

Kent County SECAC Meeting

February 17, 2021

5:30pm – 7:00pm

Participants: Presenters: Mallory Legg and Alyssa Thorn
Wendy Keen, Dan Hushion, Elizabeth Proffitt, Nancy Martin, Kenneth Smith, Angelica Perez, Tamara Dupree-Jones and Joe Goetz

Notes: The meeting was held virtually in accordance with Covid-19 precautions.

Bullying, Harassment and Intimidation of Students with Disabilities:

Presentation by Mallory Legg, and Alyssa Thorn who are Attorneys from Project HEAL. Project HEAL is a community-based program of the Maryland Center for Developmental Disabilities (MCDD) at Kennedy Krieger Institute. Project HEAL provides comprehensive advocacy and legal services for children with intellectual and developmental disabilities who are patients at Kennedy Krieger Institute and their families. Project HEAL attorneys collaborate with Kennedy Krieger faculty, staff, and trainees to ensure that patients receive the medical and legal care they need when there is a civil legal issue requiring an attorney.

What is Bullying?

Bullying is any unwanted and aggressive behavior among school-aged children that involved a real or perceived power imbalance.

Imbalance of power:

- Children who bully use their power (physical strength, access to embarrassing information) to control or harm others
- Power imbalances can change over time and in different situations whether they do include the same people.

Types of Bullying:

Verbal bullying: saying or writing mean things.

- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm

Social bullying: involves hurting someone's reputation or relationships.

- Leaving someone out on purpose
- Telling other children not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

Physical bullying:

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone's things
- Making mean or rude gestures

Cyberbullying: The intention and repeated harm of others using computers, cell phones and any other electronic devices.

- Can be anonymous
- The impact can have a wider reach because the internet is so large
- It is easier to be cruel when your shielded by a screen
- A cyber bully can be a child who does not participate face to face bullying behavior.

Cyberbullying is difficult to track, but there is a Youth Risk Behavior Surveillance System

- 14.9% of high school students were electronically bullied in 12 months back in 2017.

Normal Peer Conflict vs. Bullying

While we do sometimes have differences of opinions in a normal peer conflict, bullying is sometimes often seen through differences of opinions.

With ***Normal Peer Conflict***

- we have equal power as friends.
- It will happen occasionally
- It comes on as an accident
- Its generally not that serious
- There is an equal emotional reaction with peers
- No one seeks any power or attention
- There is remorse
- There is an effort to solve the problem

With ***Bullying***

- Imbalances of power happen and usually you are not friends
- It is on purpose
- The negative actions repeat
- There is a threat of physical or emotional harm
- Strong emotional reactions from the victims and none from the bullying
- A bullying will seek power, control, or material things
- There is no remorse, and they blame the victim
- There is no effort to solve the problem

Where, When and How often does Bullying Happen:

- Bullying can occur during and after school hours. While most reported bullying happens in the school building, there are often reports of it happening on the playground. Bullying can also happen to and from school. It can occur in the neighborhood and on the internet.
- Cyberbullying can happen at any time of day or night. 24 hours a day, 7 days a week a child can be a victim when they are alone.
- Most bullying happens in Middle School.
- Most common type is verbal and social bullying.
- There is a growing awareness of the problem, so it does seem to be decreasing some.
- It does remain a serious problem in todays schools.
- In 2015, 21% of students ages 12-18 experienced bullying nationally.

- In 2017, 19% of students in grades 9- 12 experienced bullying on school property nationally.

Children Bullying Others

There are two types of children who are more likely to bully others:

- Those who are well connected to their peers. They have the social power and are concerned about their popularity. They like to dominate others.
- Those who are isolated from their peers. They may be depressed or anxious, have a lower self-esteem, not be much involved in school and not identify with the emotions and feelings of other peers.

Those who bullying do not always need to be physically stronger or bigger. Their words and actions can have a great impact due to power imbalances.

Children being Bullied

Generally, children who are bullied have one or more of the following factors, however even if they do have these risk factors, it does not mean they will be bullied.

- Perceived different from peers. Often times they will have glasses, weigh different, their clothing style or type, from being new to the school, or even if they can't afford what others have.
- They are perceived as weak or unable to defend themselves.
- They are depressed, anxious, or have a low self-esteem.
- They are less popular.
- Do not get along with others or as seen as annoying and provoking or antagonizing others for attention.

Bullying of Children with Disabilities

Children with any disabilities, whether it be physical, developmental, intellectual, emotional and a sensory, are at a greater risk of being bullied.

Some children with disabilities may bully children with and without disabilities.

Children who often have emotional disturbances, like those with autism spectrum disorder, orthopedic impairment and other health impairments are at a greater risk of being bullied.

Victimization rates due vary by the disability and educational setting.

- 14.8% of youth without disabilities and 21.6% of youth with disabilities reported high levels of victimizations.
- 19.6% of youth with disabilities experienced verbal bullying
- 11% social bullying
- 9.9% physical bullying
- 24% bullying was in elementary. 34% in Middle School

Why is bullying a problem?

Bullying often increases the following conditions:

- Depression and anxiety
- Sadness or loneliness
- Poor academic achievement
- Changes in sleep or eating habit
- Loss of interest in activities they once enjoyed
- Health complaints

- Behavioral problems
- Extreme cases can include self-harm or even suicide.

Policies and Laws

Currently there are no federal laws that directly address bullying. There have been cases that were covered under federal civil rights laws enforced by the Department of Education's Office of Civil Rights (OCR) and the US Department of Justice (DOJ).

Bullying may overlap with the denial of FAPE. Meaning if the bullying results in the student not being able to receive meaningful educational benefits from special education and related services provided by the school.

Among the 50 states and the District of Columbia, 8 states have anti-bullying laws and 42 states, and DC have both anti-bullying laws and policies.

49 states (Not Montana) mandate the schools must have a formal policy to help indent bullying behavioral and discuss the disciplinary responses that can follow.

45 states have a bullying law/policy that allows the school to discipline students for cyberbullying.

Grace's Law and Grace's Law 2.0 allow actual charges to happen for repeated bullying.

The School system must place a child in an appropriate program that can implement the IEP. If the school system cannot find appropriate public program, then school system must place the child in a non-public (private) school and pay for it. When the student with a disability transfer to a new school district, the new school system must continue to provide special education and related services that are comparable to those set forth in the student's most current IEP.

Resolving Disagreements

There are four methods for resolving special education in the State of Maryland.

1. State complaints – Procedural violations of IDEA, lack of resources and/or systemic problems
2. Mediation – Both parties must agree, all discussions are confidential, and state bears all cost
3. Resolution Sessions – efforts to resolve the dispute before a hearing, parties can waive a resolution session and agree to mediate, and parties may execute legally binding agreements.
4. Due process hearings – formal proceedings with attorneys, evidence, witness and a written decision by an ALJ.

Addressing bullying through IEPs/504s

Advocate for your child's IEP to include bullying prevention strategies through goals and objectives and supplementary aids and services.

Schools have an ongoing obligation to provide FAPE services under the IDEA and section 504. As part of the school's response to bullying on any basis, the student's needs have changed such that the IEP/504 is no longer designed to provide a meaningful educational benefit.

Can include supplementary aids – Whether it be an adult support, hall pass to leave class early or be late, passes to see specialist in school- which this can be also apart of related services (social worker, counselor or even psychologist), peer buddy, lunch bunch or even a social skills group.

Program trainings for administration, educator, transportation staff and even student disability awareness trainings, and in-service training on bullying, harassment, and intimidation.

Wendy Keen indicated that staff does receive training here in Kent County Public Schools and our bus drivers as well.

ADDITIONAL INFORMATION:

- https://docs.google.com/forms/d/e/1FAIpQLSe_VckhHLn8iMDWVMxluKhcm2ie5RqTX6qwtMug_uMacY7kqZw/viewform - Online form
- Maryland State Department of Education:
<http://www.marylandpublicschools.org/about/Pages/DSFSS/SSSP/Bullying/index.aspx>
- www.stopbullying.gov
- www.stopbullyingnow.com
- www.bullyfree.com
- www.autismsafety.com
- www.bullypolice.org
- www.bullyingprevention.org
- www.pacerkidsagainstbullying.org
- www.suicidepreventionlifeline.org
- <https://naric.com/?q=en/publications/volume-8-issue-2-bullying-and-childrenyouth-disabilities>
- <http://www.violencepreventionworks.org/public/bullying.page>

For legal representation, contact the staff attorneys at Project HEAL:

Mallory Legg, Esq – 443-923-9571 – legg@kennedykrieger.org

Alyssa Thorn, Esq – 443-923-9231 – ThornA@kennedykrieger.org

Intake line: 443-923-4414

For any additional resources, including workshop information, IEP assistance, IDSP Assistance, lending library, support groups, or community resources and service referrals, please contact the Family Support Resource Center at fsupport@kent.k12.md.us or call Elizabeth at 410-778-5708. The center is located at the Kent County Middle School, room 114, 402 E. Campus Ave, Chestertown MD 21620

