

# ASK AN OMBUDS OEO LUNCHTIME WEBINAR

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SENIOR EDUCATION OMBUDS

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*We listen. We inform. We help solve problems.*

# WHAT IS THE OFFICE OF THE EDUCATION OMBUDS?

The Office of the Education Ombuds (OEO) is an agency within the Governor's Office created in 2006 by the Washington State Legislature to address barriers to student achievement and reduce the opportunity gap.



# QUESTIONS

1. How can a parent get a student with autism connected with ABA services through the student's IEP?

## **Questions re HIB:**

1. What is "HIB"?
2. What are the policies and procedures for addressing HIB in schools?
3. What can families do if they believe a student is being bullied or harassed?
4. When should families expect that the school will investigate complaints of harassment or bullying?
5. What can families do if their child is accused of bullying or harassing others?
6. What can be done to help reduce bullying and harassment and support safe school climates?

**PLEASE share your FOLLOW UP and ADDITIONAL QUESTIONS via the CHAT or Q&A functions**

# HOW/WHEN CAN ABA THERAPY BE INCLUDED IN AN IEP?

## Process:

- **Make a request**, in writing;
- **Request an IEP team meeting** to consider the need for ABA therapy;
- **Gather and discuss information** relating to the child's need for supports (evaluation results, progress reports on goals, observations)
- Watch for/ask for **written notice** that reflects the request, the team's consideration, the decision and the reasons for the decision.

## Considerations:

- Decisions are based on a **child's individual needs**;
- Decisions about goals, accommodations, areas of specially designed instruction, and related services are made by the **IEP team** based on what the student needs;
- Decisions about methodology are generally left to the **special education providers** (the district).
  
- Is there information that shows a child **needs this specific type of instruction, related service or support** in order to access their instruction and receive "FAPE"?

# WHAT IS “HIB”?

## Harassment, Intimidation and Bullying – “HIB”

Washington State Law defines harassment, intimidation or bullying as:

“any **intentional** electronic, written, verbal, or physical **act**, including but not limited to one shown to be motivated by [race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap] or other distinguishing characteristics, when the intentional ... act:

- (a) Physically harms a student or damages the student's property; **or**
- (b) Has the effect of substantially interfering with a student's education; **or**
- (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; **or**
- (d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

<http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.300.285>

# COMMON UNDERSTANDING OF BULLYING

From <https://www.stopbullying.gov/what-is-bullying/index.html>

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.

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.

# WHAT ARE THE POLICIES/PROCEDURES ADDRESSING HIB?

## Anti-Harassment, Intimidation & Bullying Policy/Procedure

- defines HIB;
- explains process for preventing, investigating and responding to HIB;
- defines role of HIB Compliance officer;
- find it in District Policies/Procedures in Student series (often 3207 and 3207P).

## Non-Discrimination Policy/Procedure

- Describes District process for informal and formal discrimination complaints, including complaints of discriminatory harassment;
- includes information about option to appeal unresolved complaints of discrimination to OSPI or to file complaint with US Department of Education's Office for Civil Rights;
- find it in District Policies/Procedures in Student series (often 3210 and 3210P).

## ADDITIONAL RELEVANT POLICIES/PROCEDURES

Districts might also have separate policies and/or procedures addressing:

- Sexual Harassment
- Transgender & Non-Conforming Students  
Nondiscrimination Procedure



# WHAT TO DO IF YOU BELIEVE A CHILD IS BEING BULLIED OR HARASSED?

**Listen to understand** – listen to the child, check in with teachers, principal, other adults at the school:

- What happened?

- Is it the first time something happened with the other student (or students)? Is the child worried it will happen again?

- Is there a history between the students involved? Past conflicts?

- Where is it happening? Who is around?

- Understand a child may be reluctant to talk about it – be patient, and persistent in trying to understand what is happening and offering support.

**Talk about safety** – work with the child and check in with the school to:

- Ensure the child understands to whom, and how they can report if they are feeling bullied at school;

- Work with the school to discuss possible increased attention/supervision; a person to check in with the child; and ensuring separation from the student involved.

**Find a short Safety Planning Toolkit on OEO's website:**

<http://oeo.wa.gov/wp-content/uploads/Toolkit-Safety-Plan.pdf>

## WHEN CAN FAMILIES EXPECT AN INVESTIGATION?

Any student, parent or other person may report HIB incidents verbally or in writing to any staff member.

All staff are responsible for receiving oral and written reports **and whenever possible should attempt to resolve the incident immediately.**

- “If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation or bullying, **no further action may be necessary under this procedure.**”
- “All **reports of unresolved, severe, or persistent** harassment, intimidation or bullying **will be investigated** with reasonable promptness.”

From HIB Procedure

# WHAT IF YOUR CHILD IS ACCUSED OF HARASSING OR BULLYING OTHERS?

**Listen to understand** – listen to the child, check in with teachers, principal, other adults at the school:

- What happened?

- Is it the first time? Is there a history between the students?

- Where is it happening? Who is around?

- What are the reasons (thoughts or emotions) behind the actions?

**Be clear about the problem behavior** – be sure the child understands what was inappropriate, and why;

**Use consequences to teach appropriate behavior; and**

**Think about how to repair harm;**

If you disagree with the school's decision (in determining that a child's actions were "bullying" or in discipline imposed), ask about the process for appeal.

## WHAT ARE THINGS WE CAN DO TO REDUCE HIB AND SUPPORT SAFE SCHOOL CLIMATES?

- Ensure the school has a clear policy prohibiting bullying and harassment that is widely shared in the school community;
- Work to ensure a consistent response when the school knows of bullying/harassment;
- Provide training for staff, students and others in the school community on how to recognize and respond to potential harassment or bullying;
- **Engage in an ongoing effort to build a culture of respect, appreciation of differences, awareness of bias and what to do about it.**

Questions?

Thoughts?

Please share your Feedback on this Webinar!

## OEO Webinar Survey:

<https://www.surveymonkey.com/r/AskanOmbudsFebruary2018>

Thank you for your participation!

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