

Disability Harassment

By:

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Recently, a Seattle student with cerebral palsy was awarded \$300,000 in damages from her school after years of harassment by another student was allowed to take place. Her harasser called her names, blocked her wheelchair's path with furniture and manipulated her chair's electronic controls so it rammed into walls. Only when her harasser caused her serious physical injury did school officials respond formatively with a 3-day suspension.

The parent of the disabled student filed a lawsuit against the harasser and his family, which was settled, out of court. She filed another suit against the school officials for negligent supervision, claiming her daughter suffered emotional distress and physical harm because school personnel failed to protect her child. The U.S. District Court agreed.

The school took so long to recognize the situation because the harasser was a well-liked, class leader. The student with cerebral palsy had a hard time convincing school officials that such a popular student was harassing her. Clearly, this case shows that anyone can be a harasser.

The Seattle case is also significant because it shines light on a growing problem in schools and colleges – harassment based on disabilities. Next, it sends a message that this problem will no longer be tolerated. Lastly, it gives encouragement to disabled students who might want to legally challenge their harassers and school personnel who tolerate such mistreatment.

As the liability and special education expert who worked on this Seattle case and similar lawsuits, I have seen the emotional and academic damage to students facing verbal and physical harassment because of their disabilities, sexual orientation, ethnicity or appearance.

Students facing harassers can become quiet, withdrawn, lacking in self-esteem and vulnerable. They spend time and energy protecting themselves from harassers rather than focusing on learning. In extreme cases, particularly those regarding sexual orientation, a small percentage of students tragically consider, attempt and commit suicide.

The US Department of Education calls disability harassment a “very serious problem” that can have a “profound impact on students, raise safety concerns, and erode efforts to ensure that students with disabilities have equal access to the myriad benefits that an education offers.” At least 12% of the school population (three to four students per class) have physical or learning disabilities.

To provide all students with proper learning environments and avoid costly litigation, school personnel must commit to preventing harassment and the entire school community needs to ensure a welcoming atmosphere for all. Teachers need to enlighten students about our society's differences through a diversity-based curriculum. When hostile situations arise, teachers need to assess their dangerousness and act as appropriate, yet decisive, disciplinarians. School administrators need to back up teachers with training, solid no-tolerance policies and problem-solving protocols.

Not only is this the right thing to do; it's the law. Disability harassment breaks federal laws including the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and the Rehabilitation Act.

Teachers and schools play important roles in the character development of our nation's children. Understanding and tolerance of diversity is essential to a compassionate civilized society. By protecting disabled students, schools will send a message of acceptance for everyone, no matter what their differences. In essence, when we protect the liberties of one group, we protect the liberties of all.

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