



What is this information worth to you?

OLRS staff write and update publications to provide self-advocacy skills and information to people with disabilities and their families.

Please consider making a contribution. Your gift, small or large, will help OLRs achieve its mission of advocating for the rights of individuals with disabilities.

Use your credit card to make a secure online donation. The donation form is hosted on a secure server at <https://vpos.skipjack.com/ps/OhioLegalRights/Donate.aspx>. The information you provide on the form is solely used for the processing of your credit card.

[Donate online](#)

Or mail your donation to OLRs. Make your check payable to Ohio Legal Rights Service and mail to:

Ohio Legal Rights Service
Donations
50 W. Broad Street, Suite 1400
Columbus, Ohio 43215-5923

For more information:

Contact Paula Jones, Ohio Legal Rights Service
Phone: 614-466-7264; 1-800-282-9181 (toll-free in Ohio)
TTY: 614-728-2553; 1-800-858-3542 (toll-free in Ohio)
E-mail: PJones@olrs.state.oh.us

[Proceed to publication →](#)



OHIO LEGAL RIGHTS SERVICE PUBLICATIONS

50 West Broad Street, Suite 1400

Columbus, Ohio 43215-5923

Tel. 614-466-7264 local / 800-282-9181 in Ohio

TTY 614-728-2553 / 800-858-3542 in Ohio

Fax 800-644-1888

Web: www.olrs.ohio.gov

Disclaimer: This publication is intended to provide information only, and is not intended as legal advice. You should consult a lawyer if you need legal advice.

Document Publication Date March 2004.



Ohio Legal Rights Service FACT SHEET:

What can I do if my child with a disability is being harassed in school?

Your child is entitled to an education that provides reasonable progress in a school environment in which learning can occur. This is called a free appropriate public education or FAPE. Your school is required to prevent disability harassment that prevents your child from receiving a FAPE. Harassment can include name-calling, physical abuse, or inappropriate written comments about your child.

Disability harassment can violate different laws, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), and the Individuals with Disabilities Education Act (IDEA). These laws can be violated when the harassment is sufficiently severe, persistent, or pervasive that it creates a hostile environment. This does not include minor bullying or teasing.

Examples of harassment that could create a hostile environment include*:

- Students continually state out loud in class that a student with a disability is “retarded” or “deaf and dumb” and does not belong in the class; as a result, the student with a disability has difficulty doing work in class and her grades go down.
- A student repeatedly places classroom furniture in the doorway of a classroom so that a student in a wheelchair cannot get into class.
- Students continually taunt or belittle a student with a mental health disability by mocking and intimidating him so that he does not participate in class and does not want to attend school.
- A teacher repeatedly belittles and criticizes a student with a disability for using accommodations in class, with the result that the student is so discouraged that she has a great difficulty performing in class and learning.

* Examples and other information included in this packet come from a July 25, 2000 “Dear Colleague” letter, issued over the signatures of Assistant Secretary for Civil Rights Norma V. Cantu and Assistant Secretary, Office of Special Education and Rehabilitative Services Judith E. Huemann. The letter is available at this website: www.ed.gov/offices/OSERS/ADA/Disability_Harassment.pdf.)

continued on next page

If your child's ability to learn in school is being negatively affected by harassment, follow these steps to resolve the problem.

Explain the problem to a person who can help

- **Talk with your child's teacher**

Your school must take reasonable steps to make sure that your child is not being harassed in school. If the harassment is happening in your child's classroom your child's teacher may be able to resolve the problem quickly. Explain the problem to the teacher and ask that steps be taken to stop the harassment.

- **Talk with your building principal/special education coordinator**

Harassment can occur anywhere in school including hallways and on the school bus. Harassment can come from students who are not in your child's class. In this case, you should talk with your building principal or special education coordinator and ask that steps be taken to resolve your concerns.

Document your concerns in writing

- **Send a letter to your superintendent/special education coordinator.**

If the harassment is not easily resolved by talking with school personnel, you should send a letter to your child's school documenting your concerns. The letter should be dated and should clearly explain the situation including what happened, where and when it happened, and any witnesses to the harassment. Explain how the harassment affects your child. The letter should request the school officials to respond to you in writing about how they are going to stop the problem. Two weeks is generally a reasonable time for a response. See sample letter attached.

Ask for your school's harassment policy

Your school is required to develop an official policy statement that explains how the school prevents harassment, including disability harassment. This policy must include a grievance procedure that can be used to address harassment if it occurs. You should request a copy of this policy and determine whether the school has followed its policy. You can use the school's grievance procedure to resolve the problem or follow the steps below.

Ask for an IEP meeting

Contact your school special education director for an IEP meeting.

- **The IEP team should discuss how to resolve the problem**

The IEP team is required to ensure that your child receives a free appropriate public education. This requires an education free from harassment that affects learning.

continued on next page

The IEP team should discuss ways to ensure that your child is free from harassment in school and ways to remedy the effects of the harassment. This can include:

- changes in your child’s schedule to avoid problem situations or problem students
- the use of additional adults (guidance counselors, therapists, aides)
- inservice training for staff on how to prevent harassment
- additional services for your child

- **Change the IEP to include any necessary services**

The IEP should be changed to reflect any additional services or changes to your child’s program. All services provided to your child should be written on the IEP.

- **Discuss whether your child is entitled to compensatory services**

If your child missed school due to harassment he may be entitled to compensatory education to make-up for missed services. The IEP team should discuss whether compensatory services should be provided. Compensatory services should be written on the IEP.

Pursue formal methods to resolve your concerns

If you are not able to stop the harassment by talking to your school or through an IEP meeting, you have other options.

- **Contact an agency that oversees disability harassment**

Contact the Office for Civil Rights (OCR) or the Office of Special Education and Rehabilitative Services (OSERS) for more information about disability harassment. You may contact either office by calling 1-800-USA-LEARN or 1-800-437-0833 for TTY services. You may also contact the OCR enforcement office in Cleveland, Ohio by calling 1-216-522-4970 or e-mail OCR at OCRCleveland@ed.gov. OCR will investigate allegations of disability harassment.

If the disability harassment denies your child a FAPE, you can contact the Ohio Department of Education (ODE) to file a complaint. ODE can investigate complaints and issue a plan of correction.

- **Initiate a due process procedure**

You may request an impartial due process hearing under the IDEA or Section 504. For information on how to pursue an impartial due process hearing, contact ODE.

- **Consult an attorney about a court action**

You may have the right to bring a lawsuit against your school district for harassment that violates the law. You should be aware that there are time-lines for bringing a case and should consult an attorney without delay if you are considering court action.

continued on next page

What if I cannot get this issue resolved using this packet?

If these suggestions do not work to resolve your concerns, you can do a number of additional things that may work. Information about these options is included in this packet in the resource section. Your options include:

- **Seek the assistance of an advocate to help you resolve the issue. See the resources section for a referral.**
- **Use the techniques in *Negotiation Skills for Parents: How to get the Special Education Services your Child with a Disability Needs*. (available on the OLRs web site)**
- **Read more about your issue by accessing the special education publications on the OLRs website.**
- **Contact the Ohio Department of Education for assistance or to file a complaint. See resources section for contact information.**
- **Ask for an administrative review with your school's superintendent.**
- **Pursue formal mediation and/or a due process hearing.**
- **Seek the assistance of an attorney to help you resolve the issue. See the resources section for a referral.**

Sample letter documenting disability harassment/requesting IEP meeting.

Date (include month, day, and year)

Name of Your Child's Superintendent or Special Education Coordinator

Name of School District

Street Address

City, State, Zip Code

Dear (name of Superintendent or Special Education Coordinator),

I am writing to report that my child is being harassed in school because of his disability. (Explain the harassment that is happening including how, when, where, by whom, how it affects your child, and any witnesses). I have attempted to resolve my concerns by (explain how you have tried to resolve the problem, who you talked to, and any response to your concerns). I am requesting that you take steps to end this harassment and to prevent it from happening again.

I am requesting an IEP meeting to discuss how to stop the harassment and how to address the effects of the harassment on (your child's name). I can arrange to meet with you and the other members of the IEP team on (list days you are available) between (give a range of time, such as between 2:00 and 4:00). Please let me know what time would be best for you.

I look forward to hearing from you within five school days of the date you receive this letter. My daytime telephone number is (give your phone number). Thank you for your help.

Sincerely,

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

cc: specialists or other staff

Additional OLRS Resources

OLRS web site: **www.olrs.ohio.gov**

The OLRS web site can be accessed to view or download OLRS publications on special education and to get additional information.

- **Other OLRS Information and Referral Packets available are:**

#1 What can I do to get my school to follow my child's Individualized Education Program (IEP)?

#3 What can I do if my child is having behavior problems in school?

#4 How do I get an extended school year (ESY) for my child?

#5 How do I get my school-aged child evaluated for special education?

#6 How do I get related services for my child?

#7 FAQs About Special Education, Private Insurance and Medicaid

#8 Early Intervention Services, Payment for Services

#9 Surrogate Parents for Children with Disabilities

#10 Transition Planning for Students with Disabilities

Contact OLRS intake for your free copy of any of these packets, or download a copy from the OLRS web site.

The Ohio Legal Rights Service is funded by the State of Ohio, the U.S. Dept. of Health & Human Services, the U.S. Dept. Of Education, & the Social Security Adm. The Ohio Legal Rights Service does not discriminate in provision of service or employment because of race, color, religion, sex, sexual orientation, national origin, military service, disability, or age.

© 2004 Ohio Legal Rights Service. All rights reserved.

This work is protected by copyright under United States law and by international copyright laws and treaty provisions. You may copy and distribute the work, provided you: use the work for personal, noncommercial use; do not add the work to a collection or use it with any other text, photographs, artwork, etc; do not modify or alter the work in any way or delete or modify any copyright; and, do not publish or post all or any part of the work on any Internet site or in or on any other media without obtaining the prior written consent of Ohio Legal Rights Service.