not file charges
- Protection can be ordered up to the time the abuser turns 19

Other Resources

- stopbullying.gov
- ohiolegalhelp.org
 - Section on school bullying and discrimination
- lasclev.org
 - The Legal Aid Society of Cleveland
 - What should I do if my child is being bullied at school?

Questions?

General contact info:

Reception line: (866) 584-2350

Email: info@communitylegalaid.org

Client applications for services:

HelpLine: (800) 998-9454

- Monday/Wednesday 9:00AM - 12:00PM
- Tuesday/Thursday 1:00 - 4:00PM

Online 24/7 at

www.communitylegalaid.org/apply

