



Failure to Respond to Bullying May Deprive Student with a Disability of a Free Appropriate Public Education

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By Jennifer A. Smith

In *T.K. v. New York City Department of Education*, one of the first federal court cases to address the issue, the U.S. District Court for the Eastern District of New York ruled that “an effective and appropriate education may be negated by child bullying.”

In a lengthy decision that outlines the history and effects of bullying, the court reached the conclusion that “[b]ullying and inappropriate peer harassment in its many forms provides an unacceptable toxic learning environment.” Therefore, the court found that a parent may maintain a claim under the Individuals with Disabilities Education Act (IDEA) based on child bullying.

The court explained that the applicable standard under IDEA is whether school personnel were deliberately indifferent to, or failed to take reasonable steps to prevent bullying that substantially restricted a child with disabilities in her educational opportunities. The court applied this standard and determined that schools are required to investigate bullying reports. If bullying did occur, then the school must take appropriate steps to prevent it in the future.

This case illustrates yet another legal avenue for parents to pursue bullying complaints and highlights the importance of taking action when bullying is reported.

More Information

Jennifer A. Smith
jas@franczek.com
312.786.6589

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