

The Advocacy Ridge

Mountain to Mountain Advocacy, LLC | The Disability Advocate, LLC

Arie Boldt • ArieBoldtAdvocacy@gmail.com

Jackie Darrough • Jackiedisabilityadvocate@gmail.com • thedisabilityadvocate.org

PRESENTS

BULLYING AND STUDENTS WITH DISABILITIES

What It Is. What the Law Requires. What You Can Do.

A comprehensive guide for families navigating bullying, disability harassment, and the school's legal obligations.

The Scope of the Problem

Students with disabilities are bullied at significantly higher rates than their non-disabled peers. Research consistently shows that children with visible disabilities, social communication differences, learning disabilities, physical differences, or behavioral challenges are disproportionately targeted. This is not a coincidence — it is a pattern. And the consequences are severe: increased anxiety and depression, school refusal, regression in academic and functional skills, and in some cases, lasting trauma.

What makes bullying of students with disabilities especially complex is that it sits at the intersection of three different legal frameworks — IDEA, Section 504, and anti-bullying law — and schools often handle it through only one lens: the behavioral lens. A child is bullied. The school addresses the bully's behavior. The target student's disability-related needs — the anxiety that now prevents them from accessing education, the regression in skills, the IEP that no longer reflects their current functional level — go unaddressed.

This guide is about the full picture. Not just "what do I do about the bully" — but what does the law require of the school, what rights does your child have, how does bullying intersect with the IEP, and what do you do when the school's response isn't enough.

Research Finding

Students with autism spectrum disorder, intellectual disabilities, ADHD, and learning disabilities are two to three times more likely to be bullied than their non-disabled peers. Students who communicate differently, who have social skill differences, or who are perceived as 'different' by peers are at particularly high risk. (National Autism Society, 2018; Swearer et al., 2012)

Definitions — Knowing the Legal Distinctions

The words 'bullying,' 'harassment,' and 'discrimination' are often used interchangeably — but they mean different things in the legal context, and the difference determines which law applies, which agency has jurisdiction, and what remedies are available.

Bullying

Bullying is generally defined by state anti-bullying laws rather than federal law. Most state definitions include three core elements:

- Repeated harmful behavior (not a single isolated incident)
- A power imbalance between the person doing the bullying and the target
- Intent to harm, exclude, or intimidate

Bullying can be physical (hitting, shoving, property damage), verbal (name-calling, threats, taunting), relational (exclusion, spreading rumors, social manipulation), or cyberbullying (electronic harassment via text, social media, or online platforms).

Important Limitation

There is no single federal anti-bullying law. Congress has considered federal bullying legislation but has not enacted it. The federal legal protections for students who are bullied come from civil rights laws — not from a law specifically called an 'anti-bullying law.' This matters because it means the strength of anti-bullying protections varies significantly by state.

Disability Harassment — The Federal Civil Rights Standard

Disability harassment is a distinct legal concept grounded in federal civil rights law. The U.S. Department of Education's Office for Civil Rights (OCR) defines disability harassment as:

"Intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program."

The hostile environment standard has two key components:

- The harassment must be based on disability — it targets the student because of their disability, perceived disability, or disability-related characteristics
- It must be sufficiently serious, pervasive, or persistent to interfere with the student's ability to participate in or benefit from the educational program

LEGAL FOUNDATION — OCR Dear Colleague Letter, October 26, 2010

Schools that know about disability harassment and fail to take prompt and appropriate corrective action violate Section 504 and Title II of the ADA. The school's obligation is not only to address the individual behavior but to eliminate the hostile environment, prevent its recurrence, and address the effects on the student who was harassed.

Discrimination Based on Disability

When a school's response to bullying is itself discriminatory — for example, when a student with a disability is punished for responding to bullying while the student who bullied them is not, or when the school removes the student with a disability from the school setting rather than addressing the bully — that school response may itself constitute disability discrimination under Section 504 and the ADA.

The Spectrum: From Bullying to Hate Crime

In the most serious cases, bullying based on disability may rise to the level of a hate crime under state or federal law. The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (18 U.S.C. § 249) includes disability as a protected characteristic. Physical assaults motivated by the victim's disability may be prosecutable as federal hate crimes. This is the extreme end of the spectrum — but families should be aware that criminal law may apply in the most severe situations.

The Federal Legal Framework

Multiple federal laws create obligations for schools when students with disabilities are bullied. Understanding which law applies — and what each requires — is essential for effective advocacy.

Section 504 of the Rehabilitation Act of 1973

LEGAL FOUNDATION — 29 U.S.C. § 794 | 34 CFR Part 104

No otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 504 prohibits any program receiving federal funding — including all public schools — from discriminating based on disability. When a student with a disability is bullied and the school's failure to respond adequately allows a hostile environment to persist, the school may be violating Section 504.

Section 504 is enforced by OCR. A parent can file an OCR complaint at no cost. OCR investigates and can require corrective action, including policy changes, staff training, and remedies for affected students.

Title II of the Americans with Disabilities Act (ADA)

LEGAL FOUNDATION — 42 U.S.C. § 12132 | 28 CFR Part 35

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

Title II of the ADA prohibits disability discrimination by public entities — including public school districts. Title II applies to all public schools, whether or not they receive federal financial assistance (though most do and are therefore covered by both Section 504 and the ADA). Private schools that receive federal funding are covered by Section 504; private schools that do not receive federal funding are covered by Title III of the ADA.

IDEA — The IEP Connection

LEGAL FOUNDATION — 20 U.S.C. § 1400 et seq. | 34 CFR Part 300

IDEA requires that students with disabilities receive a Free Appropriate Public Education (FAPE) designed to meet their individual needs in the Least Restrictive Environment (LRE).

IDEA doesn't explicitly address bullying — but when a student with a disability is being bullied, the bullying often has direct consequences for FAPE:

- The student's educational performance may decline as a result of the bullying
- The student may develop anxiety, school refusal, or other conditions that affect their ability to access education
- The LRE may be compromised — if a student is being pulled from inclusive settings because they're being bullied there, the LRE analysis has been distorted by the bullying
- The IEP may no longer reflect the student's current needs if those needs have been altered by the bullying experience

Bullying may also reveal previously unidentified disability-related needs. When bullying-related concerns create reason to suspect a disability or additional disability-related needs, the district's Child Find obligations may require consideration of evaluation or reevaluation.

The U.S. Department of Education issued guidance in August 2013 (Dear Colleague Letter on Bullying of Students with Disabilities) specifically addressing the intersection of bullying and IDEA. The guidance states:

"When a student with a disability is bullied, the effects of the bullying — including emotional harm, academic decline, or school avoidance — may affect the provision of FAPE. Schools must address the educational impact of bullying, not merely the bullying incident itself."

This means that when a student with an IEP is being bullied, the IEP team must convene to consider whether the bullying has affected the student's needs and whether the IEP needs to be revised.

Title IX

LEGAL FOUNDATION — 20 U.S.C. § 1681 | 34 CFR Part 106

Title IX prohibits sex-based discrimination in federally funded education programs.

Title IX is relevant when bullying targets a student based on sex, gender, or gender identity — including when a student with a disability is additionally targeted for not conforming to gender norms. When bullying has both a disability and a sex-based component, both Section 504 and Title IX may apply.

The Equal Access Act

LEGAL FOUNDATION — 20 U.S.C. § 4071

Requires public schools to provide equal access to student groups and activities without discrimination.

The Equal Access Act may be relevant in cases where students with disabilities are excluded from extracurricular activities or student groups because of bullying or peer hostility, if the school responds by limiting the student's participation rather than addressing the hostile environment.

Federal Guidance Documents

The following federal guidance documents are the authoritative interpretations of how federal civil rights law applies to school bullying situations. These are not laws themselves, but they represent how the Department of Education and its agencies interpret existing law. In advocacy and in OCR complaints, citing these documents is important.

OCR Dear Colleague Letter — October 26, 2010

Title: "Dear Colleague Letter: Harassment and Bullying"

Issued by: Office for Civil Rights, U.S. Department of Education

Available at: ed.gov (search "OCR Dear Colleague Letter Harassment Bullying 2010")

This is the foundational federal guidance on bullying and civil rights. Key provisions:

- Bullying based on race, color, national origin, sex, or disability may constitute unlawful harassment under federal civil rights laws
- Schools have a legal obligation to respond promptly and effectively when they know about harassment — regardless of how they learn about it
- If the bullying is sufficiently serious and the school's response is inadequate, the school is in violation of federal civil rights law — even if the school has an anti-bullying policy
- Schools must address not only the individual incident but the hostile environment — including its effects on the targeted student
- A school cannot simply punish the bully and consider its obligation satisfied. It must take steps to eliminate the hostile environment and address the ongoing impact on the targeted student

OSEP / OSERS Dear Colleague Letter — August 20, 2013

Title: "Dear Colleague Letter on Bullying of Students with Disabilities"

Issued by: Office of Special Education Programs (OSEP) and Office of Special Education and Rehabilitative Services (OSERS)

Available at: sites.ed.gov/idea (search "2013 Bullying Dear Colleague Letter")

This is the IDEA-specific bullying guidance — the document that directly connects bullying to FAPE. Key provisions:

- Bullying of a student with a disability may deny the student FAPE if the bullying changes the student's ability to access their education
- Schools must specifically consider whether bullying has affected the provision of FAPE and, if so, must take steps to remedy those effects
- When a student with a disability is being bullied, the IEP team should convene to determine whether the bullying has affected the student's needs and whether the IEP or placement needs to be revised
- Schools cannot place the burden of addressing bullying solely on the student with a disability — for example, by removing them from inclusive settings rather than addressing the bullying behavior
- The fact that a school has an anti-bullying policy does not satisfy its IDEA obligations if that policy is not implemented in a way that addresses FAPE

IMPORTANT

Both of these Dear Colleague Letters are still in effect as of the date of this guide. They represent the authoritative federal interpretation of how civil rights law applies to school bullying of students with disabilities. Cite them in written communications with the school and in any OCR complaint.

Educational Impact Is Not Limited to Grades

When evaluating the impact of bullying, schools must look beyond academics. Educational impact may include attendance difficulties, school avoidance, anxiety, depression, emotional regulation difficulties, executive functioning challenges, communication changes, behavioral changes, peer relationship difficulties, participation in school activities, and other barriers to accessing education. A student does not need failing grades for bullying to affect FAPE.

What Schools Are Required to Do

Understanding what the school is legally required to do — as distinct from what they are permitted to do or what is best practice — is essential for effective advocacy. The obligations vary depending on which legal framework applies.

Under Section 504 and the ADA — The Civil Rights Obligations

When a school has notice of disability harassment, it must:

- Take prompt action to investigate the situation
- Take appropriate steps to eliminate the hostile environment
- Prevent the recurrence of harassment
- Remedy the effects of the harassment on the targeted student — not just address the harassing behavior

"Prompt and appropriate" is a legal standard. Promptness means the school investigates and responds without unnecessary delay — not weeks or months after the incident. Appropriate means the response is reasonably calculated to eliminate the harassment and its effects. A response that fails on either measure may constitute a violation of Section 504 and the ADA.

What 'Prompt' Means in Practice

OCR has generally interpreted prompt as within days of the school receiving notice — not weeks. If a parent reports harassment on Monday and the school has done nothing by the following Monday, that timeline is becoming legally problematic. Document the date of every report. The clock starts the day the school receives notice.

Under IDEA — The FAPE Obligations

When a student with a disability is being bullied and it affects their educational performance or access:

- The IEP team must be convened to assess whether the bullying has changed the student's needs
- The IEP must be revised if the bullying has affected the student's present levels, goals, or required services
- The placement decision must be reconsidered — and the student cannot be removed from their LRE as a response to bullying without a full LRE analysis that documents why less restrictive options with added supports are insufficient
- If the student has developed anxiety, depression, or other conditions as a result of bullying, those conditions become disability-related educational needs that the IEP must address

⚠ IMPORTANT

A school that responds to bullying by restricting the student with a disability's access to inclusive settings — rather than addressing the bullying — may be violating the LRE requirement AND Section 504. The solution to bullying is not to remove the victim from the setting where they're entitled to be educated.

Under State Anti-Bullying Law — The Policy Obligations

Every state has some form of anti-bullying law or policy requirement. These create additional obligations on top of the federal civil rights framework. State anti-bullying laws typically require:

- Schools to have a written anti-bullying policy
- Schools to investigate reported incidents within a specified timeframe
- Schools to notify parents of both the targeted student and the student who engaged in bullying
- Schools to maintain records of bullying incidents and responses
- Annual reporting to the state education agency in many states

The strength of these requirements varies significantly by state. See Section 8 for state-specific information.

What Schools Cannot Do

These responses are legally problematic and should be challenged in writing:

- Telling a parent that their child needs to 'learn to handle it' or 'toughen up'
- Moving the student with a disability to a different classroom, a more restrictive placement, or homebound instruction in response to bullying without a full IEP team analysis
- Concluding the investigation before speaking with the targeted student and witnesses
- Treating the student with a disability's responses to bullying (crying, behavioral outbursts, hitting back in self-defense) as the primary disciplinary concern while minimizing or ignoring the triggering bullying behavior
- Allowing a student who has bullied another student to return to the same setting without a plan for protecting the targeted student
- Failing to notify parents when bullying incidents are documented
- Discouraging a parent from making a formal written report

The IEP Intersection — What Every IEP Team Must Address

For students who have an IEP, bullying is not just a school safety issue — it is a special education issue. The following is what the IEP team must consider and potentially act on when a student with an IEP is being bullied.

When Bullying Requires an IEP Meeting

Request an IEP meeting in writing immediately if any of the following are true:

- The bullying has been ongoing — more than one incident, or a pattern over time
- The student is showing emotional, behavioral, or academic changes that appear related to the bullying
- The student is avoiding school, avoiding specific settings within school, or refusing to attend
- The student's IEP-related performance has declined in any goal area since the bullying began
- The student has developed new needs (anxiety, difficulty concentrating, changes in social behavior) that are not addressed in the current IEP
- The school's response to the bullying has involved restricting the student's access to any part of their educational program

What the IEP Team Must Consider

Once convened, the IEP team must address:

1. Current Present Levels (PLAAFP)

Does the PLAAFP reflect the student's current functioning — not their pre-bullying baseline? If the bullying has caused regression or new difficulties, the PLAAFP must be updated to reflect where the student is now.

2. Goals

Are there goals addressing the needs created or exacerbated by the bullying — including anxiety management, self-advocacy, social skill development, and emotional regulation? Goals should not be attendance goals ('student will attend school 5 days per week') — they should be skill goals addressing the underlying needs.

3. Services

Does the student need additional counseling services, mental health support, or social skill instruction as a result of the bullying? Are current services sufficient? The effects of bullying on a student with a disability may require changes to the service profile.

4. Accommodations

Are there accommodations that address the anxiety or other effects of the bullying? Examples:

- *Access to a safe space or trusted adult throughout the school day*
- *Modified or alternative routes through the building to avoid areas where bullying has occurred*
- *Check-in/check-out with a consistent adult for relationship support and monitoring*
- *Preferential seating arrangements that create physical separation from students who have engaged in bullying*
- *Modified lunch or recess arrangements while the situation is being resolved*

5. Placement and LRE

If the bullying is occurring in inclusive settings, the response cannot be to remove the student from those settings without a documented LRE analysis. The team must document: what supplementary aids and services were tried or considered to address the bullying in the current setting and why they were determined to be insufficient — before moving the student to a more restrictive environment.

The Transfer of Burden

One of the most common and most problematic school responses to bullying is to restrict the student with a disability's access — moving them to a different class, pulling them from lunch, limiting their participation in extracurriculars — as a management strategy. This transfers the burden of the bullying from the bully to the victim, and may violate both Section 504 and the LRE requirement. Challenge this pattern in writing.

Bullying as a FAPE Denial — Making the Argument

If a school has failed to adequately respond to bullying of a student with a disability, and that failure has affected the student's access to education, there is a potential argument that FAPE has been denied. Hearing officers and courts have found FAPE violations in bullying cases when:

- The school had notice of repeated bullying and failed to take adequate action
- The bullying caused measurable regression in the student's IEP goals
- The bullying caused the student to develop new disability-related needs (anxiety, school refusal) that the school failed to address
- The school's response to bullying effectively excluded the student from their LRE

Documenting the connection between bullying, academic/functional decline, and the school's inadequate response is the foundation of a FAPE-based bullying claim.

Cyberbullying — The Online Dimension

Cyberbullying — bullying conducted through electronic means including social media, text messages, gaming platforms, email, and online communities — presents unique challenges for schools and families. Students with disabilities are particularly vulnerable to cyberbullying

because their social differences may make them more easily manipulated, more likely to be included in group chats where exclusion is public, and less equipped to recognize when they are being targeted.

When Schools Have Jurisdiction Over Cyberbullying

Schools cannot discipline students for off-campus, online speech in all circumstances — there are First Amendment limitations. However, school jurisdiction over cyberbullying is well-established when:

- The cyberbullying causes substantial disruption to the school environment
- The cyberbullying targets a student based on a protected characteristic (disability, race, sex) and creates a hostile environment at school
- The cyberbullying involves threats that a reasonable person would find threatening
- The electronic activity takes place on school property, using school devices or networks
- The cyberbullying is so severe that it affects the targeted student's ability to participate in school

The 2010 OCR Dear Colleague Letter explicitly addresses cyberbullying: when off-campus electronic harassment creates a hostile environment at school, schools may be responsible under federal civil rights law for responding to and remedying that environment — regardless of where the electronic communication originated.

Cyberbullying and Evidence Collection

Evidence of cyberbullying must be preserved immediately. Screenshots disappear. Group chats are deleted. Accounts are blocked. As soon as cyberbullying is discovered:

- Screenshot every piece of evidence — the content, the platform, the username, and the timestamp
- Screenshot the profile of any account involved (in case it is deleted or changed)
- Note the date and time of discovery and when each piece of content was posted
- Do not block the account yet — blocking before documenting may remove your ability to preserve evidence
- Report the content to the platform (most platforms have disability harassment as a violation of terms of service)
- If content involves threats of physical harm, report to local law enforcement before reporting to the school

State Cyberbullying Laws

Most states now have laws specifically addressing cyberbullying, often as amendments to existing anti-bullying statutes. These laws vary in how they define electronic harassment, what schools are required to do, and whether cyberbullying that occurs off-campus falls within school jurisdiction. Check your state's specific law — see Section 8.

State Anti-Bullying Laws — What You Need to Know

All 50 states have some form of anti-bullying law or policy. However, the strength, specificity, and enforcement mechanisms of these laws vary enormously. The following table summarizes notable provisions for states with particularly strong protections or notable features for students with disabilities. For your specific state's current law, always verify with your state's Department of Education or a local advocacy organization.

IMPORTANT

State laws change. This table reflects the law as understood at the time of this guide's publication. Always verify current state law through your state's department of education website, your state's PTI center (parentcenterhub.org), or a special education attorney in your state.

State	Law / Policy Name	Notable Provisions
New Jersey	Anti-Bullying Bill of Rights Act (2011)	Considered the nation's strongest anti-bullying law. Requires investigation within 10 school days, a Harassment Intimidation and Bullying (HIB) specialist at every school, and annual grading of schools on anti-bullying efforts. Explicitly includes disability as a protected characteristic.
California	Ed. Code §48900 et seq.; Seth's Law (2012)	Prohibits bullying on the basis of disability. Requires schools to develop anti-bullying policies and investigate complaints. Seth's Law specifically addresses bullying of LGBTQ+ students and students with disabilities. Schools must post their anti-bullying policy publicly.
New York	Dignity for All Students Act (DASA, 2012)	Prohibits discrimination and harassment in schools based on disability and other protected characteristics. Requires each school to have a DASA coordinator. Covers conduct both on and off school property when it creates a hostile school environment

Massachusetts	An Act Relative to Bullying in Schools (2010)	Requires schools to develop and implement a bullying prevention plan. Explicitly includes disability. Mandates staff training, annual reporting, and a clear prohibition on retaliation against students who report bullying.
Washington	Safe Schools Act (2023)	Comprehensive anti-harassment law covering disability as a protected characteristic. Includes cyberbullying provisions. Requires investigation procedures and notification of parents of both students.
Texas	Educ. Code §37.0832; §25.0341	Requires schools to adopt anti-bullying policies and defines bullying to include electronic communications. Investigation required. Notable: Texas requires schools to offer the student who was bullied a transfer to a different class or school.
Florida	Jeffrey Johnston Stand Up for All Students Act (2008)	Requires each district to adopt a policy prohibiting bullying based on disability and other characteristics. Includes cyberbullying. Investigation required within 10 days.
Illinois	105 ILCS 5/27-23.7; Prevent School Violence Act	Requires anti-bullying policies and investigation procedures. Includes disability. Cyberbullying covered. Must post policy on school website.
Pennsylvania	22 Pa. Code §12.3; Act 71 (2008)	Requires anti-bullying policies that explicitly prohibit bullying on the basis of disability. Schools must investigate and document. Pennsylvania's HIB (Harassment, Intimidation and Bullying) framework mirrors New Jersey's in some respects.
Colorado	C.R.S. §22-32-144	Requires anti-bullying policies and training. Disability included. Notable: Colorado's law specifically addresses the intersection of bullying and student mental health — schools must consider the mental health impact of bullying on targeted students.
Michigan	Matt Epling Safe School Law (2011)	Requires anti-bullying policies. Controversial for an original 'morals clause' that created exceptions — subsequently amended. Disability included as a protected characteristic.

Georgia	O.C.G.A. §20-2-751.4	Requires anti-bullying policies. Includes disability. Schools must investigate and take disciplinary action. Georgia's law is notable for requiring age-appropriate bullying prevention programs.
Oregon	O.R.S. §339.351 et seq.	Comprehensive anti-harassment, intimidation and bullying law. Disability specifically included. Investigation required. Notable strong cyberbullying provisions.
Minnesota	Minn. Stat. §121A.031; Safe and Supportive Schools Act	One of the most comprehensive state anti-bullying laws. Requires investigation, remedial action, and reporting. Includes disability. Explicitly addresses bullying as it relates to student mental health.
Maryland	Ed. Art. §7-424	Requires policies prohibiting bullying on the basis of disability. Investigation required. Maryland's law includes specific provisions for documenting and tracking bullying incidents.

States NOT listed above still have anti-bullying laws, but may have less specific protections for students with disabilities or less robust enforcement mechanisms. Key steps regardless of state:

- Look up your specific state's anti-bullying statute by searching your state name + 'anti-bullying law' + 'education code'
- Check your school district's anti-bullying policy — this is usually on the district website and may be stronger than state minimums
- Contact your state's PTI center (parentcenterhub.org) for state-specific advocacy guidance

What to Do — A Step-by-Step Response

This section is the practical guide: what to do, in what order, from the moment you learn your child is being bullied through formal complaints and IEP action. Every step should be documented. Everything goes in writing.

Step 1 — Listen to Your Child First

Before you do anything else, create space for your child to tell you what is happening. Take notes. Use their words. Ask clarifying questions without leading:

- What happened? What did they say or do?
- Who was there?
- Where did it happen — what part of the school, what class, what time?
- Has this happened before? How many times?
- Did any adults see it? Did you tell any adults at school?
- How are you feeling? What do you want me to do?

For students who have difficulty with verbal communication, use whatever means of communication works — AAC devices, written questions, drawing, or working with a trusted support person. Your child's description of events is important documentation.

For Students With Communication Differences

Children with autism, significant language processing differences, or other communication disabilities may have difficulty narrating what happened in a linear way, may not recognize that certain behavior directed at them IS bullying, or may not report incidents at all. Check-in regularly and specifically. Watch for behavioral changes, somatic complaints, and changes in emotion around school-related topics.

Step 2 — Document Everything

Create a bullying log. Every incident, in writing, with:

- Date and time
- Location (classroom, hallway, cafeteria, bus, online)
- What was said or done — specific words and actions, as close to verbatim as possible
- Who was involved — the student(s) who bullied and any witnesses
- What your child did or said in response
- Who at school was present or informed, and what their response was
- How your child was affected — emotionally, physically, academically
- If the bullying results in physical injury, anxiety, school refusal, sleep disturbance, or other health impacts, consider obtaining documentation from medical or mental health providers.

Keep physical copies of all evidence: screenshots of cyberbullying, photographs of property damage, medical records if physical harm occurred. Date everything.

Step 3 — Report to the School in Writing

Every report should be in writing. Email is sufficient. If you've already reported verbally (in person or by phone), follow up immediately in writing: "This is to confirm that I verbally reported on [date] that [child's name] is experiencing bullying. I am now making this report in writing."

Your written report should include:

- Your child's name, grade, and teacher
- A description of each incident — date, location, what happened, who was involved
- What response, if any, you have already received from school staff
- A statement that you believe this behavior may constitute disability harassment under Section 504 and the ADA
- A specific request for: (1) a written response describing the school's investigation plan and timeline; (2) notice of the results of the investigation; and (3) a description of the steps being taken to address the hostile environment
- A request for copies of the district's anti-bullying policy, complaint procedures, and Section 504 grievance procedures if you do not already have them

Send the email to: the classroom teacher AND the principal AND the special education director (if your child has an IEP). CC yourself. Print the email and the sent confirmation and file it in your binder.

LEGAL NOTE — Notice Matters

Courts often consider whether a school had actual notice of harassment concerns and an opportunity to respond. This is one reason written reporting and documentation are so important.

Understanding a "Gebser Letter"

Some advocates and attorneys use the term "**Gebser Letter**" to describe a formal written notice informing the district of bullying, harassment, or discrimination concerns.

The term comes from the U.S. Supreme Court case *Gebser v. Lago Vista Independent School District* (1998), which emphasized the importance of school officials having actual notice of concerns and an opportunity to respond.

A Gebser Letter is not a specific legal form and is not required by law. It is simply a detailed written communication designed to clearly document:

- What occurred
- When and where it occurred
- Who was involved
- Why the parent believes the conduct may constitute bullying, harassment, discrimination, or disability harassment
- The impact on the student
- Who has already been notified
- What actions the parent is requesting the district take
- A request for a written response and investigation findings

A well-written Gebser Letter helps establish that the district had notice of the concerns and creates a clear record of what was reported and when. Parents should keep copies of the letter and all responses.

What to Include

A Gebser-style letter often includes:

- ✓ Student name and identifying information
- ✓ Description of the incidents
- ✓ Dates, locations, witnesses, and individuals involved
- ✓ Description of the educational, emotional, behavioral, physical, or social impact on the student
- ✓ Statement that the parent believes the conduct may constitute bullying, harassment, discrimination, or disability harassment
- ✓ Request for investigation and corrective action
- ✓ Request for measures to protect the student and address the effects of the bullying
- ✓ Request for a written response within a reasonable timeframe

Important

Submitting a Gebser-style letter does not replace reporting through the district's bullying complaint process, requesting an IEP or Section 504 meeting, filing a state complaint, filing an OCR complaint, or pursuing other remedies. It is simply one tool families may use to create a clear written record and provide formal notice to the district.

Step 4 — Request an IEP Meeting (if your child has an IEP)

Send a separate written request for an IEP meeting to the special education director and the case manager:

"I am writing to request an IEP team meeting to discuss the bullying and disability harassment my child has been experiencing. Based on guidance from OSEP (Dear Colleague Letter, August 20, 2013), I believe the IEP team must convene to assess whether the bullying has affected my child's access to FAPE and whether the IEP needs to be revised. Please schedule this meeting within the next 30 days."

At the IEP meeting, the team must assess: whether the bullying has affected present levels, goals, services, placement, or accommodations. Come prepared with documentation of the bullying incidents and documentation of any changes in your child's functioning.

IMPORTANT — When Evaluation May Be Needed

If a student is not currently receiving special education or Section 504 services, or if the student has developed new concerns related to anxiety, school avoidance, emotional regulation, social functioning, behavior, communication, or other areas as a result of the bullying, parents may request an evaluation. Bullying may reveal previously unidentified disability-related needs requiring additional supports, services, accommodations, or special education.

Step 5 — Follow Up If the School's Response Is Inadequate

If the school investigates and responds — ask for the results of the investigation in writing. Review what they found and what they intend to do. If the response is inadequate — the investigation was cursory, the proposed response won't actually protect your child, or the bullying continues — escalate.

- Send a follow-up email noting the specific inadequacy of the response
- Request a meeting with the principal and special education director together
- Contact the district's 504 coordinator directly regarding the civil rights obligations
- Contact the district's special education director regarding FAPE and LRE concerns

Step 6 — File an OCR Complaint

If the school's response is clearly inadequate and the hostile environment is persisting, file an OCR complaint. Filing is free. No attorney is required. The complaint can be filed online at ed.gov/ocr.

An OCR complaint should include:

- The name and address of the school and district
- Your child's name and contact information
- A detailed description of the bullying incidents — dates, descriptions, witnesses
- Documentation of every report you made to the school and the school's response
- A statement that you believe the school has violated Section 504 and/or Title II of the ADA by failing to respond adequately to disability harassment
- The specific relief you are requesting — investigation, corrective action, staff training, remedies for your child

OCR must acknowledge your complaint and begin an investigation. The process can take months. OCR may conduct its own investigation, request documents from the school, and interview parties. Outcomes can include corrective action plans requiring the school to change policies, provide training, and deliver remedies to affected students.

OCR Complaint Deadline

OCR complaints must be filed within 180 calendar days of the most recent act of discrimination or harassment. Do not wait. The clock runs from the last incident, not the first. If bullying has been ongoing, the 180 days typically runs from the most recent incident.

Step 7 — Consider a State Complaint or Due Process

If the bullying has affected your child's access to FAPE and the school has failed to address the educational impact, a state complaint or IDEA due process may be appropriate alongside or instead of an OCR complaint.

- State complaint: filed with the state education agency, free, investigated within 60 days. Appropriate for documented procedural violations — including failure to convene an IEP meeting after bullying was reported
- Due process: formal hearing before an impartial officer. Appropriate when the bullying has resulted in a significant denial of FAPE — regression in goals, placement change, compensatory services needed. Requires documentation of both the bullying and its educational impact

State complaints and OCR complaints can be filed simultaneously with different agencies addressing different violations. Consult a special education attorney before filing due process in a bullying case — the facts need to be well-documented.

What the IEP Should Include When Bullying Is a Factor

After the IEP team convenes to address a bullying situation, the IEP document itself should reflect the current reality for the student. Here are the specific elements that may need to be added or updated.

PLAAFP Updates

The PLAAFP should describe:

- The current social-emotional status of the student — including any anxiety, avoidance, or changes in social behavior that have emerged or worsened since the bullying
- Academic or functional performance changes that can be connected to the bullying experience
- Current peer relationship status — including how the student interacts with the students involved in bullying
- Any new evaluations or assessments conducted to understand the current impact

Goal Areas

Goals should address skills the student needs — not attendance outcomes. Consider goals in:

- Self-advocacy — identifying when a situation is not okay and knowing how to report it to a trusted adult
- Emotional regulation — managing the anxiety, frustration, or sadness that may be affecting daily functioning
- Social skills — understanding social dynamics, navigating peer interactions, building positive peer relationships
- Self-esteem and self-concept — particularly important for students who have internalized bullying messages about their disability

Services

Consider whether the following services are needed:

- School counseling — increased frequency or a specific focus on the bullying experience and its aftermath
- Social skills instruction — direct instruction in peer interaction skills that reduce vulnerability and build social competence
- Mental health support — if the student has developed anxiety or depression as a result of the bullying, coordinate with outside mental health providers
- Staff training — included as a service delivery note, but important: the staff who interact with the student need to understand the bullying situation and their role in monitoring and supporting

Accommodations

Add specific, concrete accommodations:

- Designated safe space and a named trusted adult available throughout the day
- Modified seating, lunch, recess, or transition arrangements to prevent access to the student by those who bullied them
- Check-in/check-out with a consistent support person
- Alert system — if the student is in distress, a specific non-verbal signal they can use to communicate need
- Peer monitoring — specific peer support or buddy system if appropriate

A Safety Plan — Written Into the IEP

For students who have been significantly affected by bullying, a written safety plan documented in the IEP is appropriate. The plan should specify:

- The adults responsible for monitoring the student's safety in each setting
- What the student should do if bullying behavior occurs or is threatened
- How incidents will be documented and reported
- How the student's parent will be notified
- A schedule for reviewing whether the safety plan is working

When the Student With a Disability Is Accused of Bullying

This is a situation that many families of students with disabilities encounter — and it is more complicated than it appears. Sometimes students with disabilities engage in behavior that is misidentified as bullying when it is actually a manifestation of their disability. Sometimes students with disabilities DO engage in genuine bullying behavior. And sometimes they are in the middle of a situation where they are both being bullied and responding in ways that get them labeled as the bully.

Distinguishing Disability-Related Behavior from Bullying

True bullying involves intent to harm, a power imbalance, and repetition. A student with autism who repeats the same question to a peer in ways that feel harassing to the peer — but who does not have the social understanding to recognize the impact — is not engaging in bullying in the legal sense. A student with ADHD who impulsively says something hurtful and then has no awareness of how it was received is not a bully. These situations require support and education, not discipline alone.

When a student with a disability is accused of behavior that may be disability-related:

- Request in writing that the school analyze whether the behavior is a manifestation of the disability before taking disciplinary action
- If the behavior is disability-related, it should be addressed through the IEP — specifically through an FBA and BIP — not primarily through punishment
- Request an IEP meeting to discuss the behavior, its function, and the appropriate IEP response

When the MDR Applies

If the student with a disability faces a suspension of more than 10 school days or expulsion as a result of bullying-related behavior, the Manifestation Determination Review (MDR) provisions of IDEA apply. The IEP team must determine whether the behavior was caused by or had a direct and substantial relationship to the disability before long-term removal can proceed.

When the Student With a Disability Is Both Target and Actor

This is a common and particularly painful dynamic: a student with a disability is being bullied, reacts in a way that is both understandable and problematic, and becomes the focus of the school's disciplinary response while the original bullying is minimized. Watch for this pattern. Document the timeline — what happened first, what happened in response. The context matters enormously. A student who hits a peer who has been tormenting them for weeks is in a fundamentally different situation than a student who initiates harm unprovoked.

Quick Reference — Bullying Response Checklist

IMMEDIATE STEPS — Do These First

- Create a bullying incident log with dates and specifics
- Listen to your child and document their account
- Report to school in writing (email) same day if possible
- If threats or physical harm: contact law enforcement
- Preserve all digital evidence (screenshots with timestamps)
- Check your child for any physical injuries — document and photograph
- CC yourself and save the sent email
- If cyberbullying: report to platform before blocking

WITHIN THE FIRST WEEK

- Follow up in writing if no school response within 48 hours
- Send separate IEP meeting request (if child has IEP)
- Review school's anti-bullying policy (on district website)
- Begin keeping a follow-up log (school responses, dates)
- Request written description of the school's investigation plan
- Contact 504 coordinator in writing (if child has 504)
- Review your state's anti-bullying law
- Consult PTI center for state-specific support

AT THE IEP / 504 MEETING

- Bring your documented incident log
- Ask team to update PLAAFP to reflect current status
- Ask about accommodations for anxiety and safety
- Ensure placement decision reviewed through LRE lens
- Bring documentation of your child's changed functioning
- Push for safety plan written into the IEP/504
- Ask about counseling services being added or increased
- Request Prior Written Notice for any changes proposed

IF THE SCHOOL'S RESPONSE IS INADEQUATE

- Document the inadequacy specifically and in writing
- Request escalation to superintendent if needed
- Consider state complaint for IDEA violations
- Contact state P&A organization (free)
- Send follow-up email to principal and sped director
- File OCR complaint (within 180 days of last incident)
- Consult a special education attorney
- Contact state PTI center (free)

A Note to Families

Watching your child be bullied — especially when the bullying is connected to the very characteristics that make your child who they are — is one of the most painful experiences in parenting. The anger, the grief, the helplessness, and the determination that follows are all understandable responses to an unacceptable situation.

This guide is designed to give you the legal framework and the practical tools to respond effectively. But it can't eliminate the emotional weight of this experience. A few things that may help:

- You are allowed to be angry. Channel it into documentation and communication — the most effective advocacy tools you have.
- Your child needs to know that what is happening to them is not okay, is not their fault, and that you are taking it seriously. Say those things explicitly and often.
- Connect with other families who understand — disability-specific parent groups, local advocacy organizations, and the community around the Hold My Prior Written Notice podcast are all sources of people who have been through this.
- Know your limits. You cannot do everything at once. Prioritize your child's immediate safety and wellbeing first, then the formal legal responses.
- Get support for yourself. Advocacy is exhausting. You cannot advocate effectively from empty.

Your Child Is More Than What Has Happened to Them

Bullying can have lasting effects on a child's self-concept, particularly when the bullying is based on disability-related characteristics. One of the most important things you can do alongside the legal advocacy is actively build your child's sense of identity, belonging, and strength. Connect them with communities — disability community, interest-based groups, peer mentors — where they are valued and seen for who they are.

Bullying Can Be Traumatic

For some students, the effects of bullying continue long after the incidents stop. Students may experience anxiety, hypervigilance, sleep difficulties, school avoidance, emotional dysregulation, depression, loss of self-confidence, or other trauma-related responses. Schools should consider whether ongoing supports, accommodations, counseling services, or IEP/504 revisions are necessary to address these effects and restore access to education

Understanding Your School District's Bullying Policy

Every school district that receives federal funding is required to have a written anti-bullying or anti-harassment policy. But having a policy is not the same as implementing it effectively — and the details inside that policy matter enormously for your ability to hold the district accountable.

Most families never read their district's bullying policy until they need it. By then, they're already in the middle of a situation. Reading it before something happens — and understanding what it requires — puts you in a fundamentally stronger position.

How to Find Your District's Bullying Policy

Most district policies are publicly available. Start here:

- Your district's official website — look for a 'Policies,' 'Board Policies,' or 'Student Handbook' section
- Search your district name + 'anti-bullying policy' or 'harassment policy'
- California: many districts post board policies at BoardDocs or similar platforms — search your district + 'BoardDocs'
- Contact the district's main office and ask for a copy of the anti-bullying or harassment, intimidation, and bullying (HIB) policy in writing
- Request it from the 504 coordinator or special education director if you're already in contact with them

Your Right to Have It

You are entitled to a copy of any district policy. If the district refuses to provide the policy — which would be unusual — note that in writing and escalate to the state education agency. Policies governing student rights must be publicly accessible.

What the Policy Should Contain

A legally adequate district anti-bullying policy should address all of the following. Use this as a checklist when reviewing your district's policy:

- A clear definition of bullying that includes disability as a protected characteristic
- A definition of cyberbullying and whether the policy extends to off-campus electronic conduct that creates a hostile school environment
- A clear statement that the policy applies to all school-related settings — classrooms, hallways, cafeterias, buses, school-sponsored events, and online when school-related
- A specific reporting process — who to report to, how, and what happens next
- Whether the district has a formal bullying incident report form (many do) and where to obtain it
- Investigation timelines — how long the district has to investigate and respond
- Notification requirements — when and how parents of the targeted student and the student who bullied will be notified
- Confidentiality provisions — what information will and won't be shared
- Anti-retaliation provisions — explicit prohibition on retaliation against students or parents who report
- Consequences for confirmed bullying behavior
- Support provisions for targeted students — what the district will do for the student who was bullied, not just the student who bullied
- Annual staff training requirements
- Annual reporting requirements to the state

IMPORTANT

If your district's policy does NOT list disability as a protected characteristic — that is a problem. The district's federal civil rights obligations under Section 504 and the ADA apply regardless of what the policy says, but a policy that omits disability creates a practical enforcement gap. Note this in writing and bring it up when you report.

The Formal Bullying Incident Report Form

Many districts — particularly in states with strong anti-bullying laws like New Jersey, New York, California, Massachusetts, Pennsylvania, and Washington — have an official bullying incident report form. This form, when submitted, formally initiates the district's investigation process and creates an official record.

Using the district's official form matters because:

- It triggers the district's formal investigation procedures and timelines under district policy and state law
- It creates a dated, official record that the district received notice of the incident
- It establishes what you reported, when, and what the school's response was — which becomes evidence if the response is inadequate
- In states like New Jersey (Anti-Bullying Bill of Rights), submitting the official form triggers specific legally required timelines and responses

If There Is No Official Form

If your district does not have an official bullying incident report form, your written email constitutes the formal report. Do not let the absence of an official form prevent you from making a written report. The email IS the paper trail. See Section 15 for the complete email sequence.

How to Use the Official Form Effectively

When completing a district bullying incident report form:

- Be specific — dates, times, locations, exact words used, names of students involved and witnesses
- Note your child's disability and state explicitly that you believe the bullying is based on or connected to the disability
- Use the phrase 'disability harassment' in addition to 'bullying' — this signals the civil rights dimension
- Check every box that applies — do not minimize
- If the form has a space for 'requested resolution,' be specific: you want an investigation, written findings, documented corrective action, and an IEP team meeting
- Keep a copy of the completed form before submitting — photograph it or print a copy
- Submit in person and ask for a date-stamped copy, OR submit by email with the completed form attached, so you have proof of submission and the date

Do not rely solely on the official form. Always follow it immediately with the email sequence in Section 15 — which creates your own independent written record regardless of what the district does with their form.

State-Specific Form Requirements

Some states require specific district processes triggered by the official form:

- New Jersey: The Anti-Bullying Bill of Rights requires investigation to begin within 1 school day of a report and be completed within 10 school days. The principal must notify parents of both students in writing. The HIB (Harassment, Intimidation and Bullying) specialist must be involved. Filing the official HIB report form is the trigger for all of these requirements.
- New York: Districts must investigate harassment reports. The DASA coordinator must be notified. Investigation timelines are set by the district's DASA policy.
- California: Districts must have a uniform complaint procedure (UCP) that can be used for disability harassment complaints, separate from but complementary to the anti-bullying reporting process.
- Pennsylvania: Districts must have an HIB (Harassment, Intimidation and Bullying) policy and investigation procedures. The official report form initiates those procedures.
- Massachusetts: Schools must investigate and respond within a reasonable time — typically 5-10 school days depending on the district's plan.
- Washington: Districts must investigate and report findings to parents within a reasonable time under the Safe Schools Act.

For your specific state's requirements, check your state's department of education website or contact your state's PTI center at parentcenterhub.org.

When the District Ignores or Misuses Its Own Policy

A district that fails to follow its own anti-bullying policy is not just failing your child — it is in violation of its own rules and potentially of state law. When this happens:

- Document the policy's requirements and the district's actual response side by side — in writing
- Cite the specific policy provision the district failed to follow in your follow-up correspondence
- State agencies can investigate whether districts are following their own policies — a state complaint can allege both IDEA violations and failure to implement district policy
- In states like New Jersey, failure to follow the HIB process can be separately reported to the state commissioner of education

The Policy Is a Contract

When a district publishes an anti-bullying policy, it is making a public commitment about how it will respond. Holding the district to its own written commitments is entirely appropriate and often more immediately effective than citing federal law — because the district wrote the policy and cannot claim not to know it.

Section 15 — The Paper Trail: Your Complete Email Sequence

This section gives you the full sequence of written communications — from the first report through escalation to OCR — with templates you can adapt for your situation. Every email should be sent to the named recipients, CC'd to yourself, printed, and filed in your advocacy binder.

⚠ IMPORTANT

Every communication in this sequence should go to multiple recipients — do not send only to the classroom teacher. The paper trail must reach the people with the authority to act. When in doubt, send it up, not just sideways.

EMAIL 1 — The Initial Formal Report

WHEN: The same day you learn about a bullying incident, or within 24 hours.

TO: Principal + Special Education Director (if child has IEP) + 504 Coordinator (if child has 504)

CC: Yourself + Superintendent if prior reports have been ignored

SUBJECT: Written Report of Bullying / Disability Harassment — [Child's Full Name] — [Date of Incident]

— EMAIL TEMPLATE —

Dear [Principal's Name], [Special Education Director's Name], and [504 Coordinator's Name],

I am writing to make a formal written report of bullying and potential disability harassment experienced by my child, [Child's Full Name], a student in [Grade] at [School Name]. [Child's Name] has a documented disability ([disability/diagnosis]) and receives special education services through an IEP / a 504 plan. [choose one]

INCIDENT(S) BEING REPORTED:

[Date of incident 1]: [Describe specifically – location, what was said or done,

who was present, how my child was affected.]

[Date of incident 2 if applicable]: [Description]

I believe this behavior constitutes disability harassment as defined by the U.S.

Department of Education's Office for Civil Rights (OCR Dear Colleague Letter, October 26, 2010) and creates a hostile educational environment for my child.

I am requesting:

1. Immediate initiation of an investigation pursuant to district policy [cite policy number if known]
2. Written notification of the investigation timeline and process
3. Written notification of the results of the investigation
4. A description of the steps being taken to eliminate the hostile environment and prevent recurrence

5. An IEP team meeting to assess the educational impact of this situation on my child [include this if child has IEP]

Please confirm receipt of this email and respond in writing with your investigation plan within [5 school days / the timeline required by your district's policy].

Sincerely,
[Your Name] | Parent of [Child's Name] | [Your Phone] | [Your Email]

EMAIL 2 — The Follow-Up When the School Doesn't Respond

WHEN: 5 school days after Email 1 with no response, OR immediately if the response was clearly inadequate.

TO: Principal + Special Education Director + 504 Coordinator + Superintendent

CC: Yourself

SUBJECT: Follow-Up — No Response to Bullying Report — [Child's Name] — Urgent

— EMAIL TEMPLATE —

Dear [Recipients],

I am following up on my written report of [date] regarding bullying and disability harassment experienced by my child, [Child's Name]. I have not received a written response confirming that an investigation has been initiated.

The OCR Dear Colleague Letter (October 26, 2010) requires schools to take prompt and appropriate corrective action when they know about disability harassment. The district's own policy [cite policy if known] also requires [describe relevant timeline from district policy].

I am requesting a written response by [specific date – 3 school days from today] confirming the investigation status. If I do not receive a response by that date, I will file a complaint with the Office for Civil Rights of the U.S. Department of Education and contact the state education agency.

For reference, my original report is attached.

[Your Name] | Parent of [Child's Name] | [Your Phone] | [Your Email]

EMAIL 3 — Response to Inadequate Investigation Findings

WHEN: The school completes an investigation but you believe the findings or the proposed response are inadequate.

TO: Principal + Special Education Director + 504 Coordinator + Superintendent

CC: Yourself

SUBJECT: Response to Investigation Findings — [Child's Name] — Requesting Additional Action

— EMAIL TEMPLATE —

Dear [Recipients],

Thank you for providing the results of the investigation into the bullying incidents involving my child, [Child's Name], on [date findings were received].

I have reviewed the findings and I have the following concerns:
[Be specific – e.g.: The investigation did not address the incidents on [dates].
The proposed response does not address the hostile environment that has been created. No remediation has been proposed for the educational impact on my child.]

The OCR Dear Colleague Letter (October 26, 2010) requires schools to not only address the individual behavior but also to eliminate the hostile environment, prevent recurrence, and remedy the effects on the targeted student.

I am requesting the following additional action:

1. [Specific remedy – e.g., investigation of the additional incidents on these dates]
2. [Specific remedy – e.g., a written safety plan for my child]
3. [IEP team meeting to address educational impact]

Please respond in writing by [date – 5 school days]. If I do not receive an adequate response, I will file an OCR complaint and a state complaint.

[Your Name] | Parent of [Child's Name] | [Your Phone] | [Your Email]

EMAIL 4 — IEP Meeting Request Specific to Bullying

WHEN: Any time bullying has been reported — send simultaneously with or immediately after Email 1 if child has an IEP.

TO: Special Education Director + Case Manager

CC: Principal + Yourself

SUBJECT: Written Request for IEP Meeting — Bullying / FAPE Impact — [Child's Name]

— EMAIL TEMPLATE —

Dear [Special Education Director] and [Case Manager],

I am writing to formally request an IEP team meeting for my child, [Child's Full

Name], to address the educational impact of ongoing bullying and disability harassment that I have documented and reported to the school.

Per the U.S. Department of Education OSEP Dear Colleague Letter dated August 20,

2013, when a student with a disability is bullied, the IEP team must convene to

assess whether the bullying has changed the student's needs and whether the IEP

requires revision.

I am observing the following changes in my child since the bullying began: [List specific changes – anxiety, school refusal, regression, mood changes, academic decline, changes in behavior at home, etc.]

I am asking the team to address:

- Whether the current PLAAFP accurately reflects my child's present status
- Whether goals and services need to be revised to address the impact of the bullying

- Whether additional accommodations are needed to support my child's safety and wellbeing

- Whether a written safety plan should be incorporated into the IEP

- Whether placement requires review in light of the current situation

Please contact me within 5 school days to schedule this meeting.

[Your Name] | Parent of [Child's Name] | [Your Phone] | [Your Email]

EMAIL 5 — Notice of Intent to File OCR Complaint

WHEN: After inadequate response to Emails 1-3, and before or simultaneously with filing the OCR complaint. This is your final warning to the district.

TO: Superintendent + Principal + Special Education Director + 504 Coordinator

CC: Yourself

SUBJECT: Notice of Intent to File Complaint with the Office for Civil Rights — [Child's Name]

— EMAIL TEMPLATE —

Dear [Superintendent] and [Recipients],

I am writing to notify the district that I intend to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR) regarding the district's response to the disability harassment experienced by my child, [Child's Name].

I first reported this situation in writing on [date of Email 1]. A timeline of my communications and the district's responses is attached.

Despite these reports, the district has not [taken adequate corrective action / eliminated the hostile environment / convened an IEP meeting / responded at all].
[Specify the specific failure.]

I will file the OCR complaint on [specific date – give 3-5 school days from today] unless the district takes the following action before that date:
[List specific steps you need to see – e.g., written safety plan, IEP meeting scheduled, written findings from the investigation, etc.]

I am available to discuss this by phone at [your number] or to meet at a mutually agreeable time.

[Your Name] | Parent of [Child's Name] | [Your Phone] | [Your Email]

Bullying Incident Report — Parent Documentation Form

Use this form to document each bullying incident in a consistent, organized format. This document serves as your own record — separate from and in addition to any form the school district provides. Fill out one form per incident. File in your advocacy binder behind the Correspondence tab.

Why Your Own Form Matters

The school's official form, if one exists, captures what you reported to them. Your own documentation captures what actually happened — in your words, in detail, with follow-up notes. The combination of both is your complete paper trail.

BULLYING INCIDENT DOCUMENTATION — PARENT RECORD

Mountain to Mountain Advocacy, LLC | ArieBoldtAdvocacy@gmail.com | General information only — not legal advice

Child's Full Name	<i>Legal name as it appears on the IEP or 504</i>
Grade / School / Teacher	
IEP or 504?	<i>Circle one: IEP / 504 / Neither / Pending</i>
Disability / Diagnosis	<i>As documented in school records</i>
Date of THIS Incident	<i>MM/DD/YYYY</i>
Day of Week / Time	<i>e.g., Tuesday, approximately 11:30 AM</i>
Location	<i>Classroom / hallway / cafeteria / bus / playground / online — be specific</i>
PEOPLE INVOLVED	
Student(s) Who Bullied	<i>Name(s) if known, or physical description if unknown. Grade if known.</i>

Witnesses Present	<i>Names and grades if known. Other students, staff, aides.</i>
Any Staff Present?	<i>Yes / No — if yes, name(s) and what they did or said</i>
WHAT HAPPENED — Describe in your child's own words and your own observation	
<i>Describe exactly what was said and done — use specific words, not general descriptions. Quote directly when possible.</i>	
Type of Bullying	<i>Physical / Verbal / Social-Relational / Cyberbullying / Multiple — circle all that apply</i>
Was it based on disability?	<i>Yes / No / Unsure — explain: e.g., they called her 'stupid' and imitated her speech</i>
MY CHILD'S RESPONSE AND CURRENT STATUS	
How did my child respond?	<i>What did they say or do in the moment? Did they tell an adult?</i>
Physical effects	<i>Injuries, complaints of stomachache, headache, etc.</i>
Emotional / behavioral effects	<i>Crying, withdrawal, anxiety, refusal to go to school, changes in sleep or appetite, regression in skills.</i>
Academic effects	<i>Missed class, unable to concentrate, declining grades, missing work</i>
Is this part of a pattern?	<i>Yes / No — if yes, how many times has this or similar behavior occurred?</i>
SCHOOL'S RESPONSE	
Was the school notified?	<i>Yes / No — by whom / when / how (verbal / written)</i>
Who was notified at school?	<i>Teacher / principal / counselor / sped director / other</i>
School's stated response	<i>What did the school say they would do? Exact words if possible.</i>

Was a formal report form used?	<i>Yes / No / Unknown — if yes, date submitted and to whom</i>
Did the school follow up?	<i>Yes / No — if yes, what did they say / do / when</i>
Was the response adequate?	<i>Yes / No — if no, explain what was missing or inadequate</i>

MY ACTIONS AND DOCUMENTATION

Evidence collected	<i>Screenshots / photos / medical records / written witness accounts — describe what you have</i>
Date I emailed the school	<i>MM/DD/YYYY — attach copy of email to this form</i>
School's email response	<i>Date received / summary of response</i>
IEP meeting requested?	<i>Yes / No — if yes, date requested and date scheduled</i>
Incident report form submitted?	<i>Yes / No — if yes, date and to whom</i>
Outside providers notified?	<i>Pediatrician / therapist / BCBA / other — date and their response</i>
Next steps I am taking	<i>What am I doing next and by when?</i>

Parent / Guardian Signature: _____ Date: _____

Printed Name: _____

KEEP A COPY. ATTACH EMAIL CONFIRMATIONS. FILE IN ADVOCACY BINDER. One form per incident.

Paper Trail Summary — Who to Contact and When

Use this as your master reference for the complete communication sequence.

Action	When	Send To	Purpose	Date Done
Email 1 — Initial Report	Same day	Principal, Sped Director, 504 Coordinator	First written report of bullying — formal notice to school	
District Incident Form	Same day if form exists	Principal or designated staff	Submit official form + attach Email 1 as your own record	
Email 2 — Follow-Up	5 school days after Email 1 if no response	Same + Superintendent	No response follow-up; reference district policy timeline	
Email 3 — Investigation Response	After receiving findings	Same + Superintendent	Challenge inadequate findings; request specific additional action	
Email 4 — IEP Meeting Request	Same time as Email 1	Sped Director + Case Manager	FAPE-specific IEP meeting request; cite OSEP 2013 letter	
Email 5 — Notice of OCR Intent	After inadequate responses	Superintendent + all prior recipients	Final warning; name specific date you will file OCR complaint	
OCR Complaint	Within 180 days of last incident	ed.gov/ocr (online)	File if school's response remains inadequate	
State Complaint	Within 1 year of violation	State education agency	File for IDEA procedural violations related to bullying	
State P&A Contact	Any time	ndrn.org — find your state's P&A	Free legal advocacy — contact early, not as last resort	

Resources

OCR Dear Colleague Letter on Bullying (2010)	ed.gov — search 'OCR Dear Colleague Letter Harassment Bullying 2010'
OSEP/OSERS Dear Colleague Letter on Bullying of Students with Disabilities (2013)	sites.ed.gov/idea — search '2013 Bullying Dear Colleague'
File an OCR Complaint	ed.gov/ocr (online filing — free, no attorney required)
StopBullying.gov — Federal Resource	stopbullying.gov — includes state law database and resources for students with disabilities
Pacer's National Bullying Prevention Center	pacer.org/bullying — free resources specifically for students with disabilities
Autism Self Advocacy Network (ASAN) — Bullying Resources	autisticadvocacy.org
Parent Training and Information Centers (PTI) — find yours	parentcenterhub.org
Protection and Advocacy (P&A) Organizations — find yours	ndrn.org
COPAA — Find a Special Education Attorney	copaa.org
Wrightslaw — Special Education Law and Advocacy	wrightslaw.com
Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act	18 U.S.C. § 249 — applies when bullying based on disability rises to hate crime
National Center for Learning Disabilities — Bullying Resources	nclid.org

PACER's Teens Against Bullying

pacerteensagainstbullying.org — resources for older students with disabilities

Need Advocacy Support?

The Advocacy Ridge is brought to you by experienced non-attorney special education advocates who work with families across multiple states.

Arie Boldt

Mountain to Mountain Advocacy, LLC
ArieBoldtAdvocacy@gmail.com

Jackie Darrough

The Disability Advocate, LLC
Jackiedisabilityadvocate@gmail.com
thedisabilityadvocate.org

This guide is general information only and is NOT financial or legal advice. ABLE account rules, SNT requirements, and SSI/Medicaid resource rules are complex and change. Consult a qualified special needs attorney and financial planner for decisions specific to your family. The Advocacy Ridge is not a law firm.

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