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The Individuals with Disabilities Education Act (IDEA) is a federal law. It requires that each child who has a disability and qualifies for special education and related services must receive a free appropriate public education (FAPE). The State Department of Education in each state enforces IDEA. Students with an Individualized Education Program (IEP) would qualify for these protections.

Section 504 of the Rehabilitation Act of 1973 (often referred to as “Section 504”) and Title II of the Americans with Disabilities Act of 1990 (Title II) are the federal laws that apply if the harassment denies a student with a disability an equal opportunity to education. The Office for Civil Rights (OCR) enforces Section 504 and Title II of the ADA. Students with a 504 plan or an Individualized Education Program (IEP) would qualify for these protections.

In October 2014, as part of National Bullying Prevention Month, the U.S. Department of Education’s Office for Civil Rights (OCR) issued guidance to schools reminding them that bullying is wrong and must not be tolerated — including against America’s 6.5 million students with disabilities.

The Department issued guidance in the form of a letter to educators detailing public schools’ responsibilities under Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and Individuals with Disabilities Education Act regarding the bullying of students with disabilities. If a student with a disability is being bullied, these federal laws require schools to take immediate and appropriate action to investigate the issue and, as necessary, take steps to stop the bullying and prevent it from recurring.

The letter further clarified that the bullying of a student with a disability on any basis, not just their disability,

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### Individualized Education Program (IEP)

Students with disabilities who are eligible for special education under the Individuals with Disabilities Education Act (IDEA) will have an Individualized Education Program (IEP). The IEP can be a helpful tool as part of a bullying prevention plan. Remember, every child receiving special education is entitled to a free appropriate public education (FAPE), and bullying can become an obstacle to that education.

For more information, read PACER's "[Individualized Education Program \(IEP\) and Bullying](#)."

### Dear Colleague Letters

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Peer advocacy works for two reasons. First, students are more likely than adults to see what is happening with their peers and peer influence is powerful. Second, a student telling someone to stop bullying has much more impact than an adult giving the same advice.

Note: For detailed information, visit the "[peer advocacy](#)" tab.

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Self-advocacy means the student with a disability is responsible for telling people what they want and need in a straightforward way. Students need to be involved in the steps taken to address a bullying situation.

Self-advocacy is knowing how to:

- speak up for yourself
- describe your strengths, disability, needs, and wishes
- take responsibility for yourself
- learn about your rights
- obtain help, or know who to ask if you have a question

The person who has been bullied should be involved in deciding how to respond to the bullying. This involvement can provide students with a sense of control over their situation, and help them realize that someone is willing to listen, take action, and reassure them that their opinions and ideas are important.

Teens, learn more about what you can do by reading PACER's "[Drama: Is it Happening To You?](#)"

The [Student Action Plan](#) is a self-advocacy resource. It includes three simple steps to explore specific, tangible actions to address the situation:

- define the situation
- think about how the situation could be different
- write down the steps to take action

Note: For detailed information, visit the "[self-advocacy](#)" tab.

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When students have been bullied, they often believe they are the only one this is happening to, and that no one else cares. In fact, they are not alone.

There are individuals, communities, and organizations that do care, and it's not up to one person to end the