

NASET Special **Educator** e-Journal

November 2023

Table of Contents

- [Special Education Legal Alert. By Perry A. Zirkel](#)
- [Buzz from the Hub](#)
- [The English Learner Family Toolkit](#)
- [Student-Centered Transition Planning](#)
- [Transition Services for Justice-Involved Youth and Young Adults with Disabilities: Rehabilitation and Recovery Practices](#)
- [Warning Signs for Bullying](#)
- [Acknowledgements](#)

Special Education Legal Alert

Perry A. Zirkel

© October 2023

This month's update identifies a pair of recent court decisions that address behavior-modification issues. For related publications and earlier monthly updates, see perryzirkel.com.

On July 27, 2023, a federal district court in Pennsylvania issued an unofficially published decision in *Upper Darby School District v. K.W.* that addressed FAPE for a student with autism who exhibited major needs in behavioral and social-emotional functioning. For 2019–20, the IEP team placed K.W. in a local private special education school, where he exhibited frequent disruptive behaviors, including shouting obscenities, hitting/kicking, and eloping from the classroom. An independent educational evaluation (IEE) at the start of that year recommended an FBA-BIP. For 2020–21, the IEP team placed the K.W. in a different private special education school. Despite K.W.'s history of disruptive conduct and his parent's repeated concerns, the IEP checked "no" for the required special consideration of whether he exhibited learning-impeding behaviors and did not include any behavioral goals or a functional behavioral assessment (FBA)-behavior intervention plan (BIP). K.W. continued to engage in shouting and running around the classroom. In response to his parent's concerns, the IEP team met in February 2021 but did not change the IEP with regard to K.W.'s repeated behaviors. For 2021–22, the parent obtained an IEE that K.W. required an FBA and BIP. Yet, despite a behavior analyst's echoing of this recommendation based on K.W.'s increased verbal and physical aggression, inappropriate social behavior, task refusal, peer taunting, and elopement in early fall 2021, the district did not convene an IEP meeting or conduct an FBA. In November, the district received notice in November 2021 that the private school was terminating services to K.W. In response, the district notified the parent of an IEP meeting to discuss placement of K.W. in a third private special education school that it had arranged for without parental input.

The parent filed for a due process hearing, resulting in a prehearing interim agreement to explore other private schools and to provide K.W. with reading and math instruction at home from a private autism program pending a new placement. However, these services were inconsistent and only lasted about a month due to the district not paying travel time for the private program's instructors. The parent re-filed for a due process hearing, which resulted in a decision in July 2022 that the district provided FAPE to K.W. for the two years at issue except for the intervening months since the cessation of the private tutoring services. The hearing officer ordered compensatory education for that intervening period and an IEP meeting to arrange promptly for an appropriate placement. Both parties appealed.

The parent's first challenge was to the hearing officer's FAPE ruling for the 2020–21 school year.	Citing the IEE in 2019–20, a Pennsylvania regulation that can be interpreted to require an FBA-BIP for learning-impeding behavior, and the resulting substantive loss under <i>Endrew F.</i> , the court reversed the hearing officer's 2021-22 FAPE ruling.
The parent's second challenge was to the hearing officer's FAPE ruling for the 2021–22 school year.	Citing the FBA-BIP recommendations of the IEE and the behavior analyst in at the start of the 2021–22, the court concluded that the district's failure to revise the IEP all the more clearly was a denial of FAPE.
The district's challenge was to the hearing officer's order for compensatory education.	The court expanded the compensatory education award to more than 1800 hours due to the two-year denial of FAPE.
This decision should not be overgeneralized because most state laws have not added to the IDEA's FBA-BIP requirement, which is limited to disciplinary changes in placement, and the clear majority of courts have regarded any IDEA behavior-specific goals or services to be sufficient in response to learning-impeding conduct unless such provisions are blatantly ineffective.	

On September 7, 2023, the supreme court of Massachusetts issued an officially published decision in *Judge Rotenberg Educational Center, Inc. v. Commissioner of Department of Developmental Services* addressing the use of electric skin shock within rather narrow circumstances. The ruling is largely if not entirely inapplicable to students with IEPs but is of interest in light of the interest in acceptable and effective behavioral interventions. The narrow circumstances include the context of a 1986 consent decree, or court-approved settlement, in Massachusetts specific to JRC, a residential center for individuals with severe developmental disabilities that is the sole facility in the country that uses electric skin shock as a treatment modality. JRC is often the last resort for clients who, due to the severity of their self-injurious behaviors, are expelled or refused admission by facilities that rely on alternative treatment modalities, including medical sedation or physical restraint. JRC's policy is to avoid or minimize the use of psychotropic medication, instead relying on applied behavior analysis (ABA), including functional behavior assessment and the use of aversives only when positive reinforcement alone was not effective and the parents agree with this option. The aversive at issue was the use of the Graduated Electronic Decelerator (GED), a device that administers a 2-second electric shock of either 15 or 41 milliamps to the skin surface of an arm or leg. The consent decree includes various restrictions on the use of the GED, such as staff verification of the requisite self-injurious behavior, a treatment plan approved by various clinical committees, and authorization from the probate court as being the least intrusive, most appropriate treatment for the individual patient. Based on a history of bad faith and pretextual state agency regulatory conduct to discontinue this treatment, the consent decree also includes a requirement that both parties act in good faith. In 2016, in the wake of further state agency attempts to eliminate this controversial technique, a 44-day trial resulted in a ruling that rejected termination of the consent decree. The state administrative authorities filed an appeal with the state's highest court. The narrow issue is whether the lower court's decision was an abuse of discretion based on the 2016 trial record, which the parties declined to update. At the time, JRC treated 30% of its 244 patients with GED, including a few minors.

First, the state agencies challenged the trial court's finding that they had engaged in bad faith conduct in violation of the consent decree.

The state supreme court found no abuse of discretion in light of its 1997 ruling of agency bad faith actions, the 2009 alteration of a clinical advisory group's report, similar

	alterations of a 2010 certification team report, and new regulations in 2013 that prospectively banned GED without assessing scientific evidence.
The agencies alternatively argued that the standard of care had coalesced against this practice, thus constituting changed circumstances warranting the consent decree's termination.	The state supreme court again found no abuse of discretion because at the time of the lower court's decision "there was an ongoing debate about the potential necessity of level three aversives [i.e., GED] among the very experts that the department elected to consult in formulating practitioner guidelines" and also by a nationally recognized specialist and a commonly used ABA text.
The court emphasized the "heart wrenching" nature of this issue and narrow scope of its ruling, including the possible legal changes in Massachusetts from (a) legislative action, (b) robust evidence that GED is outside the now current standard of care, or (c) a well-established record of ongoing good faith regulatory conduct toward JRC. Moreover, occasional litigation in other states (e.g., <i>Bryant v. New York State Education Department</i> , 2012; <i>Phelan v. Bell</i> , 1993) has addressed this shocking aversive in the IDEA context.	

Buzz from the Hub

All articles below can be accessed through the following links:

<https://www.parentcenterhub.org/buzz-sept2023-issue1/>

<https://www.parentcenterhub.org/buzz-aug2023-issue1/>

<https://www.parentcenterhub.org/buzz2023-july-issue1/>

<https://www.parentcenterhub.org/buzz2023-june-issue2/>

<https://www.parentcenterhub.org/buzz2023-june-issue1/>

<https://www.parentcenterhub.org/buzz-may2023-issue2/>

<https://www.parentcenterhub.org/buzz-may2023-issue1/>

<https://www.parentcenterhub.org/buzz-april2023-issue2/>

<https://www.parentcenterhub.org/buzz-april2023-issue1/>

OCR Releases Dear Colleague Letter on Race and School Programming

OCR's 13-page DCL on *Race and School Programming* is intended to guide schools on lawful programs to promote racially inclusive school communities. This resource clarifies the circumstances under which schools can develop curricula and programs or engage in activities that promote racially inclusive school communities.

The English Learner Family Toolkit

(Available in English, Arabic, Chinese, and Spanish)

This family toolkit (from the National Clearinghouse for English Language Acquisition) is meant to support families of English learners in the U.S. education system. It consists of 6 chapters, and each chapter contains 5 sections: an overview, family and student rights, questions to ask schools, tips, and resources.

IEP Tip Sheet: Age of Majority

This tip sheet introduces and briefly defines age of majority. The age of majority is defined by state law and is the age at which the child is no longer a minor and assumes rights and

responsibilities to make certain legal decisions. The tip sheet includes a brief summary of federal regulations, common questions, and additional resources. Check with state law for specific information about age of majority in your state.

Student-Centered Transition Planning

This IRIS module will help users to better understand the benefits of student-centered transition planning, identify ways to involve students in collecting assessment information and developing goals, and be able to prepare students to actively participate in their own IEP meetings.

Why Assessments are Important *(Video for Families)*

NCEO offers this short video on why assessments are important, and why children with disabilities should participate in them. This resource is designed to help families understand why assessments are a good opportunity for their children to show what they know, and for schools to better understand their children's needs. It also includes tips for families on how to better support their children when they take assessments.

Getting Help for Your Child When Taking State Assessments

Summarizes the purpose of state tests and describes test resources that students may need. Also provides parents with tips on how to work with teachers to access these resources.

State Testing of Your Child with a Disability

Describes resources and accommodations that are available specifically to students who have a disability, an IEP, or a 504 plan when they take state test

Bullying and Youth with Disabilities and Special Health Needs

Children with disabilities are at an increased risk of being bullied. Any number of factors—physical vulnerability, social skill challenges, or intolerant environments—may increase the risk. Bullying can include making fun of kids because of their allergies or exposing them to the things they are allergic to. What to do? Check out this article from StopBullying.gov, and its **accompanying tipsheet in PDF**.

Back-to-School Checklists from Bookshare

Bookshare is a fantastic resource for students with learning differences who need reading

support. Are you a parent that needs to find your child's schoolbooks in alternative formats? Follow these steps to ensure a smooth back-to-school experience. (Bookshare also offers **an attractive poster** that Parent Centers, schools, and community organizations can use to tell families about the books available and the benefits to all of registering for Bookshare's services.)

Small Steps for Big Vision: An Eye Health Info Tool Kit for Parents and Caregivers

The National Center for Children's Vision and Eye Health at Prevent Blindness partnered with the National Head Start Association to create this online resource to provide parents and caregivers with the information, suggested actions, and assistance they need to be empowered partners in their children's vision and eye health, and to care for their own vision and eye health. Also check out *Parents Need to Know*, which includes multiple articles in English and in **Spanish** to help parents and caregivers address children's vision needs (e.g., *10 take home messages*; *Signs of vision problems in children*; *Vision and classroom behaviors*; and *10 steps from vision screening to eye exam*).

The **results of the Parent Center data collection for 2021-2022** are now posted on CPIR's website, and we invite everyone to take a detailed look at the impact that Parent Centers have. We also share with you:

An Action-Packed Year for Parent Centers | Here's the infographic CPIR produced with the data Parent Centers submitted. It's 2 pages (designed to be printed front/back to become a 1-page handout or mini-poster). It's a stunning portrait of what can be achieved by a few, extremely dedicated people for the benefit of so many.

Adaptable Infographic for Parent Centers to Use | This infographic is designed so Parent Centers can insert just their Center's numbers, data results, and branding into key blocks of information. Adapt the PowerPoint file, and shine the spotlight on the work of your Center!

Quick Guide to Adapting the Infographic | This 2-page guide shows you where to insert your Center-specific information, just in case having such a "checklist" would be helpful.

Summer and Sensory Processing Issues

(Available in Spanish | [El verano y los problemas de procesamiento sensorial](#))

For children with sensory processing issues, summer can be a challenging time. Think about summer's onslaught of unfamiliar sounds, smells, and places: beach sand, fireworks, an amusement park, the shriek of animals at the zoo. Yet with preparation and planning, parents can help kids with sensory issues get the most out of summertime. Other articles in the series include:

Strategies for a Successful Summer Break | *[Estrategias para que las vacaciones de verano sean un éxito](#)*

13 Tips for Helping Anxious Kids Enjoy Summer Camp | *[13 consejos para ayudar a los niños ansiosos a disfrutar el campamento de verano](#)*

Summer Activities for Kids With Learning Disorders | *[Actividades de verano para niños con trastornos del aprendizaje](#)*

Summer Success Kit for Kids With ADHD | *[Kit para que los niños con TDAH tengan un verano exitoso](#)*

15 Tips for Self-Advocates

(Also available in multiple languages; see list below)

Youth and young adults with disabilities may need services and supports to reach their goals. This often means communicating with agencies and systems that offer services to people with disabilities. It can also mean attending meetings and advocating for themselves. This fact sheet includes tips to help youth prepare for meetings, develop a service plan, and resolve conflicts that may arise in the process. Available in: Spanish, Arabic, Armenian, Chinese, Farsi (Persian), Hmong, Khmer, Korean, Russian, Tagalog, and Vietnamese.

Applying for a Job: The Young Adults Guide *(Revised 2023)*

This is a 5-page tip sheet for youth and young adults with serious mental health conditions about finding, applying for, and interviewing for jobs.

Resources for Afghan Families

This webpage at the U.S. Department of Education is loaded with helpful connections for Afghan families—organizations to consult, workbooks and illustrated stories in Pashto and Dari for children, and lessons to help Afghan families learn English.

Resource on Confronting Racial Discrimination in Student Discipline

(Also available in Spanish: **Recurso para evitar la discriminación racial en la disciplina estudiantil**)

The U.S. Department of Education’s Office for Civil Rights and the U.S. Department of Justice’s Civil Rights Division jointly released the *Resource on Confronting Racial Discrimination in Student Discipline*. The departments recognize and appreciate school administrators, teachers, and education staff across the nation who work to administer student discipline fairly, and to provide a safe, positive, and nondiscriminatory educational environment for all students, teachers, and other educators.

How Technology Changes Families

(Also available in Spanish: **Cómo la tecnología cambia a las familias**)

This newsletter connects you with multiple articles on the impact of technology on families. Articles include such titles as *Is Internet addiction real?* and *Managing stress caused by social media with mindfulness*.

Supporting the Child Vaccination Decision Process

(Also available in Spanish: **Apoyo al proceso de decisión de vacunación infantil**)

Learn information about the science behind and benefits of child vaccines to more fully engage with families as they make decisions regarding their children’s health. View this course for free after creating an account at Better Kid Care On Demand.

Resources for Families with Children who have a Genetic Condition

(Also available in Spanish: **Recursos para las familias con niños que tiene una condición genética**)

Do you have a child with a genetic condition? Here's help in English and in Spanish, from the National Genetics Education and Family Support Center (Centro Nacional de Educación Genética y Apoyo Familiar).

Updated Resources and Proposed Regs for Schools to Deliver Health Care to Eligible Students

ED and the Department of Health and Human Services (HHS) announced a *Notice of Proposed Rule Making* under IDEA to streamline Medicaid services consent provisions when billing for Medicaid services provided through a student's individualized education program. They've also updated *A Comprehensive Guide to Medicaid Services and Administrative Claiming*.

Suspension, Expulsion & Informal Removals: Unexpected Realities in Preschool

This is the 6th blog in OSEP's series on *Discipline Discussions*. Focus? How exclusionary discipline in preschool can create stressful and isolating experiences for children and their families.

Sports and Children with Disabilities

All children can benefit from the exercise, energy release, and pure enjoyment of playing sports. This includes children with disabilities. This article talks about the benefits of sports, the types of sports for children with special needs, and how to get started with sports.

Fun Activities to Stay Active with Physical Disabilities

Just because a child is in a wheelchair or has other physical disabilities does not mean that he or she can't stay active. There are plenty of games and sports that children can play when properly modified. (Example: Lower the basketball hoop for children in wheelchairs or place a ball on a tee instead of having it be pitched.) Let children try a variety of activities and adapt those activities to their needs. From PediaPlex.

Physical Activity for Students with Disabilities

Check out this 5-step plan from Action for Healthy Kids that starts with "safety first" and includes consideration of each child's IEP and how wellness activities can support the overall

educational plan for each child. After explaining the steps in the plan, the article also covers general inclusion ideas for all students and concludes with ways to adjust physical activities to include students with disabilities.

Action for Healthy Kids offers lots of resources in *Spanish*. See the list

at: https://www.actionforhealthykids.org/game-on-activity-library/?activity_spanish%5B%5D=162

Including All Children: Health for Kids With Disabilities

Also from Action for Healthy Kids is this lengthier article that takes a look at barriers to participation across various types of special needs (e.g., medical, sensory-communication, social-psychological, mobility, cognitive), possible physical activity limitations associated with each, and inclusion tips for each.

Exercise And Activities For Kids With Physical Disabilities

Here are insights and suggestions from a physical therapist, with respect to kids and teens that use walkers, crutches or canes for mobility; kids and teens that use a wheelchair for mobility; and kids with significant movement limitations. From Pediatric Therapy Essentials.

Inclusion Resources

Need info on inclusion of children with disabilities in school and in the community? This site has a wealth of information, including videos on strategies and best practices for inclusion. Great stuff!

The National Center on Health, Physical Activity and Disability (NCHPAD) seeks to help people with disability and other chronic health conditions achieve health benefits through increased participation in all types of physical and social activities, including fitness and aquatic activities, recreational and sports programs, adaptive equipment usage, and more. Here are two sections of their website to explore in particular:

Factsheets | Factsheets describe various disabilities and health conditions, as well as physical activity, exercise, and overall health considerations and recommendations associated with each.

Home Workout Videos | Videos for kids and adults to guide their exercise at home; some videos are short, others are 20 minutes or more.

And last but not least from NCHPAD:

Love Yourself: Self-Care For People With a Disability

This 3-page article urges people with disabilities to “take some time to show yourself some love.” It highlights some ways they can do that, like foot checks, deep cleaning their wheelchair, or finding some movement that’s right for them.

Asian American and Pacific Islander (AAPI) Heritage Month

May is Asian/Pacific American Heritage Month. Check out the events, collections, exhibits, and collections available throughout the month from U.S. government agencies such as the Library of Congress and the Smithsonian to celebrate the influence, contributions, and achievements of AAPI communities in the United States.

Identity and Cultural Dimensions

NAMI is an excellent go-to source of info and guidance on mental health issues of all kinds. In this section of NAMI’s website, you’ll find individual pages examining the mental health realities of diverse communities such as Asian American and Pacific Islander; Black/African American; Hispanic; Indigenous; LGBTQI; and People with Disabilities.

Reinforcing the Resilience of Native American Parents and Youth

As part of supporting Native families, reminding Native families and youth of their innate resilience is extremely important. CPIR offers two resources on resilience to help Parent Centers and the Native families with whom they work: (1) *How Parent Centers Can Support American Indian and Alaska Native Parents* (linked above); and (2) ***Bouncing Back from Setbacks: A Message for American Indian and Alaska Native Youth.***

The 7 Most Important De-escalation Strategies for Challenging Behaviors

De-escalation is the process of calming down a situation before it escalates further. Learning to de-escalate situations is not always easy. It requires practice and a toolbox of techniques. What de-escalation strategies can educators and parents use when kids and teens are overwhelmed, upset, or engaging in challenging behaviors? This article describes the 7 more important.

Tailored Youth Suicide Prevention Efforts

Research shows that youth of color and LGBTQ+ youth are at higher risk of suicide than White and heterosexual youth, which suggests the importance of tailoring prevention approaches to the populations most in need of support. This Child Trends' new brief offers three powerful recommendations to help community-based organizations tailor their youth suicide prevention efforts to the unique needs and strengths of Asian, Black, Indigenous, Hispanic, and LGBTQ+ youth.

Self-Assessment of Cultural and Linguistic Competency

Dispute resolution systems must be culturally and linguistically competent to meet the interests and needs of diverse populations residing in the United States, territories, and tribal nations. CADRE offers this self-assessment tool, which can be useful in determining the level of cultural and linguistic competence in a dispute resolution system. It's part of a much larger package on the subject, including a User's Guide, a webinar, and recommended supplemental resources (e.g., *A Guide to Engaging Underserved Families in the CLC Assessment Process*).

RTI/MTSS May Not Be Used to Delay or Deny IDEA Evaluation

In March 2023, OSEP emailed copies of two memoranda to IDEA Part B Directors and Section 619 Coordinators regarding the child find requirements in IDEA. OSEP took this action in response to concerns that initial evaluations to determine whether a child has a disability have sometimes been delayed or denied by LEAs until a child goes through a state's multi-tiered system of supports (MTSS) process, sometimes referred to as Response to Intervention (RTI). Read OSEP's correspondence and connect with the memos at the link above.

Outreach and Engagement of Underserved Populations

Effective community engagement and outreach takes careful planning and acknowledgement that each population that we work with is unique and offers us opportunities to broaden our understanding of what makes a community. Lots of useful resources can be found in this article, which shares 6 essential strategies for inclusive engagement and culturally competent outreach. From the Vocational Rehabilitation Technical Assistance Center for Quality Employment (VRTAC-QE).

Partnering with Hard-to-Connect Families

Often, when people with disabilities consider seeking employment, their families strongly influence the decision. Especially with transition-aged youth, family influence can sway whether a consumer decides to try working. There is still a persistent belief that work income will cancel out any benefits the person with disability receives. Also from VRTAC-QE.

Native American Resource Collection

Don't forget about this invaluable resource collection designed expressly for Parent Centers to support new and current staff in their outreach to Native American parents of children with disabilities. The collection is organized in 4 tiers of learning that reflect what we know about journeys of multicultural growth. Each product within contains current information about the traditional culture and contemporary issues important to Native families. Consider, for example, articles such as **Cultural Awareness and Connecting with Native Communities** and **The Impact of Traditional Native Values on Transition Planning**.

Corporal Punishment in Schools Fact Sheet

From the Office for Civil Rights (OCR), issued Sept 2022, updated March 2023

The CRDC (Civil Rights Data Collection) defines corporal punishment as paddling, spanking, or other forms of physical punishment imposed on a child. The data reported in this **factsheet** is for K-12 students and includes data by sex, by race/ethnicity, and by state.

Dear Colleague Letter (March 24, 2023)

The Department issued this *Dear Colleague Letter* calling for the end to corporal punishment in schools. The letter reinforces the Department's position that corporal punishment in schools should be replaced with evidence-based practices, such as implementing multi-tiered systems of support that create a safe and healthy school environment. The Department included specific recommendations for evidence-based practices to give students what they need to learn and grow.

Discipline Discussions | Informal Removals Matter

Valerie C. Williams, Director of OSEP, writes about the pattern of informally removing students

with disabilities from school classrooms as a way to address disruptive behavior. The parents get a call from the school that their child has caused a disruption and must be picked up immediately to help their child “calm down.” This blog post from OSEP will connect you with the extensive **2022 federal guidance on discipline under IDEA**, many parts of which are also available in Spanish. OSEP ends this blog post by asking CPIR (yes, us!) to answer 4 specific questions about disciplinary practices, including “What are possible next steps a parent can take if their child’s school repeatedly calls them to pick up their child from school due to their behavior?”

Bipolar Disorder in Teens and Young Adults: Know the Signs

*(Also available in Spanish: **Trastorno bipolar en adolescentes y adultos jóvenes: Conozca los signos**)*

Bipolar disorder is not the same as the typical ups and downs every kid goes through. The mood swings are more extreme and accompanied by changes in sleep, energy level, and the ability to think clearly. Learn the signs and symptoms.

Borderline Personality Disorder

*(Also available in Spanish: **Trastorno límite de la personalidad**)*

Learn more about the disorder, how it’s diagnosed, and how to find support.

Advancing Racial Equity in Early Intervention and Preschool Special Education

This 9-page fact sheet provides key information and supporting evidence about racial disparities and inequities for young children with a disability, and questions for state and local leaders seeking to advance equity for all children with disabilities and their families. From the ECTA Center.

The English Learner Family Toolkit

This family toolkit (from the National Clearinghouse for English Language Acquisition) is meant to support families of English learners in the U.S. education system. It consists of 6 chapters, and each chapter contains 5 sections: an overview, family and student rights, questions to ask schools, tips, and resources.

To learn more about the this family toolkit, visit:

<https://ncela.ed.gov/educator-support/toolkits/family-toolkit>

Student-Centered Transition Planning

This IRIS module will help users to better understand the benefits of student-centered transition planning, identify ways to involve students in collecting assessment information and developing goals, and be able to prepare students to actively participate in their own IEP meetings.

To learn more about this IRIS module and go through it all, visit:

<https://iris.peabody.vanderbilt.edu/module/tran-scp/>

Transition Services for Justice-Involved Youth and Young Adults with Disabilities: Rehabilitation and Recovery Practices

Many justice-involved youth experiencing trauma also report high rates of mental and behavioral health conditions. Up to 90 percent relay exposure to some traumatic event, 70 percent meet the criteria for a mental health condition and 30 percent meet the criteria for post-traumatic stress disorder (PTSD).¹ Additionally, the U.S. Department of Education estimates that 30 to 60 percent of youth in correctional facilities have a disability.² When left unaddressed, a person's mental and behavioral health symptoms can negatively affect their economic outcomes.³ The justice system faces challenges in establishing and maintaining supports to address these needs and reduce their impact on education and employment. This brief describes how rehabilitation and recovery interventions can help states improve long-term workforce opportunities for justice-involved youth and young adults with disabilities (Y&YADs), including those with pre-existing mental and behavioral health needs.

To read this entire Brief, visit:

https://capeyouth.org/wp-content/uploads/sites/9/2023/09/2023_CAPEYouth_JusticeYouth-RR-Brief-508.pdf

Warning Signs for Bullying

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious, lasting problems.

In order to be considered bullying, the behavior must be aggressive and include:

- **An Imbalance of Power:** Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- **Repetition:** Bullying behaviors happen more than once or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

There are many warning signs that may indicate that someone is affected by bullying—either being bullied or bullying others. Recognizing the warning signs is an important first step in taking action against bullying. Not all children who are bullied or are bullying others ask for help.

It is important to talk with children who show signs of being bullied or bullying others. These warning signs can also point to other issues or problems, such as depression or substance abuse. Talking to the child can help identify the root of the problem.

Signs a Child Is Being Bullied

Look for changes in the child. However, be aware that not all children who are bullied exhibit warning signs.

Some signs that may point to a bullying problem are:

- Unexplainable injuries
- Lost or destroyed clothing, books, electronics, or jewelry
- Frequent headaches or stomach aches, feeling sick or faking illness
- Changes in eating habits, like suddenly skipping meals or binge eating. Kids may come home from school hungry because they did not eat lunch.
- Difficulty sleeping or frequent nightmares
- Declining grades, loss of interest in schoolwork, or not wanting to go to school
- Sudden loss of friends or avoidance of social situations
- Feelings of helplessness or decreased self esteem
- Self-destructive behaviors such as running away from home, harming themselves, or talking about suicide

Signs a Child is Bullying Others

Kids may be bullying others if they:

- Get into physical or verbal fights
- Have friends who bully others
- Are increasingly aggressive
- Get sent to the principal's office or to detention frequently
- Have unexplained extra money or new belongings
- Blame others for their problems
- Don't accept responsibility for their actions
- Are competitive and worry about their reputation or popularity

Why don't kids ask for help?

Statistics from the 2018 Indicators of School Crime and Safety - PDF show that only 20% of school bullying incidents were reported. Kids don't tell adults for many reasons:

- Bullying can make a child feel helpless. Kids may want to handle it on their own to feel in control again. They may fear being seen as weak or a tattletale.
- Kids may fear backlash from the kid who bullied them.
- Bullying can be a humiliating experience. Kids may not want adults to know what is being said about them, whether true or false. They may also fear that adults will judge them or punish them for being weak.
- Kids who are bullied may already feel socially isolated. They may feel like no one cares or could understand.
- Kids may fear being rejected by their peers. Friends can help protect kids from bullying, and kids can fear losing this support.

Acknowledgements

Portions of this or previous month's ***NASET's Special Educator e-Journal*** were excerpted from:

- Center for Parent Information and Resources
- Committee on Education and the Workforce
- FirstGov.gov-The Official U.S. Government Web Portal
- Journal of the American Academy of Special Education Professionals (JAASEP)
- National Collaborative on Workforce and Disability for Youth
- National Institute of Health
- National Organization on Disability
- Substance Abuse and Mental Health Services Administration
- U.S. Department of Education
- U.S. Department of Education-The Achiever
- U.S. Department of Education-The Education Innovator
- U.S. Department of Health and Human Services
- U.S. Department of Labor
- U.S. Food and Drug Administration
- U.S. Office of Special Education

The **National Association of Special Education Teachers** (NASET) thanks all of the above for the information provided for this or prior editions of the Special Educator e-Journal