

Bullying laws and policies

Project Prevent and Address Bullying (PPAB)

for Students with Disabilities

Northern Illinois University | School Psychology Program

Federal laws

Currently, there are no federal laws in place that specifically address bullying. However, many of the civil rights laws against harassment may overlap with cases of bullying in certain situations. Bullying is considered discriminatory harassment when it is based on race/ethnicity, sex, age, disability or religion. (Additional protected classes vary across states, e.g., sexual orientation.)

Schools are obligated to intervene when the harassment:

- Is persistent or severe.
- Creates a hostile environment at school.
- Is based on race/ethnicity, sex, age, disability, or religion.
- Occurs on school grounds or via school technology.
- Substantially interferes with the learning environment.

Federal laws enforced by the U.S. Department of Education:

- **Title IV of the Civil Rights Act of 1964:** Promotes ending racial segregation in public schools.
- **Title VI of the Civil Rights Act of 1964:** Prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance.
- **Title IX of the Education Amendments of 1972:** Prohibits discrimination on the basis of sex in any federally funded education program or activity.
- **Section 504 of the Rehabilitation Act of 1973:** Prohibits discrimination on the basis of disability; applies to public elementary and secondary schools, among other entities.
- **Title II of the Americans with Disabilities Act:** Prohibits disability discrimination by all public entities at the local level (e.g., school district) and at state level.
- **Title III of the Americans with Disabilities Act:** Prohibits discrimination on the basis of disability with regard to the full and equal enjoyment of the goods, services, facilities or accommodations of any place of public accommodation by any person who owns, leases or operates a place of public accommodation. Public accommodations include education.
- **Individuals with Disabilities Education Improvement Act of 2004:** The six pillars of IDEA include developing Individualized Education Programs (IEP), providing Free Appropriate Public Education (FAPE) to all students regardless of disability status, educating students in the Least Restrictive Environment (LRE), providing appropriate evaluations, parent and teacher participation, and adhering to procedural safeguards.



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Department of Psychology

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State laws and policies

All 50 states have passed some type of bullying prevention legislation. However, the way in which each state addresses bullying varies widely. Visit <https://www.stopbullying.gov/laws/index.html> to find your state's laws and policies.

Example state laws and policies: Illinois

The Illinois Prevent Student Violence Act (2010)

- Explicitly defines and prohibits bullying as both face-to-face and cyberbullying incidents.
- Defines where and when bullying is prohibited in order to provide guidance to schools for developing their policies on bullying.
- All Illinois school districts (including private and charter schools) must create, maintain and communicate a policy that explicitly defines and prohibits bullying.
- Requires schools to maintain records of bullying incidents.
- This policy must be filed with the State Board of Education and updated every two years.

The following groups are listed under Illinois anti-bullying laws and regulations:

- Race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, and any other distinguishing characteristic.

Find additional handouts on our website at go.niu.edu/PPAB



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