



Massachusetts
Advocates
for Children

MASSACHUSETTS ANTI BULLYING LAW

IEP AND SCHOOLWIDE STRATEGIES
TO PREVENT BULLYING OF
STUDENTS WITH DISABILITIES



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 non disabled peers

BULLYING IS PROHIBITED...

- **At School** - immediately next to school, school bus, bus stop, school-sponsored or related activities, or through district technology (this includes remote learning)
- **Any Location** - or program, activity, or technology if the bullying creates hostile environment at school for target, and infringes on rights at school

SCHOOLWIDE RESPONSE

Districts were required to develop a Bullying Intervention Plan
and had to consult with:

- Parents
- School teachers
- Students
- Community representatives and law enforcement agencies

MGL ch.71 sec.370(d)

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...)**

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

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

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



SCHOOLWIDE RESPONSE

IEP IMPLICATIONS

All IEP Teams must address bullying

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**

DETERMINING IMPACT OF DISABILITY ON BULLYING

Questions to Assist at TEAM Meetings

- Does the student feel safe at school? If not, why?
- 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

CASE STUDY

SCHOOL LEADERSHIP

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.

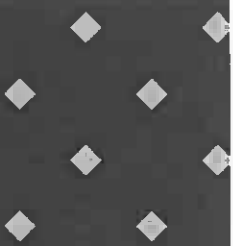
- DESE Technical Assistance Advisory SPED 2011-2 ; DESE Resource Guidance 2/10/11, p.3

**ACCESS TO
RESOURCES
AND SERVICES**

Social skills group (SLP or
other trained professional)

Social stories, role play

Communication
skills/pragmatic skills group



ACADEMIC AND NON ACADEMIC ACTIVITIES



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.

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

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

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

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_2ta.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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Thank you!

Mass Advocates for Children

Free Multilingual Helpline

(617)357-8431

[Massadvocates.org/helpline](https://massadvocates.org/helpline)

