

Massachusetts Anti-bullying Law:

IEP and Schoolwide Strategies to Prevent Bullying of Students with Disabilities

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Bullying is an important concern for all children

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MA Bullying Prevention and Intervention Law

UPDATED 2014

What are some of basic requirements of anti-bullying law?

- ❖ Bullying (and retaliation) prohibited
- ❖ District-wide bullying and prevention plan
- ❖ Required reporting
- ❖ Informing families of target and aggressor
- ❖ Staff training/Professional development
- ❖ Anti-bullying curriculum for all students by grade
- ❖ IEP protections for Students with Disabilities
- ❖ Student survey
- ❖ Procedures for collecting, maintaining, and reporting data to DESE

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MA Bullying Prevention and Intervention Law

- Annual report to DESE shall include:
 - Number of reported allegations of bullying/retaliation
 - Number and nature of substantiated bullying/retaliation incidents
 - Number of students disciplined for bullying/retaliation
 - Any other information required by DESE

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MA Bullying Prevention and Intervention Law

IMPORTANT:

Students can be vulnerable as targets and aggressors because of unique needs resulting from their disabilities.

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MA Bullying Prevention and Intervention Law

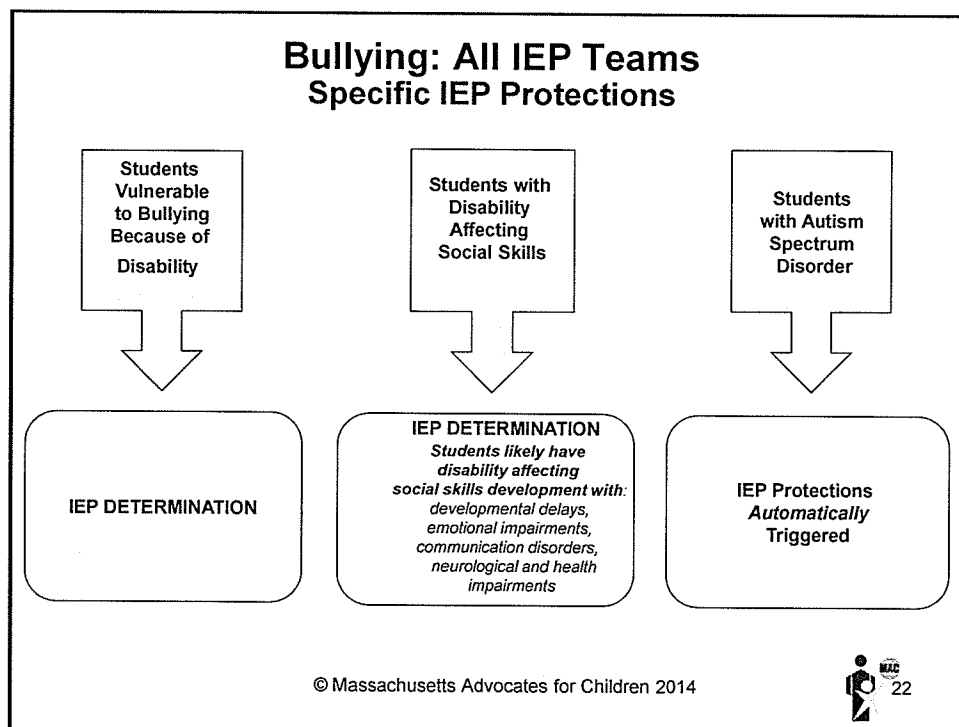
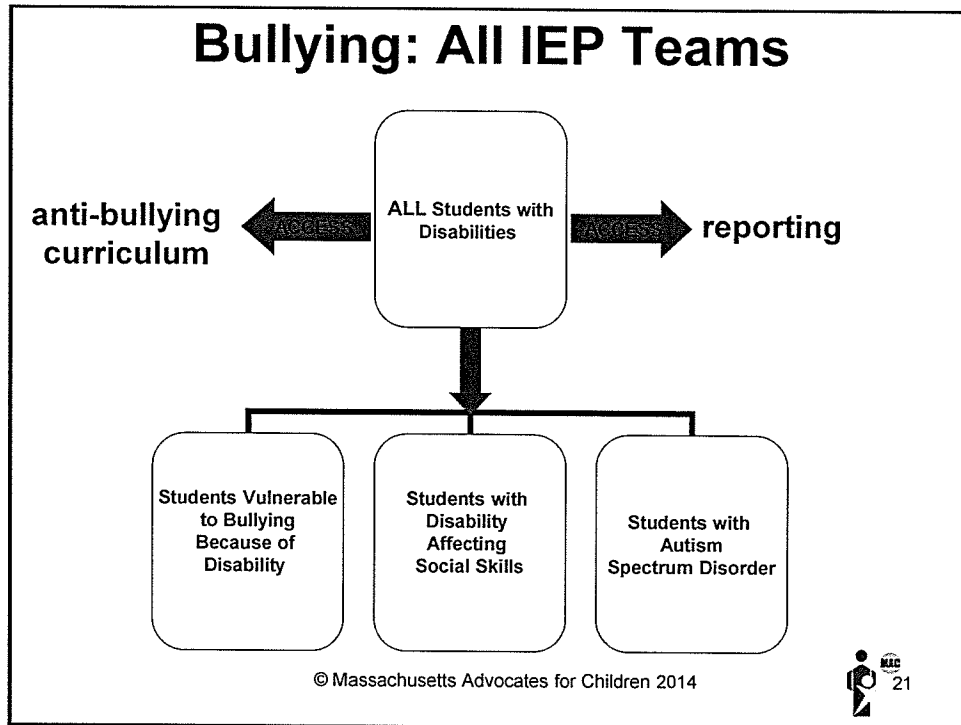
Bullying is Prohibited:

- **At school**, immediately next to school, school bus, bus stop, school-sponsored or related activities, or through district technology
- **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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Implications for the IEP

Evaluations and Re-evaluations

- Educational Assessment must assess social skills development:
 - social relations with peers and groups
 - 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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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

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

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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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>
- Program Quality Assurance at DOE 781-338-3700
To report school violations of laws protecting students or of IEP's not being implemented
- Bureau of Special Education Appeals 781-338-6400
For when the Team cannot reach consensus about Eligibility, Evaluations, IEP Development, Placement and can also address violations of law
- US Department of Education Office for Civil Rights, 5 Post Office Square, Boston MA 02109, 617-289-0111, OCR.Boston@ed.gov

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Resources

If you think your child's rights are being violated, or you need basic rights information, you can call the organizations below:

- Massachusetts Advocates for Children 617-357-8431
www.massadvocates.org
- The Federation for Children with Special Needs 800-331-0688
<http://www.fcsn.org> (Western MA) 877-388-8180
- The Disability Law Center 617-723-8455
- The Children's Law Center 781-581-1977

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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Appendix

Statutory Language

- Whenever the IEP Team evaluation indicates that a student's **disability affects social skills development**, or when the student's **disability makes him or her vulnerable to bullying, harassment, or teasing**, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
- For students identified with a **disability on the autism spectrum**, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

MGL c. 71B, §3, as amended by Chapter 92 of the Acts of 2010

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APPENDIX

For Students with **all** types of disabilities, the IEP Team must:

- Consider if services and modifications needed to progress in school's **anti-bullying curriculum**
- Include a Team member knowledgeable about **anti-bullying curriculum** when discussed at meeting
- Ensure students can fully participate in **reporting and investigatory procedures**

DESE Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention; 34 CFR § 300.304 (b)(ii); 34 CFR § 300.321; (a)(4)(ii); 34 CFR § 300.320 (a)(1)(i); [1] 34 CFR § 300.304 (a)(2)(ii).

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