



SPECIAL EDUCATION RIGHTS: ILLINOIS EDITION



Bullying & Leaving Out Students with Disabilities

This fact sheet answers:

- When Is Something Bullying?
- What Should the School Do If My Child Is Being Bullied?
- What If the School Staff Is the Problem?
- And More

When Is Something Bullying?

If your child is being made fun of for his disability to the point that he is not able to learn or feel safe in school, he is being bullied.

Some examples of bullying are:

- Students make fun of the way your child talks, walks, or learns so your child does not want to go to school.
- A student keeps blocking your child's wheelchair so your child cannot get into his classroom.
- Students leave your child out from playing with them during recess saying they don't play with "special" kids.

What Should the School Do If My Child Is Being Bullied?

When a school finds out that your child may be getting bullied, it must try to find out what happened. If your child is being bullied, the school should make a plan to stop it from happening again. It should also help your child feel better and safe in school.

What If My Child Is Left out of After School Activities?

If the school does not let your child go to fun activities like assemblies, after-school sports/clubs, or recess, you can argue that your child is being unfairly left out of activities because of his disability.

What If the School Staff Is the Problem?

Sometimes a child's disability makes him act out in school. Students with disabilities can have consequences for bad behavior at school, but the school should try to help your child make better choices instead of just punishing him.





What Can I Do If My Child Is Being Bullied or Left Out at School?

Tell the School

Write or email the principal and your child’s case manager to tell them your child is being bullied or being left out of activities because of his disability. Tell them:

- Your child’s name and disability.
- Who bullied your child.
- What happened to your child.
- When and where it happened.
- What the school has done to stop it.
- What you want the school to do to stop it.

Ask for a Meeting

Ask for a meeting so you can come up with a plan together. Email is best because you can show the time and date that you sent it. If you do not have email, write the school and drop off the letter in person (ask the person to date it, sign it, and make a copy for your records) or send it by certified mail, so you have proof the school got it.

Go To The Meeting

Try your best to work calmly with the team to make a plan to stop the bullying. Before the meeting, think about:

- How can the school keep the bully away from your child during lunch, recess, classes, and in the hallway?
- Who in the school can your child go to for help if he is bullied?
- If your child has an IEP, does he need a new goal or social work services to help him deal with being bullied?
- Does your child need to change schools?

File for Due Process

If your child has an IEP, you may file for due process if the bullying is ongoing or happened in the last **two years** AND is so severe it is making your child unable to learn or make progress.

See Equip for Equality’s “**Due Process**” fact sheet for more information.

File a Complaint with the Office of Civil Rights

You must file your complaint within **180 days** of the last time your child was bullied. The Office of Civil Rights (OCR) will investigate the complaint to figure out if your child is being bullied and if the school did enough to stop it.

In your letter, include the same information as the above section, “Tell the School.”

Two Ways to File Your OCR Complaint:

- Mail a letter with all of this information to:
Office of Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison St. Suite 1475
Chicago, IL 60661
- File the complaint online:
 - Go to <https://ocrcas.ed.gov>
 - Follow the directions on the web page.

For more information, contact OCR at 1-800-USA-LEARN (TTY: 1-800-437-0833).

File a Complaint with the State

If your child has an IEP, has been bullied in the **last year**, and the bullying has made it hard for your child to learn, then you can file a complaint with the state.

In your letter to the state, include the same information as the above section, “Tell the School.”

Send your complaint to:

The Illinois State Board of Education
Special Education Services Division
100 North First Street
Springfield, Illinois 62777-0001

For more information, visit:

www.isbe.state.il.us/speced/html/complaint_investigation.htm

Call the Police

If someone at your child’s school is hurting your child, file a police report. ■



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www.equipforequality.org
1-800-537-2632
1-800-610-2779 (TTY)

Have More Questions?

Call our Special Education Rights Parent Helpline.

1-866-KIDS-046 (1-866-543-7046)
SpecialEd@equipforequality.org
www.equipforequality.org/helpline