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# spark



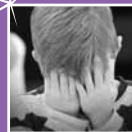
Indiana Governor's Council  
for People with Disabilities

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## in this issue on **BULLYING**



Bullying – a  
dangerous trend



Arming against  
bullying



On both sides  
of bullying

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**spark** is a bi-monthly publication of the Indiana Governor’s Council for People with Disabilities, an independent state agency that facilitates change. Our mission is to promote the independence, productivity and inclusion of people with disabilities in all aspects of society. This mission is accomplished through planning, evaluation, collaboration, education, research and advocacy.

**Suellen Jackson-Boner**  
Executive Director

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## Coming to grips with this issue of Spark and exposing one of America’s character flaws – bullying – has forced me to think more introspectively about the underlying cause of such hurtful behavior.

We all agree that bullying is cruel, demeaning, harmful and widespread. It is an ever-growing problem plaguing our schools, neighborhoods and communities. Its victims, and even its perpetrators, are all ages, ethnicities and genders, and are in all social classes.

But can we accept that we all have aided and abetted this behavior problem? That sometimes, in not so subtle ways, we have encouraged this behavior?

Many of the programs on TV are riddled with bullying as an accepted mode of communication. We somehow think saying “You’re Fired” in front of fellow co-workers is comedic, and voting the weakest link off of the island is appropriate. We witness commentators yelling at and antagonizing their guests on programs that masquerade as news. And we reward those who are perceived to be the strongest.

From politicians in Congress to pushy drivers on our city streets (and in our video games), Americans have developed an appetite for mean-spirited, survival-of-the-fittest behavior, and our children are noticing.

As you read through this compelling edition of Spark, I encourage you to educate and empower yourself to take a stand against bullying. If we expect better of our kids, we should expect better of ourselves.

Be inspired by the parents, advocates and legislators working to make a change – one that we hope will soon transform tomorrow’s definition of bullying to “receding,” “preventive” and ultimately, “extinct.”

Sincerely,



Suellen Jackson-Boner  
Executive Director



# Bullying – a dangerous trend

**W**hen you think of the word “bully,” what comes to mind? Is it the biggest kid in school who takes the little guy’s lunch money? Or the girl who whispers hurtful secrets about the new student’s outfit?

These scenarios are quite common in schools, but the definition of a bully goes beyond the playground tyrant and the “mean girls” on campus. In general, bullying is when a person is mistreated or intimidated – usually repeatedly – by an individual or group who’s seen as having more power, either in terms of physical strength or social standing. And it happens everywhere – in schools, at work, among peers and even in families.

But even though some may see it as a common rite of passage to growing up, national headlines of serious injuries and even fatalities linked to school-age bullying have

caused parents and authorities to take notice.

## **What are the different types of bullying?**

Bullying comes in many forms, and not all of them are easy to identify. The most common types are:

### **Physical Bullying**

Physical harm – or even the threat of – as well as stealing, damaging someone’s possessions or forcing someone to do things they don’t want to do are all types of bullying. Physical bullying occurs most often at or on the way to and from school and, most often, among males.

### **Verbal Bullying**

Verbal bullying, such as name-calling, teasing or insulting someone, is the most common type of mistreatment that people with disabilities experience.

Females generally commit this type of harassment more often than males.

### **Relationship Bullying**

Spreading lies or rumors about someone or making someone do things they don’t want to do by means of coercion are common forms of relationship bullying.

### **Cyberbullying**

Made popular by the widespread use of the Internet and social media, cyberbullying can include sending hateful messages through email, text message or social media websites, posting hurtful or embarrassing things or spreading lies or rumors about someone online.

### **Why does someone bully?**

A bully is usually someone who has endured negative experiences in his or her own life. According to [stopbullying.gov](http://stopbullying.gov), some situations

that can lead individuals to become bullies are:

- Parents, friends or teachers aren't giving them enough attention.
- They're having problems in other parts of life, such as family issues or school-related troubles.
- They're being bullied themselves, maybe even by their own parents.
- They've watched others get their way by being angry or pushing people around.
- Their parents have spoiled them or haven't taught them about not hurting others.
- They're getting exposed to too much violence in movies, TV and video games.

Although people with disabilities are most often victims rather than bullies themselves, research suggests that children with ADHD – who experience symptoms such as impulsivity and a lower tolerance for frustration – are more likely to demonstrate bullying behavior, due to the characteristics of their disability, than their peers without special needs.

### **bully** • [bool-ee]

The word “bully” used to have a very different meaning than it does today. Five-hundred years ago, it meant friend, family member or sweetheart. The root of the word comes from the Dutch word *boel*, meaning lover or brother.

## **Who gets bullied?**

According to the National Education Association, as many as 160,000 students stay home from school each day because they are afraid of being bullied, and 6 out of 10 children witness bullying on a daily basis.

In general, bullies tend to target children, teens and even adults who are different than them in some way – physically, emotionally or culturally. One of every four kids will be bullied sometime during adolescence, according to the U.S. Department of Justice. Among youth with disabilities specifically, 60 percent experience bullying compared to 25 percent of all students.

Among people with disabilities, the type of bullying seems to differ according to the disability. People with visible disabilities are more likely to be victims of verbal bullying or excluded from social activities. Children with learning disabilities report higher rates of teasing and physical abuse. Victims of cyberbullying come from all walks of life, but tend to be young people who regularly use the Internet.

## **What are the effects of bullying?**

In addition to developing serious physical conditions such as ulcers, irritable bowel syndrome or eating disorders, bullying victims often sustain life-long emotional problems, such as low self-esteem, anxiety, violent anger or aggression, and depression – many times leading to suicidal thoughts or actions. In December 2011, a girl from Bartholomew County,

Ind., was on suicide watch after sexually explicit stories circulated around her high school. And in May of this year, a high school student from Bloomington, Ind., hanged herself in her bedroom after repeated bullying.

Violent acts of revenge may also result from bullying – the strongest motivation for school shootings, according to the U.S. Department of Justice. Tragic events such as the 1999 shootings at Columbine High School in Colorado and at Virginia Tech in 2007 are linked to bullying, as are more than 20 school shootings that have occurred since 2009.

Studies from the National School Safety Center reported that 60 percent of students who were identified as school bullies ended up with a criminal record by age 24. Among students, homicide perpetrators were more than twice as likely as homicide victims to have been bullied by peers.

Since 2005, the increasingly severe implications of bullying have led to state and federal laws, as well as national efforts by the U.S. Department of Education, to protect children and adults from harmful harassment. Unfortunately, very few of these laws and policies address the specific issues and needs of children with disabilities, and overall, children continue to be bullied and suffer serious physical and emotional damage, sometimes even death. In the following articles, we'll discuss what's being done in schools and at the legislative level to protect children, teens and adults from bullying. Is it enough, or should we do more? \*

# Cyberspace opens new doors for bullying

**T**echnology and the Internet are amazing tools and resources. They allow people worldwide to connect in an instant, sharing information and ideas at the click of a button. But, as with most revolutionary inventions, the Internet also has its drawbacks – and one of them is becoming an unfortunate trend among youth that’s leading to physical harm and, in some cases, even death: cyberbullying.

Cyberbullying happens when a child or teen (it’s known as cyber harassment or cyber stalking when adults are involved) is harassed, humiliated, embarrassed or threatened through digital technology – mobile phones, computers, tablets like the iPad, or other devices that enable information sharing. Cyberbullying can be committed through text messages, photo and video sharing, chat-room and instant-messaging conversations, and postings on social media sites like Facebook and Twitter.

Bullying from behind the anonymity of a screen name or other virtual identity allows bullies to distance themselves from the situation, making them less reserved in their cruelty toward their victims and less concerned about the consequences of their actions. Research by the i-SAFE Foundation, a nonprofit promoting safe use of digital technology

among youth, shows that more than 50 percent of teens have been bullied through technology or have engaged in cyberbullying, but only 1 in 5 victims report the bullying to a parent or authority figure.

Cyberbully victims are more likely than their peers to have low self-esteem and to contemplate or actually commit suicide.

Here are a few tips from the PACER Center to help your child prevent or deal with cyberbullying:

- Never assume that a message is completely private, including texts and emails. Anything can be recovered through your Internet or cell-phone service provider.
- Always use the privacy settings available on social media sites. Keep your and others’ private information – full names, school names, home addresses, phone numbers, passwords and pictures/videos – to yourself or only share it with trusted relatives and friends.
- If you receive bullying or inappropriate messages, don’t respond, save them as evidence and log off the computer. Saving the messages could be the only way to prove incidents of cyberbullying, especially in cases where it leads to self-harm or suicide.
- Always report online bullying, hate messages, inappropriate sexual activity and physical threats (including possible suicide attempts) to either a family member or the police. You may also file complaints with the appropriate email, Internet or phone service providers, or with the social media site. They can find the offenders, cancel their service and report them to the police, if necessary.
- Monitor children’s and teens’ use of the Internet and social media sites to ensure they’re not engaging in activities or conversations that could lead to harm of themselves or others. Help them maintain a healthy balance of online and in-person activities by regulating time spent on the Internet.

Social media is a fun, growing part of our culture that continues to be a useful tool for keeping families in touch, building friendships and connecting people to new places, ideas and hobbies. By taking the proper precautions, your family can safely participate in many enjoyable online activities. Visit [stopcyberbullying.org](http://stopcyberbullying.org) to learn more tips for using the Internet safely, as well as more information for detecting and stopping cyberbullying. \*



# Arming parents, teachers and students against bullying

**“Failing to recognize bully behavior is an inadvertent promotion of physical or verbal abuse and suggests that a victim is not worth protecting.”**

This statement, from the National Mental Health Information Center, is a clear call to action for parents, caregivers, educators and other students to identify and help eradicate bullying behavior.

Looking the other way when a student or adult is being harassed only reinforces a bully’s behavior. If he or she isn’t getting caught, what’s the motivation to stop? Anyone with the ability to influence behavior toward youth, both with and without disabilities, must help promote a safe and

positive environment for children and teens to thrive.

## **Schools can take action**

To fully tackle bullying behavior, school officials should first understand the current presence of bullying within the school, according to [stopbullying.gov](http://stopbullying.gov), a federal government website led by the U.S. Department of Education (DOE) and the U.S. Department of Health and Human Services. Surveys – to both parents and students – can reveal how often and where bullying occurs and help school officials determine resolution strategies to address bullying, such as:

- developing safe school policies and violence prevention plans
- providing mental health or counseling services or referrals for both victims and perpetrators
- implementing training for all school staff

Russell Skiba, Ph.D., director of Safe and Responsive Schools at the Indiana Educational Policy Center at Indiana University, testified to Congress on the subject of school discipline in 2002 and provided sound advice on strengthening bullying discipline strategies:

- 1.** Increase legislative investment in the Individuals with Disabilities Education Act (IDEA), focusing on developing and implementing effective practices related to behavior.
- 2.** Educate stakeholders to reduce the use of ineffective methods like suspension and expulsion and implement successful, research-based practices, such as teaching students problem-solving alternatives to violence.
- 3.** Work with schools across the nation to further implement IDEA. Dr. Skiba suggests setting up a consultation system, such as a hotline, to provide

technical assistance to schools facing student discipline difficulties.

To build an anti-bullying atmosphere, teachers should start by making their classrooms inclusive, supportive and safe. According to the DOE, helpful strategies might be classroom meetings to talk about school-related issues beyond academics, signed waivers between students and school officials about the seriousness of bullying and its implications, and conflict-resolution skill-building lessons.

Furthermore, educators must remember that when bully behavior creates a hostile environment for students with disabilities, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act requires schools to address the harassment.

### **Parents can help**

The American Medical Association (AMA) states that 90 percent of students who witness bullying don't believe that grown-ups are able to help. But, in fact, parents and guardians are in the best position to show support and take action.

The American Psychological Association (APA) advises that parents are responsible for educating children about the legal and hurtful consequences of bullying. The APA also suggests making your home "bully free" by setting positive examples for children and avoiding aggressive or exceedingly strict demeanors. Finally, parents must monitor children's self-esteem levels,

which can both instigate bully behavior or signal that a child is being bullying.

Parents must also be involved with strengthening school policy. One Indiana family is advocating for stricter anti-bullying measures in schools after moving from their home in Whiteland, Ind., to avoid continuous harassment targeting their daughter. According to the Indianapolis Star, the mother has been petitioning non-stop since May 15 through speaking engagements at screenings of the new documentary "Bully" and at Indianapolis' IPL 500 Festival Parade and Indiana State Fair.

In November 2011, another family from Merrillville, Ind., brought a lawsuit against a school corporation that, they said, failed to intervene when their son was repeatedly bullied, even beaten and bruised, due to his Middle Eastern heritage. The parents are seeking unspecified damages, as the boy has developed vision impairments and vertigo.

If you feel the bullying policy in your school is not strong enough, the Indiana Department of Education recommends parents follow the chain of command by talking to principals first. If that doesn't seem to resolve the issue, go to a superintendent or school board member. Consider organizing quarterly parent meetings to discuss and monitor resolution strategies, and invite administrators to attend.

For resources, stories and more information to help support your efforts, visit the National Education Association's (NEA) website,

nea.org, and go to the "Issues and Action" section.

### **Students can find supports**

Bullying behavior is not done in the open, but in bathrooms, crowded hallways, at recess and through social networking channels. In all of these scenarios, an important concept called "Who's got your back?" could help students protect themselves. More than 50 percent of bully situations end when this strategy is used, according to the National Bullying Prevention Center.

To implement this concept, make sure your child or student is able to answer the question "Who's got my back?" on any occasion. During school, it may be a teacher or guidance counselor. At an extracurricular activity, it may be a coach or group leader.

And, encourage your child to become a supporter for other children. One Indiana special education advocate recalled an instance where a mother would encourage her daughter to learn something new about another student with dwarfism – such as the student's favorite color or TV show – on a daily basis. This method helped encourage the entire family to stay inclusive and supportive of the student in the class.

The Office of Special Education Programs promotes this strategy and more through a nationwide program called Positive Behavioral Interventions and Supports (PBIS). Visit pbis.org and click on the "School" link to find targeted ways to promote inclusion and build supports against bullying. \*

# Indiana's anti-bullying law has hits and misses

**M**ild name-calling and occasional roughhousing on the playground are no longer the standards of school-age misbehavior. Bullying has progressed to such severe extremes that 49 states – including Indiana – have passed anti-bullying legislation.

Often times, acts of bullying are considered discriminatory harassment – based on race, national origin, color, sex, age, disability or religion – which falls under the purview of federal civil rights laws enforced by the U.S. Department of Education (DOE) and Department of Justice (DOJ). However, there are currently no federal laws directly targeting bullying, leaving the task to state legislatures.

Bully Police USA, a national watchdog and advocacy organization, rates Indiana's law a B+ on its grading scale, and only 10 states have received lower grades. However, the Indiana Department of Education (IDOE) says the state's law is sufficient to protect students from bullying, but it's up to schools to implement policies that uphold the law.

Under the state law, part of Indiana Code Title 20 (the Education Code), school districts must establish discipline rules that prohibit bullying and include provisions concerning bullying education, reporting, investigation

and intervention, as well as parental involvement. IDOE says Indiana school policies collected thus far as part of a four-year review process meet at least the law's minimum requirements.

## Where does the law fall short?

According to stopbullying.gov, a joint effort between the U.S. DOE and Department of Health and Human Services, Indiana is one of only eight states that does not support their anti-bullying laws with a "model policy," a guide for helping schools and districts create anti-bullying policies. Collectively, stopbullying.gov and Bully Police USA identify the following pieces that are absent from Indiana's school district policy requirements:

- **Reviewing**

Regular policy reviews, which would help ensure the state law's goals are being met

- **Definitions**

Of harassment, bullying or other behaviors. For instance, Oregon's law states: "School districts must include in the policy...(b) Definitions of 'harassment,' 'intimidation,' or 'bullying,' and of 'cyberbullying,' that are consistent with [this statute]."

- **Written records**

A procedure for maintaining written records of all bullying incidents and resolutions

- **Referrals for assistance**

A procedure for referring victims, perpetrators and others to counseling and mental or other health services, as appropriate (Bully Police USA assigns an additional "plus" to a state's grade if its law includes this component. Delaware, Florida and Kentucky have A++ ratings for including this element in addition to meeting all of the other Bully Police criteria.)

- **Communications plan**

For notifying students, families and staff of bullying policies and consequences

- **Transparency and monitoring**

A procedure for reporting bullying incidents and responsive actions to the state, or to make bullying data publicly available

- **Statement of legal remedy rights**

Informing victims that they have a right to seek other legal remedies beyond school actions

- **Protection against reprisal, retaliation or false accusation**

A policy to protect victims who disclose their abusers and the bullying behavior, as well as an anonymous reporting policy

Some state laws also include language to protect school districts against lawsuits when they're in compliance with policies, as well

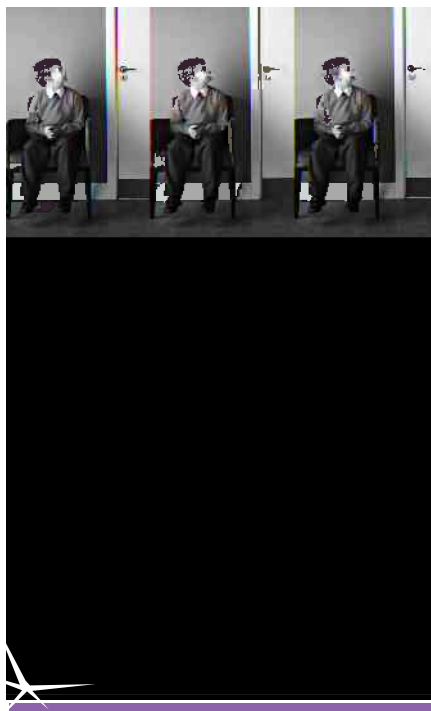


as to inform parents that they can be personally sued if they are notified of their child's bullying behavior and make no efforts to stop it. On the other hand, if parents report bullying and the school does not take action or comply with policies, then parents can sue for damages.

Furthermore, Indiana's law is absent of an "enumeration of specific characteristics." Meaning, the legislation doesn't specify that bullying may include acts based on real or perceived student characteristics (such as physical appearance or lifestyle choices), and it does not provide examples of those characteristics. By contrast, North Dakota's law specifies that bullying includes acts based on: "race, color, religion, ancestry...or mental, physical, developmental or sensory disability."

IDOE said legislators avoided including such a specified list of characteristics to give schools more flexibility to establish policies that are specific to their climates and settings. According to John Hill, special education specialist at IDOE, schools need to react to stories and incidents they hear from students and parents by establishing or adjusting particular policies. "That is where most schools drop the ball," Hill said.

Lastly, cyberbullying, or bullying that occurs via digital media, is slipping through the cracks. Indiana's law does not specifically define or address cyberbullying, and because students most often access the Internet for personal use from home, those acts are considered outside the scope of the law. The challenge facing



school administrators is that the effects of cyberbullying carry over into the classroom, causing disruptions or decreased academic performance.

### **What does the law do well?**

Indiana's law does meet several of the key elements identified by [stopbullying.gov](http://stopbullying.gov). First, it specifies the prohibited conduct by defining bullying as "overt, repeated acts or gestures, including: verbal or written communications transmitted; physical acts committed; or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student."

Indiana also partially hits the mark with an appropriate scope statement. The law specifies that discipline rules related to bullying must apply on school grounds immediately before, after and

during school hours, or at any other time when the school is being used by a school group; traveling to/from or at a school activity, function, or event; or using property or equipment provided by the school.

And, the law does meet criteria for providing training to educators and prevention strategies. Under the safe schools fund, educational outreach and training is provided to school personnel to help identify, prevent and intervene in bullying. Also, every school must establish a safe school committee to develop a plan for addressing unsafe conditions, crime prevention, school violence, bullying and other issues that interfere with student safety.

### **What else can be done?**

Resolving bullying must be a joint effort, with schools and parents working together to maximize the protections afforded under the current law, as well as advocating for changes to strengthen the law.

In May of this year, legislation to toughen Indiana's current anti-bullying law died in the Senate Education Committee. The bill would have given school administrators authority to discipline students for behavior outside school perimeters and activities, but opponents claimed that students' First Amendment rights would be abridged. State Rep. Greg Porter (D-Indianapolis) isn't giving up, though; he plans to re-introduce changes to the current law in the Indiana General Assembly next year.

To learn more about state anti-bullying laws, visit [stopbullying.gov](http://stopbullying.gov) or [bullypolice.org](http://bullypolice.org). \*



# Students with disabilities – on both sides of bullying

**O**n more than one occasion, a first-grade boy with autism at a Lafayette, Ind., school was suspended for biting – a bullying behavior. After the school conducted a functional behavior assessment (as part of the student’s Individualized Education Program, or IEP) and concluded the behavior was happening without reason, the boy’s parents hired an independent analyst to observe the student during school. Recalling one incident where the boy dropped a crayon on the ground and another classmate was met with a bite on the arm after volunteering to pick it up, the analyst determined the boy had trouble allowing others in his personal space.

This is just one example of how students may be unnecessarily suspended or expelled from school due to actions that result from their disabilities – actions

that mistakenly cause the child to be viewed as “misbehaving” or “bullying.”

The average person’s comfort level allows others to be as physically close as 18 inches, but the boy’s personal space could only tolerate someone 36 inches away or farther. Quick judgment from the teacher, without clearly understanding what the boy was trying to communicate, led her to believe he was acting out for no reason.

When students are suspended or expelled from school for behaviors that, unbeknownst to school authorities, are attributed to their disabilities, the students are being deprived of the free, appropriate public education afforded to them by the Individuals with Disabilities Education Act (IDEA).

Enacted in 1990 and reauthorized and amended in 2004, IDEA gives all students with disabilities the right to attend a public school that: Provides an education meeting the unique needs of the student; meets the approximate grade-level standards established for all students; is in accordance with a child’s IEP; and results in educational benefits to the child.

All too often, children with disabilities may be categorized as exhibiting bullying behavior when they are simply trying to communicate – a concept Patricia Howey, special education consultant and 1992 Partners in Policymaking graduate, firmly believes. Instead of immediately judging a student with a disability’s behavior as bullying, Howey says schools should determine what a child is trying to communicate through such behavior.

## Statistics

According to the U.S. Department of Education's Office of Civil Rights, students covered under IDEA are more than twice as likely to receive an out-of-school suspension for behavior that ranges from perceived defiance to cruelty toward others.

This 2010 data also showed 9,090 students who fell under IDEA standards in 151 Indiana public school districts were given more than one out-of-school suspension and 26,565 were given more than one in-school suspension. Even more, 735 students with disabilities were referred to law enforcement, 500 students were involved a school-related arrest and a total of 755 student expulsions were given (including those under zero-tolerance policies and with or without educational services).

### Bypassing "bullying"

IDEA states that if a student with a disability has been suspended for more than 10 days, cumulatively, a "pattern" is emerging. When this happens, parents and school personnel should look into each individual incident and consider changing a student's IEP, education strategy or placement.

However, schools serving students with disabilities should also be attuned to triggers that result in repeated behaviors. Furthermore, Howey reiterates that schools must acknowledge they are not experts in certain areas and should allow professional behaviorists to observe problems brought on by a student's disability. As a third-party observer, independent behaviorists may better understand the issue and recommend solutions that will

# 2010 STATISTICS

IDEA STUDENTS IN 151 INDIANA PUBLIC SCHOOL DISTRICTS

25,565

GIVEN MORE THAN ONE  
IN-SCHOOL SUSPENSION

9,090

GIVEN MORE THAN ONE  
OUT-OF-SCHOOL SUSPENSION

755

EXPELLED

735

REFERRED TO  
LAW ENFORCEMENT

500

IN A SCHOOL-RELATED  
ARREST

work for the individual student and the school.

In terms of expulsion as a disciplinary procedure, Howey believes that Indiana's expulsion laws are not going far enough to make significant change for students with disabilities. She claims there is no supporting research that expulsion bears any benefit to a student with a disability.

"Principals have a whole host of other disciplinary alternatives Indiana code allows. It's important to know any disciplinary policy is supposed to have an educational benefit, and I wish I knew what that was when students are given expulsions."

Currently, Indiana law allows an expelled student to attend another school. Regardless, a disciplinary expulsion must be in accordance with the behavioral plan set forth in a student's IEP.

### Behavior management plans can enhance IEPs

IEPs are crucial to a child with a disability's academic success, and can help avoid harassment, keep threatening behaviors toward other students at bay, and prevent unnecessary expulsions, suspensions and even restraint or seclusion. When students with disabilities are mistakenly labeled "bullies," or are victims of bullying, a critical first step to resolving the problem is ensuring a behavior management plan is included in the IEP.

Indiana Protection and Advocacy Services (IPAS) emphasizes the primary goal of a child's behavior plan – in cases where the child is expressing bully-type behavior – is to create a positive replacement behavior that allows a child to express her/himself in a way that will not be mistaken as bullying or feel threatening to other students.

Karen Pedevilla, education and training director at IPAS, provided

## Tips for IEP meetings

Successful IEPs happen when parents and school administrators work together. Consider these tips for an effective IEP meeting:

### **Be prepared.**

Patricia Howey stresses that parents must bring their input in writing and send it to the IEP team prior to the meeting. Schools should also bring documentation showing results of any disciplinary action, according to John Hill, Indiana Department of Education (IDOE).

### **Look at the problem before the solution.**

“Many parents like to focus on the ‘last page’ of the IEP – their perceived resolutions,” Howey said. Both parties must first look at how a child is performing academically and functionally before developing goals.

### **Bring the right people to the table.**

IDOE stresses that all appropriate parties must be present at the meeting and maintain a partnership attitude. Parents may also bring along someone to give an outside perspective.

### **Take your time.**

Gary Green from IDOE notes, “IEP meetings make life decisions for a child, and if a parent needs extra time to think and react to a plan, it should be granted without question.” \*

one real-life case to illustrate the importance of a behavior management plan:

IPAS received a call from “Jimmy’s” mother “Pat” to report that her son had been suspended from his middle school. She was told there would be a manifestation determination review (MDR) to determine either alternative placement or expulsion. Pat did not want her son in an alternative school, as she believed that behavioral issues would increase because he tended to be a follower and would copy the negative behaviors of other students.

IPAS attended the MDR and was able to present valid reasons for Jimmy to continue attending his middle school, and IPAS recommended that the school update the current behavior plan to enable Jimmy to be successful. IPAS’ intervention resulted in the school adding goals, objectives, accommodations and modifications to Jimmy’s IEP, and he continued to attend the middle school without any interruption in education services. (Adapted from IPAS’ annual report, IMPACT, Fall 2010, Vol. 39)

Parents must stay constantly aware of all the actions taken by their child’s school in the event of a suspension or expulsion. In accordance with IEP standards, consistent documentation and clearly defined action steps are critical when examining a school’s disciplinary action. Working in partnership with the school and other outside partners, like independent behaviorists and IPAS, students with disabilities can achieve the quality public education they deserve.

## **Using IEPs to defend against bullying**

Just as behavior management plans can be effective tools to help students with disabilities avoid undeserved

suspension and expulsion, these plans are also a critical first step when students with disabilities are victims of bullying.

In these cases, the behavior plan helps students with disabilities establish goals and objectives to avoid bullying. Howey gives the following example that illustrates how parents and teachers can develop an effective behavior plan to address bullying toward a student with a disability:

### **1. Identify exact incidents of bullying behavior:**

“Johnny” comes home from school every day complaining about being called names on the bus. And, when Johnny is in the school hall, “Tim” is constantly stealing his book bag and dumping its contents on the floor.

### **2. Articulate the child’s needs by determining how the situation is affecting the child:**

These bullying incidents are creating a hostile school environment for Johnny. He does not know how to resolve being name-called. He feels threatened every day.

### **3. Establish realistic goals to help the child solve the problem:**

In accordance with the school bullying policy, Johnny will submit a written complaint to the appropriate school authorities.

Goals must be tailored to each situation and current level of action. For instance, submitting a written complaint may be the first step for Johnny, but if it doesn’t end the bullying occurrences, the school and parents should reassess the problem and determine a new course of action. Sometimes, outside support or programs may be needed to ultimately resolve the problem.

For more tips and samples of successful IEPs, visit [wrightslaw.com](http://wrightslaw.com). \*

# Anti-bullying resources

## **Kidpower**

kidpower.org  
(800) 467-6997  
safety@kidpower.org

Kidpower is a nonprofit leader in bullying prevention, child abuse prevention, stranger awareness and personal safety for children, teens and adults, including those with special needs. Kidpower offers online educational materials, publications, curriculum development and workshops that teach youth with disabilities how to make safe choices, set boundaries, guard against bullying or verbal attack, get help, ride public transit safely and learn effective self-defense skills.

## **Become an Upstander**

becomeanupstander.org  
(317) 863-2579  
info@mycyberguardian.com

A nonprofit organization based in Noblesville, Ind., Become an Upstander focuses on creating a culture of change by working with youth to help them understand the role that technology plays in peer victimization. The founders of Become an Upstander noticed the lack of empathy children have for victimized and bullied peers. Their goal is to facilitate true community-based, research-driven, practiced approaches to combat the issues of bullying and victimization.

## **Stopbullying.gov**

stopbullying.gov

Launched by the Office of the White House, this website provides information from various government agencies on what bullying is, what cyberbullying is, who is at risk, and how you can prevent and respond to bullying. The resource contains detailed descriptions of the work the White House is doing on bullying, along with resources for young people, parents and educators.

## **Indiana Department of Education**

doe.in.gov/student-services/bullying  
(317) 232-6610

The Indiana Department of Education website provides information about the anti-bullying laws in Indiana and what protection schools are required to give students. Several webinars related to bullying are available on the site, as well as links to a multitude of resources.

## **Indiana Bully Prevention Alliance**

bpindyinc.org  
(800) 273-TALK (8255)

The Indiana Bully Prevention Alliance is a nonprofit dedicated to preventing school bullying, as well as encouraging positive interaction between students and administrators to establish justice and fairness for each student. The organization offers assistance for schools, victim advocacy help and public-speaking options to raise awareness.

## **Office of the Indiana Attorney General**

in.gov/attorneygeneral

The Office of the Indiana Attorney General created the Indiana Safe Students Initiative to provide resources for educators, youth leaders, parents and students. The website is a one-stop shop for safety information related to social problems and health risk behaviors, such as cyberbullying and teen-dating violence.

## **PACER's Bullying Prevention Center**

pacer.org/bullying  
(888) 248-0822  
bullying411@pacer.org

The PACER Center is a parent training and information center for families of children and youth with all disabilities from birth through 21 years old. PACER's National Bullying Prevention Center provides creative, relevant and interactive resources benefiting all students. Digital-based resources for youth, teens, parents and schools are available.

# Restraint and seclusion: discipline or distress?

## “Why are school corporations the only state agencies we have allowed to put children in restraint and seclusion?”

Patricia Howey, special education advocate, probably isn't the only person to ask this question since March 2012, when the U.S. Department of Education (DOE) released the first official national data on the use of restraint and seclusion to “discipline” students, including those with disabilities.

The findings, which included more than 85 percent of our nation's school systems and 77 percent of all Indiana students, revealed some disturbing trends and discrepancies:

- Cases of restraint towards students with disabilities totaled 2,532, while those without disabilities totaled 341.
- There were also 2,402 more reports of seclusion for students with disabilities than students without disabilities (3,807 versus 1,405).

The DOE's report, titled, “Restraint and Seclusion: Resource Document,” was prompted by a 2009 National Disability Rights Network report that found dozens of cases of restraint resulting in injury or death.

Because the U.S. Department of Justice (DOJ) defines bullying as repeated harmful acts in a real or perceived imbalance of power, some parents and advocates have begun classifying restraint and seclusion as bullying behavior. One student with autism even started a Facebook group titled “Stand Against Restraint, Seclusion, and Bullying by Teachers,” which has gained more than 640 “likes” ([facebook.com/endabuseinschool](https://facebook.com/endabuseinschool)).

The DOE study is the federal government's attempt to provide meaningful direction that school administrators should consider when creating policies on restraint and seclusion. It emphasizes 15 guiding principles that promote preventive measures – the first stating, “Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.” One spokesperson from the Department called the document “thoughtful encouragement.”

### Restraint policy still open for interpretation

In Indiana, the policy on restraint is left up to school corporations. The Indiana Department of Education provides guidelines, including:

- Clearly defined circumstances of use of restraint
- Written procedures of its utilization

- Designation of a school official to be informed of any incident
- Descriptions of alternate strategies to take when advisable and pursuant to a child's Individualized Education Program (IEP)

However, the policy does not clearly define physical or mechanical restraint, leaving much to be interpreted by individual schools and educators.

The Indiana Institute on Disability and Community completed a report in March 2008, called “Time-Out, Seclusion, and Restraint in Indiana Schools: Analysis of Current Policies,” which reported Indiana statistics on school corporations that use these methods. Results were based on 280 schools that responded.

From the Indiana schools that submitted data, 151 school corporations prohibit “corporal punishment” but do allow physical restraints in extenuating situations, such as threats of injury or use of weapons. Most of those schools, approximately 104, had special education policies that further defined the use of physical restraint through crisis intervention strategies. Very few (13 percent) defined the meaning of physical restraint. And, 28 percent of schools said they do not use mechanical restraints, except when referring to transportation.

## Restraint and Seclusion in Indiana\*

	SUM OF INSTANCES Students with disabilities (IDEA)	SUM OF INSTANCES Students without disabilities
<b>Mechanical Restraint</b>	145	17
<b>Physical Restraint</b>	2,387	324
<b>Seclusion</b>	3,807	1,405
<b>Total</b>	<b>6,339</b>	<b>1,746</b>

\*Data provided by U.S. Department of Education. A single student may be counted in more than one row.

In December of last year, U.S. Sen. Thomas Harkin (D-Iowa) introduced a bill, the “Keeping All Students Safe Act,” that would entirely prohibit the use of seclusion and only allow restraint in instances where students are posing serious bodily harm to themselves or others. The bill is waiting to be referred to a Senate committee for review, and a slightly different version of the bill is circulating through the House.

However, the bill is receiving much opposition from new chairman of the House Education and Workforce Committee Rep. John Kline (R-Minnesota), who says interfering with schools’ current efforts to increase safety could do more harm than good. The American Association of School Administrators (AASA) also objects to limiting restraint to emergency situations, claiming it would be difficult to determine in the moment if a crisis could lead to serious bodily injury.

### Seclusion lacks clear definition

Seclusion is not a clearly defined practice in schools, but is given

meaning through other settings. For instance, Indiana child welfare defines it as “a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior.” Of the 85 school corporations that responded to this question in the Indiana Institute’s survey, 10 schools said this practice is not used within the school, but failed to show written policy prohibiting seclusion. Six schools use language that makes it impermissible to lock students in a room without adult supervision, leading interpreters of the law to make a judgment that seclusion is permitted as long as an adult is present. Finally, from two other school districts that responded to the question, one allowed the use of locked rooms as a “secluded time-out,” while the other permitted the use of “in-school isolation” without giving the term a proper definition.

### Avoiding restraint and seclusion

Rather than letting restraint and seclusion go undefined in school policy, there is a way to articulate

guidelines of this policy on a student-by-student basis. According to David Boes, assistant director of client services for Indiana Protection and Advocacy services, when forming an IEP for a student with a disability, parents and advocates can specifically state not to include restraint and seclusion as a disciplinary procedure. By clarifying disciplinary procedures in writing, schools cannot allow this to happen to the specific child.

If your school’s policy on restraint and seclusion requires clarification, or if a child with a disability has been inappropriately subjected to restraint or seclusion, speak out. The Council of Parent Attorneys and Advocates offers a manual entitled, “The Right to be Safe in School: Advocacy and Litigation Strategies to Combat the Use of Restraint and Seclusion,” that offers advice and resources. For more information, visit [copaa.org](http://copaa.org). \*



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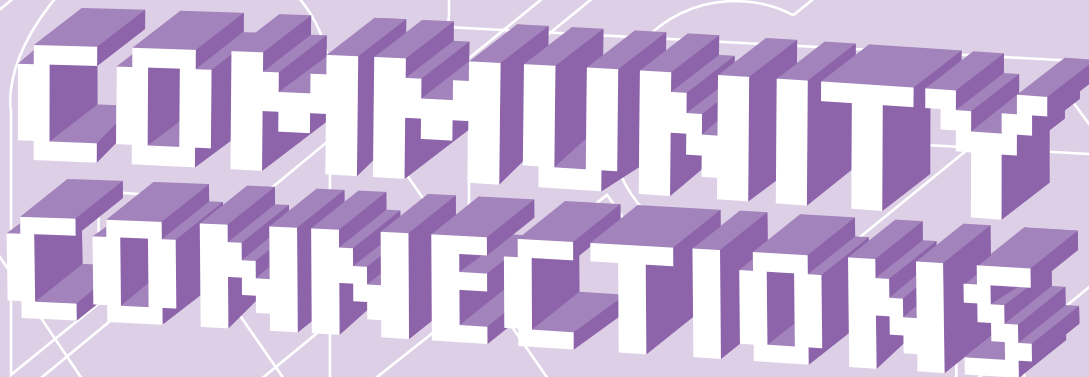
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**COMMUNITY  
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## SAVE THE DATE

**The 18th annual Conference for People with Disabilities**

Tuesday, December 4th, and Wednesday, December 5th, Westin Hotel, Downtown Indianapolis