disabilityrights WISCONSIN
Protection and advocacy for people with disabilities.

Fact Sheet: Bullying

Introduction

We encourage you to follow your school's bullying policy and formally report your concerns in writing. If the school is not aware bullying is happening, they are limited in what they can do to help.

If your child is experiencing bullying based on their disability, race, color, sex, or national origin, you may contact the Department of Public Instruction Non-Discrimination Coordinator and/or file a complaint with the Office for Civil Rights with the federal Department of Education.

1. The Department of Public Instruction nondiscrimination coordinator can be reached via phone at (608) 267-9157, (800) 441-4563, or via mail at P.O. Box 7841, Madison, WI 53707.

   You can find more information on DPI's website: dpi.wi.gov/official-dpi-nondiscrimination-clause.

   Additionally, complaints alleging a violation of Section 504 or the ADA relating to education may be filed with the U.S. Department of Education, Office for Civil Rights (OCR).

2. The Office for Civil Rights is an office of the Department of Education and serves students facing discrimination in their education. The OCR's mission is "to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools."

   You can find more information at: www2.ed.gov/about/offices/list/ocr/aboutocr.html

You can contact the Office for Civil Rights via the following methods:

- **Mail:**

  Office for Civil Rights
  U.S. Department of Education
  230 S. Dearborn Street, 37th Floor
  Chicago, IL 60604
- **Phone:** (312) 730-1560
- **Email:** OCR.Chicago@ed.gov

Should you file with the OCR, a complaint must be filed within 180 days of the violation or the day the incident occurred.

It's also important to keep in mind that schools are very limited on what information they can provide to parents or information regarding any action involving another student due to the Family Educational Rights and Privacy Act (FERPA). It is also beneficial to be aware of related polices such as your school's anti-harassment and anti-discrimination policies.

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, please contact an attorney.

Resources

National Resources

Name: Parents Fact Sheet: What Are Public Schools Required to Do When Students with Disabilities Are Bullied?

Website: www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-bullying-201410.pdf

School staff, parents, and other caring adults have a role to play in preventing and responding to all forms of bullying. If a student with a disability is being bullied, federal law requires schools to take immediate and appropriate action to investigate the issue and, as necessary, take steps to stop the bullying and prevent it from recurring.

Name: US Department of Education: Family Educational Rights and Privacy Act (FERPA)

Website: www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Name: Wrightslaw Bullying and Harassment Page

Website: www.wrightslaw.com/info/harassment.index.htm

This Wrightslaw Bullying and Harassment Page provides information about preventing bullying and contains effective strategies for responding to bullying and harassment. The page includes legal decisions, training programs, public service campaigns, reports, and resources to empower schools, teachers, and parents to end bullying and harassment of children.

Statewide Resources

Name: DPI: My Child has been bullied. What can I do?

Phone: 608-266-8960 or 1-800-441-4563

Website: dpi.wi.gov/sites/default/files/imce/sspw/pdf/bullyingbrochure.pdf

Information for parents of students who are experiencing bullying.

Name: DPI: A Comprehensive Approach to Bullying Prevention

Phone: (608) 266-3390; (800) 441-4563.
Language assistance is available, WDPI general numbers

Website: dpi.wi.gov/sspw/safe-schools/bullying-prevention

Provides information on what Wisconsin state statute says about bullying; includes suggested steps for parents of children who have been bullied; contains a bullying prevention toolkit for districts; and includes additional bullying-related resources.

Name: ACLU WI: Bullying

Phone: 414-272-4032

Website: www.aclu-wi.org/sites/default/files/wysiwyg/bully_book_0.pdf

Wisconsin's state constitution guarantees all students an adequate education. Nevertheless, ACLU Wisconsin still receives many calls each year about bullying. The ACLU of Wisconsin created this helpful guide for families and students experiencing bullying at school.

Additional Information from Disability Rights Wisconsin

If your child experiences the following issues, Disability Rights Wisconsin may be able to provide additional information depending on our capacity.

- Repeated seclusion or restraint of students
- Students facing a manifestation determination
- Students being repeatedly suspended or facing expulsion
- Police being called on special education students
- Truancy
- School not following IEP
- Open enrollment issues
- Understanding functional behavior analysis (FBA) and Behavior Intervention Plans (BIP)