



## DISABILITIES LAW PROGRAM

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### MEMORANDUM

To: SCPD Policy & Law Committee

From: Brian J. Hartman

Re: Regulatory Initiatives

Date: October 4, 2012

I am providing my analysis of eleven (11) regulatory initiatives in anticipation of the October 10 meeting. Given time constraints, my commentary should be considered preliminary and non-exhaustive.

1. DMMA Final Medicaid Estate Recovery Regulation [16 DE Reg. 423 (October 1, 2012)]

The SCPD commented on the proposed version of this regulation in August, 2012. A copy of the SCPD's August 23 memo is attached for facilitated reference. The Council endorsed the regulation for the reasons compiled in its memo.

The Division of Medicaid & Medical Assistance has now acknowledged the endorsement and adopted a final regulation which conforms to the proposed version. I recommend no further action.

2. DMMA Final Expedited Fair Hearing Regulation [16 DE Reg. 419 (October 1, 2012)]

The SCPD and GACEC commented on the proposed version of this regulation in July, 2012. A copy of the SCPD's July 23 memo is attached for facilitated reference. The Division of Medicaid & Medical Assistance has now adopted a final regulation incorporating amendments prompted by the commentary.

First, the Councils recommended addition of a requirement of prompt access to MCO case records in connection with expedited resolution requests. DMMA added a "prompt access" reference to §5304.3.

Second, the Councils recommended that case records be made available within 1 working day of receipt of an expedited resolution hearing request. DMMA inserted a "1 working day" standard in §5403.

Since DMMA adopted amendments conforming to all recommendations, the Councils may wish to consider a "thank you" communication.

3. DSS Final Emergency Assistance Regulation [16 DE Reg. 426 (October 1, 2012)]

The SCPD and GACEC commented on the proposed version of this regulation in August, 2012. A copy of the SCPD's August 23 memo is attached for facilitated reference. The Division of Social Services has now adopted a final regulation incorporating some amendments prompted by the commentary.

First, the Councils recommended clarifying the standards in §6002, Par. 1.B., definition of "financial eligibility" which could be interpreted as either disjunctive or conjunctive. DSS amended the references.

Second, the Councils recommended substituting "her" for "its" in §6003, Par. 3. DSS agreed and effected the substitution.

Third, the Councils suggested substituting "A1" for "they" in §6003. DSS agreed and effected the substitution.

Fourth, the Councils recommended adding an authorization to cover a home repair to provide "accessibility". DSS declined to amend the regulation based on the following rationale:

Thank you for your suggestion; as noted earlier, DSS is not proposing substantive changes and is not proposing an expansion of the program at this time.

At 427.

Fifth, the Councils observed that there were many instances in which punctuation had been omitted. The Councils recommended inclusion of appropriate punctuation. DSS responded as follows:

DSS uses the Gregg Reference Manual for style and punctuation guidance. The punctuation used in the proposed regulation is consistent with the Gregg manual.

At 428. This is the same rationale for omitting punctuation cited by DSS last month in connection with its Final Child Subsidy Program Technical Eligibility Regulation [16 DE Reg. 319 (9/1/12)]. I commented as follows on that final regulation:

*This is an "odd" response for the following reasons:*

*A. The attached Delaware Administrative Code Drafting & Style Manual [hereinafter "Delaware Manual"] is the preferred reference guide for publication of regulations, not the "Gregg Reference manual".*

*B. The illustrations of regulations in the Delaware Manual uniformly use punctuation. See, e.g., §6.2.3.*

*C. The Delaware Manual recites that "(r)egulations should be uniform in style and language conventions and be drafted in a clear and concise manner..." At p. 2. All of the DSS regulations surrounding the new §11003 use commas, semicolons, periods, and standard punctuation. It is not "uniform" to have 1 "outlier" regulation which is devoid of punctuation within an extensive set of regulations with punctuation. ...*

*I recommend that the SCPD communicate with Sharon Summers and provide a copy of the Delaware Manual and analysis under Par. 2 above. A courtesy copy should be shared with Deborah Gottschalk and the Division Director since the Division may otherwise adopt an on-going practice of omitting punctuation in prospective regulations.*

Sixth, the Councils suggested expansion of the criteria for "medical needs". DSS declined to amend the regulation based on the following rationale:

Thank you for your suggestion; as noted earlier, DSS is not proposing substantive changes and is not proposing an expansion of the program at this time.

At 428.

Seventh, the Councils observed that assistance for clothing was authorized only if the need resulted from theft or fire. The Councils recommended expansion of the forms of casualty justifying assistance. DSS declined to amend the regulation based on the following rationale:

Thank you for your suggestion; as noted earlier, DSS is not proposing substantive changes and is not proposing an expansion of the program at this time.

At 428.

I recommend reviewing any response from DSS on the above Delaware Administrative Code Drafting & Style Manual. If the letter has not yet been issued, I recommend that it be written to cover both the September regulation and this regulation.

4. DOE Final Immunization Regulation [16 DE Reg. 411 (October 1 2012)]

The SCPD and GACEC endorsed the proposed version of this regulation in August, 2012. The Department of Education has now acknowledged the endorsements and adopted a final regulation which conforms to the proposed version.

I recommend no further action.

5. DOE Final Supportive Instruction (Homebound) Reg. [16 DE Reg. 412 (October 1, 2012)]

The SCPD and GACEC commented on the proposed version of this regulation in August. A copy of the GACEC's August 15, 2012 letter is attached for facilitated reference. The Department of Education has now adopted a final regulation which incorporates some amendments prompted by the commentary.

First, the Councils recommended substituting "public school" for "district" to clarify the application of the regulation to charter schools. The DOE accomplished the same result by inserting references to "charter school".

Second, the Councils recommended addition of references to advanced practice nurses and physician assistants. The DOE added three (3) sets of conforming references to advanced practice nurses and physician assistants.

Third, the Councils recommended an amendment to deter public schools from offering homebound to circumvent a State statute which grants suspended/expelled students a presumptive right to enroll in an alternative school. The DOE inserted a clarification in §4.0.

Fourth, the Councils recommended insertion of the following sentence to deter districts from offering a typical 3-5 hours of weekly homebound to students with IEPs for §504 plans:

For students identified under the IDEA or §504 of the Rehabilitation Act, the extent of weekly supportive instruction must be individually determined to ensure FAPE.

The Councils also recommended inclusion of guidance based on an OCR precedent that homebound be presumptively available during school hours as juxtaposed to the general practice of only offering an after-school option.

The DOE declined to add protective provisions. Instead, it responded as follows:

A concern was expressed by the Councils related to free and appropriate public education (FAPE) for students covered by federal laws. The provision of a FAPE to students with disabilities has always and shall continue to be provided as required by applicable federal and state laws.

At 413.

Since the regulation is final, and the DOE inserted amendments consistent with the majority of Council suggestions, I recommend no further action.

#### 6. DOE Proposed Cyberbullying Regulation [16 DE Reg. 351 (October 1, 2012)]

On July 27, 2012, the Governor signed S.B. No. 193 which requires the Department of Education to promulgate a uniform cyberbullying policy based on a model developed by the Department of Justice. Consistent with the attached articles, the Lt. Governor and Attorney General conducted public hearings to obtain input on the model.

As background, students with disabilities are disproportionately victims of bullying. The attached article, "Teens with Disabilities Face High Rates of Bullying" (September 4, 2012), describes research demonstrating that 57% of students with intellectual disabilities are bullied and slightly less than half of students with autism, learning disabilities and speech/language impairments are victimized. The research also concluded that bullying of students with disabilities is more prevalent in general education settings. Moreover, bullying does not "build character". See attached article entitled "Myths and Facts About Bullying in Schools" (April, 2005). Students who are victimized are often characterized by low self esteem, depression, and poor coping skills. Bullying also results in diminished academic performance. See attached article, "Academic Consequences Follow Social Rejection" (March 23 2006). Therefore, the concept of deterring bullying, including cyberbullying, merits endorsement.

At the same time, some students with disabilities may be more subject to discipline for cyberbullying based on their lack of deliberative functioning. For example, a student with ADHD may impulsively post a picture or publish communication without appreciating the consequences or intending harm.

Given this background, I have the following observations on the proposed regulation.

First, §2.3 recites as follows:

The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school district or charter school materials.

At a minimum, the word "communication" should be substituted for "speech". The Delaware Bullying Prevention Association website [[www.bullyprevention.org/aboutdbpa.html](http://www.bullyprevention.org/aboutdbpa.html)] defines cyberbullying as including "denigration: spreading information or pictures to embarrass". The term "speech" may not cover publication of a hostile or embarrassing photo and §2.1 uses the broader term, "communication". For the same reason, the term "communication" should be substituted for the term "speech" in §2.2.

However, the premise that the place of origin is completely immaterial is problematic. If the origin is actually misuse of a classroom computer, it is intuitive that the conduct can be more closely regulated. Consider the following alternatives:

Communication may qualify as cyberbullying irrespective of place of origin and irrespective of use of school district or charter school materials.

OR

Communication may qualify as cyberbullying regardless of both place of origin and lack of reliance on school district or charter school materials.

Second, the term “unpleasant” in §2.1 is “overbroad”. Communication may be “unflattering”, “not pleasant”, or “negative” without rising to the level of bullying. Moreover, the regulation should preferably conform to the statutory definition of bullying in Title 14 Del.C. §4112D(a). To the extent the regulatory definition conflicts with the statutory definition (which includes “electronic” actions), the regulation is subject to judicial invalidation. Moreover, the regulation omits the concept of “intention” which is contained in the statute. For these reasons, the Department could consider the following substitute:

Cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students intended to cause embarrassment, humiliation, fear, or emotional harm.

The terms “embarrass”, “humiliating”, “fear”, and “emotional harm” are contained in the statute. The term “unpleasant” is not in the statute.

Third, I am not an expert on privacy settings in social networks. Obviously, broad dissemination of “bullying” communication should be covered in the regulation. See, e.g., the attached article, “Internet ‘Burn Books’ Sparking Controversy” (August 19, 2012) which describes anonymous postings with broad dissemination. However, if a student restricts access to his social media postings to non-students, parents, or relatives, the student should not be considered to be “bullying” since the student has no intention of critical communication being disseminated to other students or faculty. Section 2.4 is overbroad by establishing a categorical rule that, regardless of privacy settings, use of prevalent social media is “considered to be automatically available to a broad audience within the school community”. If a student describes a faux pas or embarrassing behavior of a fellow student only to a parent via Facebook, the student has violated the regulation despite no intention of bullying or harming the other student. Conceptually, if a student describes some activity in the equivalent of a personal diary, it should not be grounds for punishment. I recommend consideration of more discriminating standards than a conclusive presumption that use of prevalent social media, regardless of privacy settings, is considered to be available to a “broad audience within the school community”.

Fourth, the regulation only covers student-student bullying. Consistent with the attached article, "When the Bully Is the Teacher" (September 12, 2011), research confirms that teacher bullying of students is "a common problem" with 93% of teachers and students surveyed reporting that teacher bullying is occurring in schools. The bullying statute [Title 14 Del.C. §4112D] is not limited to student-student bullying and the regulation could be improved by addressing teacher-student bullying.

I recommend sharing the above observations with the DOE, Lt. Governor, Attorney General, and ACLU.

7. DSS Prop. General Assistance Time Limit Reg. [16 DE Reg. 378 (October 1, 2012)]

Last year, DHSS proposed the elimination of the General Assistance (GA) program. See attached March 2, 2011 and March 23, 2011 News Journal articles. The Joint Finance Committee opposed that initiative. The program, which pays qualified individuals \$95 per month and provides automatic Medicaid coverage [16 DE Admin Code 16120], covers many unemployable adults with disabilities who do not qualify for other programs (e.g. SSI).

In April, 2010, DSS had adopted a regulation contemplating a 24-month time limit on GA assistance. The Division recites that the 24-month limit was never implemented. At 379. DSS is now proposing to repeal the regulation authorizing the cap based on the following rationale:

Many recipients if not most of the GA caseload are destitute and have no access to other cash resources to meet basic needs. Given the unavailability of other resources, the vulnerability of the population in the program, and the relative stabilization of the General Assistance caseload, DSS is repealing the 24-month time limit.

At 379.

I recommend a strong endorsement.

8. DSS Prop. TANF/Transitional Work Program Sanction Reg. [16 DE Reg. 379 (October 1, 2012)]

The Division of Social Services proposes to revise its standards covering sanctions for non-compliance with the TANF or Transitional Work Program (TWP). The current regulation imposes restrictions on access to child care services for individuals working to cure a second or subsequent sanction. The Division proposes to repeal the specific restrictions which DSS acknowledges "have not been implemented operationally". At 380.

Since the amendment offers some flexibility in access to child care for individuals working to cure second or subsequent sanctions, I recommend endorsement. Access to child care is an important support enabling individuals to pursue employment or training.

9. DMMA Prop. Medicaid LTC Home Equity Cap Reg. [16 DE Reg. 377 (October 1, 2012)]

The Division of Medicaid & Medical Assistance proposes to amend its financial eligibility standards for qualification for long-term care Medicaid. Background is provided in the "Summary of Proposal" section of the proposed regulation. In a nutshell, federal law establishes a presumptive cap on Medicaid LTC eligibility of \$500,000 subject to annual increases based on the Consumer Price Index (CPI). DMMA is somewhat belatedly updating its standards to reflect the increases in the cap, i.e. to \$525,000 effective January 1, 2012.

The regulation appears to be straightforward. I have only one (1) concern. The regulation recites as follows: "Equity value is determined by using the current market value of the home minus any mortgages or loans on the home." This is "underinclusive" and misleading. The attached CMS guidance recites as follows:

The equity value of a resource is the current market value minus any encumbrance on it. ...An encumbrance is a legally binding debt against the resource. This can be a mortgage, reverse mortgage, home equity loan, or other debt that is secured by the home.

Other states adopt the term "encumbrance" in their regulations. This would cover judgment liens, IRS liens, lis pendens claims, and other legally binding "encumbrances" on the home. I recommend substitution of the following sentence: "Equity value is determined by using the current market value of the home minus any encumbrance (e.g. mortgage; loan; lien) on it." The APA allows such revision without pre-publication "to correct technical errors" or "to make (regulations) consistent with changes in basic law but which do not otherwise alter the substance of the regulations". Title 29 Del.C. §10112(b).

I recommend endorsement of the proposed regulation subject to correction of the above underlined sentence which omits many forms of encumbrances which can reduce equity based on CMS guidance.

10. DLTCRP Prop. Nurse Assistant/CNA Training Reg. [16 DE Reg. 371 (October 1, 2012)]

The Division of Long Term Care Residents Protection proposes to adopt some discrete amendments to its regulation covering training and qualifications of nursing assistants and certified nursing assistants ("CNAs"). I have the following non-substantive observations related to style and grammar.

First, in §1.0, definition of "CE Hour", consider the following revision: "CE Hour" means continuing education...instruction.". This would be consistent with the form used in the preceding definition of "CE Track". It would also conform to the Register of Regulations Delaware Administrative Code Drafting & Style Manual published at <http://regulations.delaware.gov/documents/drafting&stylemanual.pdf>. Section 3.1.2 of the Manual offers the following guidance on definitions: "Immediately after the defined word or term, insert the word "means". Parenthetically, the Division may wish to consider editing all the definitions in §1.0 for consistency. Some refer to "shall mean". Some refer to "means". Some refer to "are defined". Some lack a verb altogether.



Second, in §2.4, there is a plural pronoun (“their”) with a singular antecedent (CNA). The Division could either substitute “CNAs” for “A CNA” or delete the word “their”.

Third, in §2.4.1, the introduction should be amended as follows: “The CNA dementia specific training shall include:...”. Compare references to “the CNA Training Curriculum Committee” (§2.1); and “CNA training program” (§3.1.6).

Fourth, in §3.2.11, substitute “pillows” for “pillow”.

I recommend sharing the above observations with the Division.

11. DLTCRP Proposed Rest (Residential) Home Regulation [16 DE Reg. 376 (October 1, 2012)]

The Division of Long Term Care Residents Protection is proposing to adopt wholesale revision of its rest (residential) home standards. The new standards are approximately ten (10) pages in length.

I have the following observations and recommendations.

1. In §2.0, definition of “Continuous”, insert a comma after “cessation”.
2. In §2.0, definition of “Department”, capitalize “Department of Health and Social Services.
3. In §2.0, definition of “Homelike”, do not capitalize “having”.
4. In §2.0, definition of “Personal Care Services”, I assume the Division does not intend to authorize “hosing down” the residents. Substitute “those services” for “a hose services”.
5. In §2.0, definition of “Rehabilitation”, the reference to “at his the highest” is grammatically incorrect.
6. In §2.0, definition of “Resident”, the regulation indicates that only individuals 18 years or older can live in a covered home. The licensing statute would permit residency in a rest (residential) facility by someone less than 18 years of age. See Title 16 Del.C. §1102(4). See also Title 16 Del.C. §§1119B and 1119C. This may implicate a systemic problem with the Division’s regulatory system. The above statutes (§§1119B and 1119C) require the Department to ensure the inclusion of special training and standards in all long-term care facilities serving juveniles. However, the Department has only issued such standards for nursing homes. See 16 DE Admin Code 3210, §2.1. At a minimum, the reference to “18 years or older” should be deleted from the definition of “Resident” in §2.0. The Division should also consider adding some provisions applicable to pediatric residents.
7. In §§4.2 and 4.3, there is a lack of punctuation (semi-colons). Compare §§3.5 and 8.1.8.
8. There is an extraneous period after the word “ventilation” in §5.3.2.1.

9. Section 5.3.2.4 could be improved. The local building code and the guidelines referenced in §5.3.1 may or may not adequately address ramp specifications. By analogy, the ADA generally contemplates installation of handrails for any ramp with a rise in excess of 6 inches or horizontal projection greater than 72 inches. The Division may wish to consider adding some ramp standards apart from grade. Compare 16 DE Admin Code 3310, §5.10. The Division should also consider adding an accessibility reference akin to that in 16 DE Admin Code 3201, §7.2.

10. The period is missing at the end of §5.7.3.

11. It would be preferable to address the door handles in §5.7.6. By analogy, see attached description of ADA door hardware requirements. This could be a major safety issue in the event of a fire or other emergency. I note that the Division includes handgrips in showers (§5.9.4) to promote safety. The accessibility of doors is no less important.

12. There is some “tension” between the exhortation that covered entities be “homelike” (§1.1) and the reference to “institution” in §5.12.1. I recommend striking “of the institution” in the latter section.

13. Section 5.12.9 requires hand washing facilities. The Division may wish to insert a temperature standard. Compare 16 DE Admin Code 3225, §17.8 and 16 DE Admin Code 3305, §13.3.

14. The Division may wish to require that dishwashers be capable of sanitizing dishes to deter spread of infections. Compare 16 DE Admin Code 3305, §13.21 and 16 DE Admin Code 3310, §6.4.

15. There is an extraneous period after the word “personal” in §7.1.2.

16. There is some “tension” between §8.1.3.4 and §8.1.4. Query whether a facility could provide a locking medicine cabinet or a resident could keep a lockable container in a bathroom?

17. In §10.1.6, I believe the Division intended to insert the word “or” after “facility”. The published regulation contains only an “r”.

18. It would be preferable to include a specific requirement that the LTC Bill of Rights be posted and copy provided to each resident. See Title 16 Del.C. §1123. Compare 16 DE Admin Code 3310, §4.2.3.4.

I recommend sharing the above observations and recommendations with the Department.

#### Attachments

8g:legreg/1012bils  
F:pub/bjh/p&l/2012/1012bils



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**MEMORANDUM**

DATE: August 23, 2012

TO: Ms. Sharon L. Summers, DMMA  
Planning & Policy Development Unit

FROM: Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: 16 DE Reg. 166 [DMMA Proposed Estate Recovery & Civil Unions Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMA's) proposal to update its regulations in the Division of Social Services Manual (DSSM) regarding Medicaid Estate Recovery by primarily incorporating references to "civil union partners" in the context of estate recover and liens. The proposed regulation was published as 16 DE Reg. 166 in the August 1, 2012 issue of the Register of Regulations.

Specifically, DMMA proposes to amend §20500.5.3.2 to add "civil union partner" to the list of relatives who are eligible to request a waiver of estate recovery based on undue hardship. This is authorized by the CMS guidance at p. 3. Note that "spouses" are protected by a different regulation, §20500.5.1. In addition, DMMA proposes to amend §20500.6.1 to include "civil union partner" to the list of relatives whose presence in the home may justify deferral of a lien for costs of care while the beneficiary is in a nursing facility. This is authorized at pp. 1-2 of the CMS guidance. The same deferral will apply if the home is jointly owned with the civil union partner.

SCPD endorses the proposed regulation.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position on the proposed regulation.

cc: Ms. Rosanne Mahaney  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

16reg166 dmma-civil union 8-23-12



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MEMORANDUM

DATE: July 23, 2012

TO: Ms. Sharon L. Summers, DSS  
Policy, Program & Development Unit

FROM: Daniese McMullin-Powell, <sup>OMP/KH</sup> Chairperson  
State Council for Persons with Disabilities

RE: 16 DE Reg. 6 & 30 [DSS Proposed Expedited Fair Hearing Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its fair hearing process to specifically address expedited fair hearings available to Medicaid and Delaware Healthy Children Program (DHCP) participants. DHSS noted the omission during the CMS review of the DSHP Plus review process. The regulation was published both as an emergency (16 DE Reg. 6) and proposed (6 DE Reg. 30) regulation in the July 1, 2012 issue of the Register of Regulations. SCPD has the following concerns and recommendations regarding the proposed revisions.

First, §5304.3, Par. 1 (p. 36) indicates that the "MCO must issue an expedited resolution within 3 working days after receiving the appeal." Obviously, a claimant attempting to persuade an MCO to issue a favorable decision within the "3 working days" timeframe would ordinarily benefit from reviewing the MCO's case records to facilitate any submission of justification or expert medical evidence. Unfortunately, there is no DSS regulation addressing expedited access to MCO case records. It would be preferable to add a provision requiring prompt access to such records in the context of a request for expedited resolution.

Second, if a claimant requests a fair hearing to contest an MCO's adverse decision processed under the expedited resolution regulation [§5403.3, Par. 1], the DSS hearing officer is expected to issue a decision within 3 working days. See §5500, Par. 1; and 42 C.F.R. §431.244(f)(2). However, §5403, Par. 2, allows the MCO or agency to wait "3 working days" to provide access

to case records. Thus, a claimant would be "hamstrung" in preparing for the expedited hearing since he/she would lack timely access to MCO or State agency case records. CMS regulations mandate that beneficiaries will have access to records before the date of hearing to allow meaningful participation in the appeal process. See, e.g., 42 C.F.R. §431.242(a). Therefore, SCPD recommends that §5403, Par. 2, be revised as follows:

For expedited resolution requests, case records must be promptly made available within ~~3 working days~~ 1 working day of the receipt of the appeal.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

cc: Ms. Elaine Archangelo  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

16reg6 & 30 dss-fair hearing 7-23-12



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MEMORANDUM

DATE: August 23, 2012

TO: Ms. Sharon L. Summers, DMMA  
Planning & Policy Development Unit

FROM: Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: 16 DE Reg. 173 [DMMA Proposed Emergency Assistance Services Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMA's) proposal to amend its emergency assistance regulations. The proposed regulation was published as 16 DE Reg. 173 in the August 1, 2012 issue of the Register of Regulations. SCPD has the following observations.

First, in §6002, Par. 1.B, definition of "financial eligibility", the inclusion of "or" in Par. 2 and "and" in Par. 3 is confusing. There are items in a series (Pars. 1-4) and it's unclear if DMMA intends the references to be disjunctive or conjunctive. Perhaps Pars. 2 and 3 could be combined into a single subsection.

Second, in the example involving A1 in §6003, Par. 3, first sentence, substitute "her" for "its" for consistency with other references to A1.

Third, in the same example, fourth sentence, substitute "A1" for "they" since the regulation would otherwise have plural pronouns (they) with a singular antecedent (A1).

Fourth, in §6005, Par. 1.A, it would be preferable to also authorize a home repair to provide "accessibility". For example, an individual may suffer an injury requiring use of a temporary ramp for access to a dwelling unit. See also 4603A(a)(1) [contemplating minor modifications of dwellings for accessibility] and attached description of DSAAPD program covering home modifications and assistive devices. DSAAPD funds are limited and are often exhausted before the end of the fiscal year.

Fifth, there are many instances in which punctuation has been omitted. See, e.g., §6005, Par. 1.B.1.ii; §6005, Par. 1 I; and §6006. DMMA may wish to review these sections and insert appropriate punctuation.

Sixth, in §6005, Par. 1.E, the criteria for “medical needs” could be expanded. For example, the enabling statute [Title 31 Del.C. §5002(6)] is relatively broad in scope. Moreover, query why prevention of short-term hospitalization or excessive pain or diversion from a nursing facility should not be qualifying justification for emergency medical services? Consider the following substitute:

A medical need is present if that need could result in serious impairment of health, prolonged hospitalization, institutionalization, excessive pain, or death.

Seventh, §6005, Par. 1.H. categorically limits clothing funds to loss from theft or fire. This would literally exclude eligibility if loss were based on contamination (e.g. bedbugs; lice; skunk), flood, or other casualty. For example, mice will eat holes in clothes. Consider the following substitute:

Assistance in clothing is authorized only if the need results from casualty (e.g. fire; theft) or irremediable contamination.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

cc: Ms. Rosanne Mahaney  
Mr. Brian Hartman, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

16reg173 dmma-services 8-23-12

Your Search...

Phone Numbers Mobile Help Size Print Email

Delaware Health and Social Services » Division of Services for Aging and Adults with Physical Disabilities

**HOME**

**SERVICES**

- Assistance for Caregivers
- Home and Community-Based Services
- Information and Supports
- Residential Care
- Rights and Protections

**INFORMATION**

**Home Modification**

<b>Program/Service description</b>	The Home Modification Program pays for modifications (or changes) to be made to the home of a person with a physical disability. The changes are made to allow a person to move around more freely in the home. An example of a home modification is the installation of a wheelchair ramp. Modifications are made to permanent residences only. Also, funds are used only when no other funding source is available or when there is not enough money from another source to pay for the needed modifications.
<b>Public funding source(s)*</b>	State funds
<b>Who is eligible</b>	Delaware residents 18 years of age or older who have a permanent or long-term physical disability. There is a \$15,000 lifetime cap.
<b>Where it is available</b>	Statewide
<b>Who to contact for information or enrollment</b>	Contact the <u>Division of Services for Aging and Adults with Physical Disabilities</u> by phone or e-mail.
<b>Related internet links</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Homemods.org: University of Southern California Andrus Gerontology Center, National Resource Center on Supportive Housing and Home Modification - Fall Prevention Center of Excellence</a></u></li> </ul>

\*Public funding means that the program is paid for, in part or in whole, by the government. Some publicly-funded programs have eligibility requirements and provide services at low cost or no cost to people who qualify. Most of these programs and services though, are also available to people who are able to pay privately (with their own money). For more information, please see the Sources of Funding section of this web site.

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**INFORMATION**

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<b>Program/Service description</b>	Assistive devices are pieces of equipment that allow people with disabilities to function more independently. They can be simple or complex. Some examples of assistive devices include kitchen utensils with large grips, seats for the shower or bath, wheelchairs, and specialized computers. The Division of Services for Aging and Adults with Physical Disabilities has funds available for persons with disabilities to buy or rent new or used assistive devices. A few restrictions: an assistive device must directly promote independent action or communication; also, money is provided only when no other funds are available to cover the cost of the device.
<b>Public funding source(s)*</b>	State funds
<b>Who is eligible</b>	Adults with disabilities with an assessed need. There is a per purchase cap of \$10,000 and a lifetime cap of \$25,000.
<b>Where it is available</b>	Statewide
<b>Who to contact for information or enrollment</b>	Contact the <u><a href="#">Division of Services for Aging and Adults with Physical Disabilities</a></u> by phone or e-mail.
<b>Related internet links</b>	<ul style="list-style-type: none"> <li>• ABLEDATA (<a href="http://www.abledata.com/">http://www.abledata.com/</a>)</li> <li>• Delaware Assistive Technology Initiative (<a href="http://www.asel.udel.edu/dati/">http://www.asel.udel.edu/dati/</a>)</li> </ul>

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**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS**

GEORGE V. MASSEY STATION  
516 WEST LOOCKERMAN STREET  
DOVER, DELAWARE 19904  
TELEPHONE: (302) 739-4553  
FAX: (302) 739-6126

August 15, 2012

Susan Haberstroh, Education Associate  
Regulation Review  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

**RE: DOE Proposed Supportive Instruction (Homebound) Reg. [16 DE Reg. 160 (August 1, 2012)]**

Dear Ms. Haberstroh:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the DOE proposal to adopt some discrete amendments to its supportive instruction (homebound) regulation. Some of the changes are prompted by enactment of the Disabilities Law Program (DLP)-authored legislation (Senate Bill No. 112) in 2011. A copy of the engrossed bill is attached. The GACEC would like to share the following observations.

First, in §2.1, the term "public school" should be substituted for "school district". The entitlement applies to public school students enrolled in either a district or charter school.

Second, in §2.1.3.2, the second sentence should be amended to read as follows: "Postpartum absences must be certified by a physician or an advanced practice nurse who is employed by or has a collaborative agreement with a licensed physician." This amendment is required by Senate Bill No. 112.

Third, in §3.1.1.2, Council suggests substituting "public school" for "school district" since the homebound entitlement applies to charter schools.

Fourth, §§1.0 and 4.0 authorize public schools to provide homebound services to a student who is suspended, expelled or subject to expulsion. Without further guidance, this may result in public schools violating Title 14 Del.C. §1604(8). See also attached H.B. No. 326 from 144<sup>th</sup> General Assembly which established §1604(8). By law, the described students are presumptively eligible for enrollment in an alternative school. The regulation could easily be misconstrued as authorizing public schools to routinely place described students on homebound for three to five hours weekly rather than offering full-time placement in an alternative school. At an absolute minimum, the new sentence in §1.0 should include an introductory phrase - "Subject to Title 14 Del.C. §1604(8), (t)his may also include... Section 4.0 could then be amended by adding the following second sentence: "Such policy shall conform to, and not circumvent, any qualifying student's eligibility for enrollment in a consortium discipline alternative program pursuant to Title 14 Del.C. §1604 and 14 DE Admin Code 611."

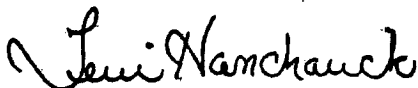
Fifth, the three to five hour minimum standard in §3.1.1 is not even marginally adequate. See, e.g., Region IV OCR LOF to Memphis (TN) City School District, 20 IDELR 85, 86 (April 23, 1993) [provision of three hours weekly homebound instruction in IEP based on district policy violates §504]; and Region I OCR LOF to Boston Public Schools, 21 IDELR 170 (June 10, 1994) [four hours weekly of homebound instruction violates §504 and ADA]. Moreover, in practice, the minimum has historically been the norm. The U.S. Department of Education disallows homebound based on a formula or set number of hours for students with disabilities. See attached materials. At a minimum, the following third sentence should be added to §3.1.1.1 (or added as a new §3.1.1.3): "For students identified under the IDEA or §504 of the Rehabilitation Act, the extent of weekly supportive instruction must be individually determined to ensure FAPE." This statement is consistent with long-standing DOE policy but absent from the regulation.

Sixth, the prevailing practice in Delaware is to offer homebound as an after-school hours option only. For students with disabilities, this may also violate §504 and the ADA. Region I OCR LOF to Boston Public Schools, 21 IDELR 170 (June 10, 1994)[disallowing practice of only offering "after-school hours" homebound]. The regulation contains no guidance in this context.

Seventh, Senate Bill No. 112 authorizes the DOE to "identify the licensed professionals authorized to certify eligibility for supportive instruction". The DOE should consider adding "physician assistants" licensed under Title 24 Del.C. Ch. 17 and 24 DE Admin Code 1700, §24. Physician assistants, like advanced practice registered nurses (APRNs), work under the supervision of a physician and can diagnose and prescribe treatment. Recent legislation has included physician assistants as well as APRNs as alternatives to physicians for authoritative medical opinions. See H.B. No. 261 (signed July 18, 2012); and S.B. No. 138 (signed July 6, 2009). See also Title 16 Del.C. §3003D(c).

Please feel free to contact me or Wendy Strauss should you have questions or concerns in regard to our position or comments.

Sincerely,



Terri A. Hancharick  
Chairperson

TAH:kpc

CC: The Honorable Matt Denn, Lt. Governor  
The Honorable Mark Murphy, Secretary of Education  
Dr. Teri Quinn Gray, State Board of Education  
Charles Michels, Professional Standards Board  
Mary Ann Mieczkowski, DOE  
John Hindman, Esq., DOE  
Terry Hickey, Esq., DOE  
Paula Fontello, Esq., DOE

Enclosures



SPONSOR: Sen. Hall-Long & Reps. Walker, Q. Johnson  
Sens. Sokola, Cloutier, Ennis, Reps. Keeley, J. Johnson

DELAWARE STATE SENATE

146th GENERAL ASSEMBLY

SENATE BILL NO. 112  
AS AMENDED BY  
SENATE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SUPPORTIVE INSTRUCTION.  
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §122(b), Chapter 1, Title 14 of the Delaware Code by inserting a new subsection "(24)" to read as follows:

"(24) Defining eligibility for supportive instruction for school district and charter school students. Such regulations shall identify the licensed professionals authorized to certify eligibility for supportive instruction and provide that the certification of an advanced practice nurse, who is employed by or who has a collaborative agreement with a licensed physician, be accepted on the same basis as a physician certification. For purposes of this subsection, 'supportive instruction' means an alternative educational program provided in a home, hospital, or other setting for students temporarily unable to attend their school of enrollment on a full-time basis due to sudden illness, injury, accident, episodic flare up of a chronic condition, or other basis authorized by the Department of Education through regulation."



SPONSOR: Rep. Johnson  
Reps. Blakey, Brady, Ewing, Hall-Long, Hudson,  
Kowalko, Longhurst, Manolagos, Mulrooney, Plant,  
Schooley, B. Short, Spence, Walls, Williams; Sens.  
Henry, McBride

HOUSE OF REPRESENTATIVES  
144th GENERAL ASSEMBLY

HOUSE BILL NO. 326

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL DISCIPLINE.

1           WHEREAS, the intent of the General Assembly, as evidenced by Delaware's compulsory attendance laws, is that  
2 all children between the ages of five and sixteen attend and have access to full-time public education; and

3           WHEREAS, recognizing that some students exhibiting behavior or discipline problems may not be appropriate for  
4 placement in a regular classroom setting, the State of Delaware has enacted statutes and regulations providing for the  
5 education of such students in Consortium Discipline Alternative Programs; and

6           WHEREAS, the intent of Delaware's compulsory attendance statutes is not met when students who are eligible for  
7 placement in a Consortium Discipline Alternative Program are simply expelled by a local school district or charter school  
8 and not placed in such a program.

9           NOW, THEREFORE:

10           BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

11           Section 1. Amend §1604, Title 14 of the Delaware Code by adding a new subsection "(8)" thereto as  
12 follows:

13           "(8) A student sixteen years of age or less who is expelled or suspended pending expulsion by a local school  
14 district or charter school shall be presumed appropriate for placement in a Consortium Discipline Alternative Program site,  
15 provided the student is not otherwise ineligible by statute or regulation for placement in such a program. The burden of  
16 establishing that a student is not appropriate for placement in a Consortium District Alternative Program shall be on the  
17 local school district or charter school. Any student not shown by preponderance of evidence to be inappropriate for  
18 placement in a Consortium District Alternative Program shall be placed in such a program."

19           Section 2. The Department of Education shall promulgate regulations establishing the criteria, which may include  
20 age, availability of funding, availability of space, and such other considerations the Department deems relevant, to be  
21 applied to determine whether a student is inappropriate for placement in a Consortium Discipline Alternative Program.

SYNOPSIS

This act establishes a presumption that students sixteen and younger who are expelled or suspended pending expulsion by a local school district or charter school are appropriate for placement in an alternative education program

# AG Biden calls for unified plan to fight, report online bullying

By **DOUG DENISON**  
The News Journal

Citing growing concerns about bullying that takes place in the digital realm, Delaware Attorney General Beau Biden is calling on the state's school districts to work toward a unified plan to address the problem.

At a public forum in Dover Thursday evening, Biden said current state law requires schools to report verified incidents of bullying, including cyber-bullying, to the state Department of Education, but that data is currently lacking.

One unnamed high school in New Castle County, Biden said, reported zero bullying incidents last school year.

"That's not the reality," he said. "We have to find a better way to

make sure the information is pushed up."

Biden said he believes part of the problem are the unique bullying policies established by school districts. Though they may be good policies on their own, differing rules make it hard for the Department of Justice to pursue cases that may warrant Family Court action.

"I would love there to be a unified approach in our state to dealing with bullying," he said. "Nineteen school districts all run their own show."

Biden's office already has begun meeting regularly with school superintendents and he said the discussion is evolving.

"When there's bad news to report, it's sometimes institutional nature to push things down," he said. "It has to be a collaborative

effort."

A better policy is necessary, Biden said, because the nature of bullying has changed with technology. In-school bullying is now supplemented by bullying on Facebook, Twitter and other digital outlets.

"For bullies, at the core there's a bit of cowardice," he said. "The Internet has made it easier to bully because of anonymity."

Lynn Widdowson, student services supervisor in the Capital School District, said there is a need for more cooperation.

Parents, she said, also need to be more aware of cyber-bullying.

"Much, much more needs to be done," she said. "Every parent should be looking at what their child is looking at on the Internet."

Contact Doug Denison at 678-4271 or [ddenison@delawareonline.com](mailto:ddenison@delawareonline.com).

12-16-11

NS

CYBERBULLYING NEW DETAILS

# Officials seek public input

## Uniform state policy goal following legal challenges

By **AARON NATHANS**  
The News Journal

The question among school administrators isn't whether cyberbullying is a problem. It's how to craft a policy to combat it that can stand up in court.

Lt. Gov. Matt Denn said individual school districts in other states have set up policies to penalize students for harassing their peers online, but some of those districts have seen their rules face legal challenges.

So Denn and Attorney General

Beau Biden are seeking input to help craft legislation that would define the practice of cyberbullying, and put in place a uniform policy for public and charter schools in Delaware.

A series of public hearings are under way to help inform what will be in the legislation.

Denn said he and Biden are looking for real-life examples of cyberbullying, to see how a possible law would apply.

There is no such thing as a schoolyard bully anymore, in the age of constant online communi-

cation and social networking, Biden said.

"For schools to be the safe places that children deserve, they must be able to effectively fight bullying that may originate off school grounds, but follows its victims 24 hours a day," Biden said.

The proposed law will be crafted with some recent case law in mind, which basically says the bullying must impact classroom performance to be covered under the law, Denn said.

See **CYBERBULLYING**, Page B3

### HEARINGS

**PUBLIC HEARINGS ARE SCHEDULED FOR:**

**Sussex County**  
5 to 7 p.m. April 24  
Sussex County  
Administrative  
Building  
2 The Circle  
Georgetown

**Kent County**  
11:30 a.m. to 1:30  
p.m., April 25  
Kent County Levy  
Court Chamber  
555 Bay Road  
Dover

## Cyberbullying: Hearings set in Kent, Sussex

Continued from Page B1

The public feedback will help them "write a policy that's focused on the off-campus speech that's having a classroom impact," Denn said.

Sen. David Sokola and Rep. Terry Schooley, both D-Newark, introduced a bill last week that would require the Departments of Education and Justice to collaborate to develop a statewide cyberbullying policy.

They are each chairman of their respective chamber's education committee.

"A lot of the kinds of controls that have worked in other media haven't been as effective in the online world because of instantaneous and permanent nature, but we know some things have worked," Sokola said.

About 35 people, all representatives of schools or school districts, attended the first hearing

on Tuesday in Wilmington, sharing their stories. Numerous speakers that night asked state officials to craft a specific definition of cyberbullying. The remaining public hearings will take place April 24 in Sussex County and April 25 in Kent County.

Contact Aaron Nathans  
at 324-2786 or  
anathans@delawareonline.com.



- Disability Scoop - <http://www.disabilityscoop.com> -

## Teens With Disabilities Face High Rates Of Bullying

By Michelle Diamant | September 4, 2012

Roughly half of adolescents with autism, intellectual disability, speech impairments and learning disabilities are bullied at school, new research suggests.

That's significantly higher than the rate of bullying faced by typically developing students, about 1 in 10 of whom are victimized by their peers.

The findings reported Monday in the Archives of Pediatrics & Adolescent Medicine are based on data from a nationwide survey of more than 900 parents of teens receiving special education services.

Researchers found that about 57 percent of students with intellectual disability were bullied, while slightly less than half of students with autism, learning disabilities and speech/language impairments were victimized.

Parents also reported that some students with disabilities were responsible for perpetrating bullying, but this occurred at rates more similar to those experienced by typically developing students, the study indicated.

The likelihood that a teen would be bullied was greatest for those with the worst social skills, researchers said. What's more, students with disabilities who spent more time in mainstream classrooms tended to face a higher risk of bullying. Accordingly, the researchers said that schools need to do more to promote an accepting environment.

"Tailored antibullying programs are needed to address the unique needs of these vulnerable adolescents given their social, communication and academic impairments," wrote Paul Sterzing of the University of California, Berkeley and his colleagues in the study.

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ONLINE FIRST

# Bullying Involvement and Autism Spectrum Disorders

## Prevalence and Correlates of Bullying Involvement Among Adolescents With an Autism Spectrum Disorder

Paul R. Sterzing, PhD, MSSW; Paul T. Shattuck, PhD; Sarah C. Narendorf, PhD, MSW; Mary Wagner, PhD; Benjamin P. Cooper, MPH

*Arch Pediatr Adolesc Med.* Published online September 03, 2012.  
doi:10.1001/archpediatrics.2012.790

Text Size: A A A

Published online September 2012

Article | Tables | References | Comments

### ABSTRACT

ABSTRACT | METHODS | RESULTS | COMMENT | AUTHOR INFORMATION | REFERENCES

**Objectives** To produce nationally representative estimates for rates of bullying involvement among adolescents with an autism spectrum disorder (ASD), to compare population estimates with adolescents who have other developmental disabilities, and to identify social ecological correlates of bullying involvement.

**Design** Nationally representative surveys from 2001.

**Setting** United States.

**Participants** Parents of adolescents with an ASD, principals of the schools they attended, and staff members most familiar with their school programs.

**Main Exposure** Autism spectrum disorders.

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**Main Outcome Measures** Parent report of victimization, perpetration, and victimization/perpetration within the past school year.

**Results** The prevalence rates of bullying involvement for adolescents with an ASD were 46.3% for victimization, 14.8% for perpetration, and 8.9% for victimization/perpetration. Victimization was related to having a non-Hispanic ethnicity, attention-deficit/hyperactivity disorder, lower social skills, some form of conversational ability, and more classes in general education. Correlates of perpetration included being white, having attention-deficit/hyperactivity disorder, and getting together with friends at least once a week. Victimization/perpetration was associated with being white non-Hispanic, having attention-deficit/hyperactivity disorder, and getting together with friends at least once a week.

**Conclusions** School-based bullying interventions need to target the core deficits of ASD (conversational ability and social skills) and comorbid conditions (eg, attention-deficit/hyperactivity disorder). Future bullying interventions also need to address the higher rates of victimization that occur in general education settings by increasing social integration into protective peer groups and increasing the empathy and social skills of typically developing students toward their peers with an ASD.

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### PubMed Articles

- Cornered: an approach to school bullying and cyberbullying, and forensic implications. *Child Adolesc Psychiatr Clin N Am* 2011;20(3):447-65.
- Bullying experiences among children and youth with autism spectrum disorders. *J Autism Dev Disord* 2012;42(2):266-77.

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# Myths and Facts About Bullying in Schools

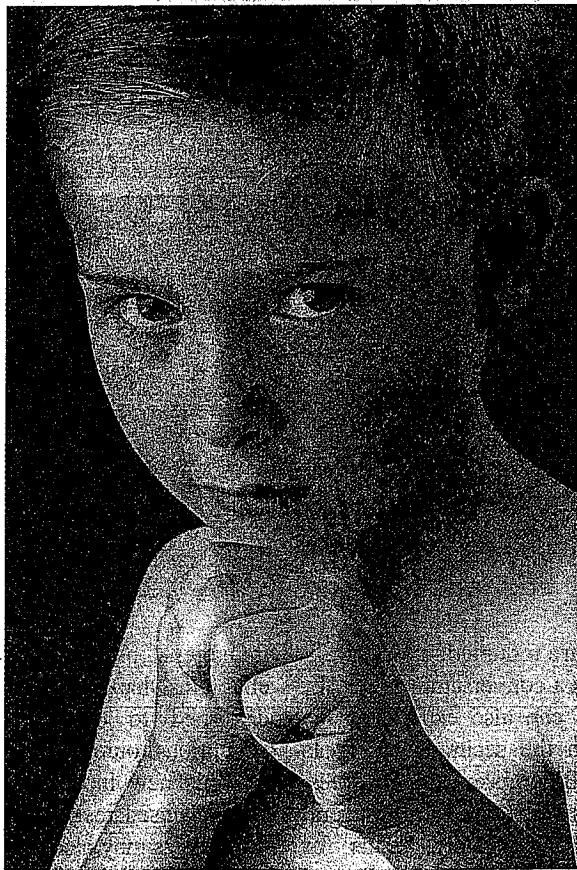
Effective interventions depend upon debunking long-held misconceptions

by Jaana Juvonen, PhD

**B**ullying among schoolchildren is receiving a lot of public attention. The news media implicates bullying as a reason underlying serious school shooting incidents. Popular press and entertainment media, in turn, depict bullying tactics that manipulate social relationships among girls as particularly mean and hurtful (for example, as in the film *Mean Girls*). The attention that bullying is receiving in the media has increased the public's awareness of bullying as a problem, but the portrayals also frequently promote misconceptions about bullying that are not supported by contemporary research. In this article, I question some of these depictions in light of the most recent empiric evidence. I start by defining what bullying entails and, after reviewing some of the common myths, conclude with guidelines for intervention.

## One Definition, Multiple Manifestations

Bullying involves an imbalance of power between the perpetrator and the target, such as a strong child intimidating a weaker one. Intimidation can be achieved by many means.<sup>1</sup> Across multiple age groups, name-calling is by



far the most common form of bullying among boys and girls. Young children, and boys of all ages, are more physically aggressive than are adolescents and girls of any age. Although the popular media depicts girls as the masters of covert social tactics of meanness, boys engage in spreading rumors and social exclusion, as well. Most targets of bullying are victimized in multiple ways. Moreover, experiences of bullying hurt

regardless of the means. Based on the current evidence, we cannot presume a slap on the face hurts more than a nasty rumor, or vice versa.

## Challenging Myths About Bullying

**Myth: Bullies suffer from low self-esteem.** When bullies are identified by means other than self-report (i.e., based on teacher or peer ratings), no evidence suggests that bullies suffer from low self-esteem. To the contrary, many studies report that aggressive youth perceive themselves in a positive light, at times displaying inflated self-views. Recent evidence shows that bullies are less depressed, socially anxious, and lonely than socially adjusted youth who are uninvolved in bullying.<sup>2</sup> These findings regarding positive self-perceptions and lack of emotional distress can

be understood when we consider peer status of bullies, which relates to the next common misconception.

**Myth: Bullies are social outcasts.** Contrary to the common stereotype, bullies are not social outcasts. Bullies are frequently members of social groups or networks.<sup>3</sup> They are also likely to have friends. However, these friendships typically involve other aggressive youth who reinforce bullying

behavior. In addition, bullies are popular among their peers. In our research on middle-school students, we found that classmates rate bullies among the "coolest kids" in their classes.<sup>2</sup>

Some of the reasons underlying the high social status of bullies can be understood in the light of evolutionary principles, such as establishment of social dominance. Among primates, aggression establishes dominance within a group. It is therefore possible that children, and especially young teens, rely on bullying tactics to secure their place on top of the social hierarchy.

**Myth: Victims of bullying become violent.** One depiction of victims of bullying promoted by the news media is that targets of repeated peer maltreatment eventually lash out at their tormentors. This idea was reinforced by school shooting incidents since the late 1990s. However, research shows that

most victims of bullying suffer in silence rather than retaliate. Identified as *submissive victims*,<sup>4</sup> these targets of bullying display psychological problems, including depression, social anxiety, and low self-esteem.<sup>5</sup> When victims blame themselves for their plight and view the causes of bullying as beyond their control (e.g., thinking that they are bullied because they are obese or because of their cultural heritage), they are particularly likely to feel distressed.<sup>6</sup>

In contrast to submissive victims, a smaller subset of chronic targets of bullying—*aggressive victims*—are likely to retaliate or to provoke hostility.<sup>7</sup> Aggressive victims display a distinct profile of social-emotional and school-related difficulties (they are extremely rejected by classmates and display academic problems) indicative of other underlying problems, such as

emotion regulation problems typical of children who have attention deficit disorders.<sup>8</sup> It is possible that the psychological profile of aggressive victims fits that of school shooters. In spite of such similarities, we cannot presume that most aggressive victims will resort to violence. Furthermore, it is critical to understand that we cannot accurately predict who will become a potential perpetrator of school violence.<sup>9</sup>

**Myth: Bullying builds character.** An old misconception of bullying was that such experiences are an important part of growing up. In contrast to this view, research clearly shows that bullying experiences increase the vulnerabilities of children. For example, passive and socially withdrawn children are at heightened risk of being bullied, and these children become even more withdrawn after incidents of bullying.<sup>10</sup> Similarly, youth who have

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unfavorable perceptions of their social standing are at risk of being bullied, and bullying experiences have negative impacts on self-views.<sup>11</sup> Thus, certain characteristics or behaviors may mark a child as an "easy target," and bullying experiences exacerbate these same attributes. Based on the limited data available, it appears that for most youth the negative emotional effects of bullying are acute rather than long-lasting. However, sensitivity to harassment may be increased. Moreover, youth who are depressed and victimized have a higher risk of depression as adults, but to say that being bullied as a youth causes depression in adults is probably overly simple.

**Myth: Bullying is a problem limited to bullies and victims.** Many parents, teachers, and children view bullying as the sole problem of bullies and victims. Yet ample research demonstrates that

bullying involves much more than the bully-victim dyad. Based on playground observations, Craig and Pepler found that in 85% of bullying incidents, an average of four peers were present.<sup>12</sup> Furthermore, witnesses are not necessarily innocent bystanders but often play a critical part in bullying.

Scandinavian researchers (e.g., Olweus<sup>4</sup>) have identified various participant roles, such as assistants to bullies, reinforcers, defenders of victims, etc., who play crucial roles in reinforcing and maintaining bullying behavior. Assistants to bullies ("followers" or "henchmen") take part in ridiculing or intimidating a schoolmate. They do not initiate the hostile overture but rather join in and facilitate bullying. Reinforcers or supporters, in turn, encourage the bully by showing signs of approval (e.g., smiling) when someone is bullied.

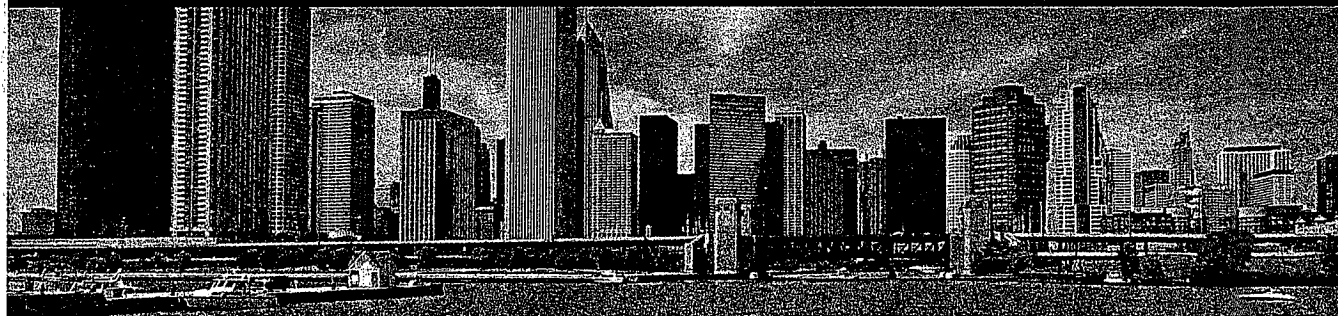
Encouragement does not have to be active; passive responding (i.e., lack of interference or help seeking) is adequate to signal approval.

### Implications for Intervention

In light of these misconceptions and empiric research, it is important for us to consider implications for intervention. For example, intervention programs that try to boost the self-esteem of bullies are highly questionable. Research findings suggest that bullies get sufficient "ego boosters" from their classmates, who consider them to be cool. Based on the evidence of bullies' high social standing and its effect on positive self-regard, it is the popularity of bullies that needs our concern.

Even if evolutionary principles help us understand why bullies have high

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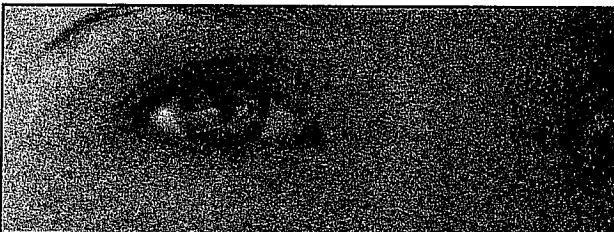
social status, it does not mean that we cannot teach children principles of a democratic and civilized society in which all members have a right to fear-free schooling. This requires a major shift in whom we target with our interventions: Rather than focusing on bullies, we might be more successful in changing the peer group norms that reinforce bullying. This is the basic operating principle of school-wide antibullying programs. Bullying is not considered an individual problem of some students but a social problem of the collective. Such an approach to bullying might also alleviate the despair of the victims of bullying.

Changing a school's social norms or culture requires increased awareness of the problem's nature, heightened monitoring, and systematic and consistent responses to bullying incidents by school staff. Most school-

wide programs are based on a model developed by Olweus.<sup>4</sup> I characterize the key elements of such an approach as follows:

- A strong *school statement* promoting positive social relationships and opposing bullying, along with a description of how the school deals with bullying incidents.
- A declaration of the *right of individuals* and groups in the school—students, teachers, and others—for a fear-free working and learning environment.
- A statement of the *social responsibility* of those who witness peer victimization to intervene or seek help. Both students and parents with bullying concerns are encouraged to speak with school personnel so that incidents can be followed up.

In addition to these general guidelines, U.S.-based programs influenced by conflict resolution models also include explicit *instruction of strategies* that can prevent bullying incidents or ameliorate their negative emotional impact (for a review of interventions, see the work by Sanders and Phye<sup>13</sup>). For example, as part of a program developed at the laboratory school of the University of California, Los Angeles, called *Cool Tools*, students are taught to leave or "exit" situations before they escalate (see sidebar). They also learn about communication strategies relevant either during or right after the bullying episode, such as talking to someone about the incident. Other strategies consist of internal coping responses (e.g., how to reframe incidents, how to problem solve, etc.). These skills are taught to all students, with the assumption being that it is not sufficient for students to




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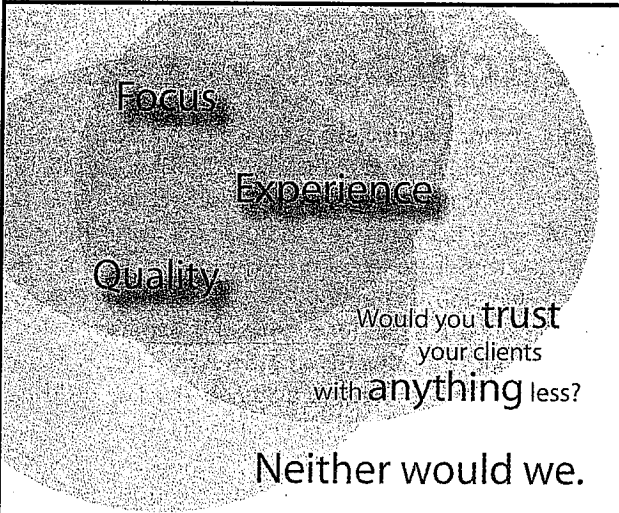
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know what *not to do*: They also need to be taught what *to do*. Most importantly, daily incidents of bullying are regarded as "teachable moments" during which the acquired knowledge can be applied and skills practiced. School staff probe and remind students of the strategies when they mediate bullying incidents in the school yard or hallways. Consistent follow-through of incidents is essential to the generalization of these invaluable life skills.

The many myths about school bullies and victims should not guide intervention efforts. Instead, we need to rely on the knowledge gained through research to help us deal with the pervasive problem of bullying and its detrimental effects on children and youth. **BHM**

**Jaana Juvonen, PhD, is a Professor of Developmental Psychology at the University of California, Los Angeles.**

**To send comments to the author and editors, please e-mail [juvonen0305@behavioral.net](mailto:juvonen0305@behavioral.net). To order reprints in quantities of 100 or more, call (866) 377-6454.**

## References

1. Juvonen J, Graham S, eds. *Peer Harassment in School: The Plight of the Vulnerable and Victimized*. New York: Guilford Press, 2001.
2. Juvonen J, Graham S, Schuster MA. Bullying among young adolescents: The strong, the weak, and the troubled. *Pediatrics* 2003;112:1231-7.
3. Cairns RB, Cairns BD. *Lifelines and Risk: Pathways of Youth in Our Time*. New York: Cambridge University Press, 1994.
4. Olweus D. *Bullying at School: What We Know and What We Can Do*. Malden, Mass.: Blackwell Publishing, 1993.
5. Hawker DS, Boulton MJ. Twenty years' research on peer victimization and psychosocial maladjustment: A meta-analytic review of cross-sectional studies. *J Child Psychol Psychiatry* 2000;41:441-55.
6. Graham S, Juvonen J. Self-blame and peer victimization in middle school: An attributional analysis. *Dev Psychol* 1998;34:587-99.
7. Perry DG, Kusel SJ, Perry LC. Victims of peer aggression. *Dev Psychol* 1988;24:807-14.
8. Schwartz D, Proctor LJ, Chien DH. The aggressive victim of bullying: Emotional and behavioral dysregulation as a pathway to victimization by peers. In: Juvonen J, Graham S, eds. *Peer Harassment in School: The Plight of the Vulnerable and Victimized*. New York: Guilford Press, 2001: 147-74.
9. Mulvey EP, Cauffman E. The inherent limits of predicting school violence. *Am Psychol* 2001;56:797-802.
10. Schwartz D, Dodge KA, Coie JD. The emergence of chronic peer victimization in boys' play groups. *Child Dev* 1993;64:1755-72.
11. Egan SK, Perry DG. Does low self-regard invite victimization? *Dev Psychol* 1998;34: 299-309.
12. Craig WM, Pepler DJ. Observations of bullying and victimization in the school yard. *Canadian Journal of School Psychology* 1997;13:41-59.
13. Sanders CE, Phye GD, eds. *Bullying: Implications for the Classroom*. San Diego: Elsevier Academic Press, 2004.

## Teaching Kids to Stay Cool

The general principles of school-wide antibullying programs incorporated by *Cool Tools* consist of school policy, focus on individual rights to fear-free schooling, and social responsibility for others; these are presumed to help reduce the number of incidents of bullying. Moreover, *Cool Tools'* specific goal is to teach children effective ways to deal with bullying. When students respond to bullying in ways that discourage the bully, incidents should be diminished. Furthermore, when students learn to better deal with "put-downs," the emotional impact of bullying will be less distressing.

The philosophy behind *Cool Tools* is to provide children with a common core language for resolving conflicts and to learn lifelong strategies for coping with peer harassment and humiliation. The *Cool Tools* language helps children "cool down," choose their words and tone carefully and, if necessary, exit a heated situation in a way that "saves face." To be effective, *Cool Tools* needs to be taught at all grade levels to promote the use of a common core language among multi-age students who interact as a community. *Cool Tools* focuses on the whole school, not only problem cases; is proactive, not punitive; is responsive, not only reactive; offers strategies, not time-outs/suspensions; involves adult-guided mediation, not peer mediation; and focuses on incidents, not on "at-risk" students.

The toolbox used in *Cool Tools* features a variety of attention-grabbing "tools" that serve as concrete objects representing abstract social/behavioral concepts. These include inflatable shoes used to represent the ability to exit the situation, kaleidoscopes to promote an understanding of different points of view, and a Big Mistakes eraser to represent compassion and forgiveness. By using the tools as physical representations of abstract concepts, students are better able to grasp their meaning, as well as such corresponding values as self-reliance, empathy, and fairness.





3-27-06 NJ



Getty Images/FARJANA K. GODHULY

Making sure children are not being ostracized from their peer group is important to their learning and long-term well-being, says a recent study of Midwestern children.

# Academic consequences follow social rejection

By SANDRA G. BOODMAN  
The Washington Post

It's a time-honored stereotype: the social outcast who ignores the derision of classmates to become a straight-A student, the kid who waves his or her hand in a desperate attempt to answer the teacher's every question.

Yet the reality, it seems, is different: Researchers who followed 380 Midwestern children from the ages of 5 to 11 found that those who were chronically rejected by their classmates were more likely to withdraw from school activities and scored lower on standardized tests than their popular peers.

"We're talking about kids whose classmates don't let them sit with them in the cafeteria," said lead researcher Eric S. Buhs, an assistant professor of educational psychology at the University of Nebraska-Lincoln. Many educational experts regard peer-exclusion as a form of bullying and agree that group rejection is more insidious and harder to address than overt one-on-one acts such as shoving a classmate into a locker or spreading vicious gossip.

See REJECTION — E6

# Rejection: Social isolation is detrimental to academic performance

FROM PAGE E1

Peer-group rejection, Buhs and his co-authors report in a study funded by a grant from the National Institutes of Health, starts as early as kindergarten. It appears to affect boys and girls equally. And it often triggers a vicious circle that can cause long-term psychological damage and impair a child's academic performance.

Exclusion makes it difficult for a child to join group activities, so the victim disengages from school as a way of avoiding further abuse. Withdrawal acts as a "persistent signal to classmates" that rejected children are not members of the group

"Queen Bees and Wannabes," the bestselling book about girls and cliques that became the basis for the movie "Mean Girls."

"How are you supposed to concentrate on your schoolwork when all you can think about is 'Everybody hates me'?" Wiseman asked.

Wiseman, co-founder of the Empower Program, an anti-bullying and violence prevention group that works with public and private schools in the Washington area, said that educators have become increasingly aware of the problem of exclusion.

Wiseman suggests that parents who learn their child is being ostracized try to "avoid

freaking out, calling the school and saying, 'I'm coming over right now' to fix it." Instead they should try and remain calm and work with the school to solve the problem, which might involve individual training in social skills for the child.

Parents, she added, can enroll their child in an out-of-school activity based on a passion that can become the basis of a bond shared with other children.

One of the most important first steps for parents, she said, is to listen carefully. "You tell the child you're sorry that this is happening," Wiseman advised. "Then you say, 'Together you and I are going to work on this.'"

## WHAT PARENTS CAN DO

- Psychologists say it isn't always obvious to parents that their child is being excluded at school, because many children are reluctant to discuss it. Exclusion is a form of bullying and can cause lasting psychological damage, particularly if the problem persists.
- Here are some responses experts recommend if you suspect your child is a victim:
  - Take it seriously and listen carefully. Do not dismiss or minimize what is happening. Empathize without overreacting or blaming your child.
  - Enroll your child in an activity with other children outside school.
  - If the problem persists, consider asking for a change of classrooms. If the situation doesn't improve, think about switching schools.

Sources: National Association of School Psychologists; Rosalind Wiseman; expert interviews.

# Internet 'burn books' sparking controversy

By CINDY STAUFFER

Intelligencer Journal/Lancaster New Era

LANCASTER, Pa. — You have a big nose. Your butt is huge. You're ugly. You smell.

These insults — and much worse — are popping up on the Internet in "burn book" accounts that are specific to area schools and to particular students there. The burn books are creating a stir in local communities and across the country.

Inspired by the 2004 Lindsay Lohan movie "Mean Girls," burn books are Twitter accounts where an anonymous person posts multiple Tweets that insult, taunt and call out classmates by name on the social media messaging network.

Manheim Township, Warwick, Manheim Central, Donegal, Garden Spot, Hempfield and Ephrata schools are among those that have been targeted by burn book accounts.

Concerned parents and students have alerted local police departments about the burn books, which also make graphic accusations about students', or even teachers', sexual habits, drinking or drug use, in addition to the put-downs.

The accounts specialize in casual cruelty, with Manheim Central's signing off Wednesday night with this flippant tweet: "I'm done for tonight, don't cry yourself to sleep people."

Some local police say the accounts are more than just insulting. They are taking steps to obtain account holders' names and will consider prosecution on charges such as harassment or harassment by communication.

"This absolutely is cyberbullying, this is what it's about," said Lititz police Detective John Scho-

field, who said his department fielded five phone calls Wednesday alerting police to the Warwick burn book. "It could rise to a criminal charge."

Lancaster County District Attorney Craig Stedman agreed.

"I can't charge someone for being a jerk, but I could see someone crossing over that line and we'd end up having to file charges," he said of some of the more lewd postings.

Some say the burn books are a modern version of playground taunts and that people simply should ignore them or block them.

Ephrata police Sgt. David Shupp said his department has not received calls about the Ephrata burn book. He said it would be difficult to find the manpower to police these types of Internet problems.

"You can fix 10 of these, and 20 more are coming tomorrow," he said. "It just keeps coming. Kids just keep doing stupid things."

The burn book that recently popped up in Manheim township had more than 400 students following it when it was taken down Wednesday.

Students have been both delighted — "Whoever is behind this I kinda wanna shake yr hand" is what someone posted on the Manheim Central burn book — and combative — "I know a lot of people that love me," posted a student who had been called out on the site.

In some communities, students are fighting back by starting alternative sites. Someone started the "Warwick friend book" Twitter account that also names students, but compliments them for being "super hot," "a great dancer" and "gorgeous."

Some upset viewers apparently are taking

their complaints directly to Twitter and filing reports about the accounts. Twitter has shut down most of the local burn books in just the past few days.

Twitter's press office did not return an email asking for comments.

Manheim and other schools have had several versions of burn books. One gets taken down and another one pops up in its place.

Burn books have been around for years in different formats. Formerly called "slam books," they used to be a spiral-bound notebook where someone would post a question and pass it around in school for others to write an answer. Insults also were usually written in the book.

The burn book was featured prominently in "Mean Girls," which chronicles the comeuppance of a girls' clique called the Plastics.

Schools in Arizona, Georgia, South Carolina and other areas also have been targeted by burn book accounts, according to online news accounts.

In fact, the phenomenon has been around long enough that it already has been parodied in such Twitter accounts as "Suri's Burn Book," where Tom Cruise and Katie Holmes' precocious child allegedly tweets thoughts such as, "Jennifer Aniston is engaged! I hope she and Justin are really happy together and that Angelina Jolie gets hit by a car."

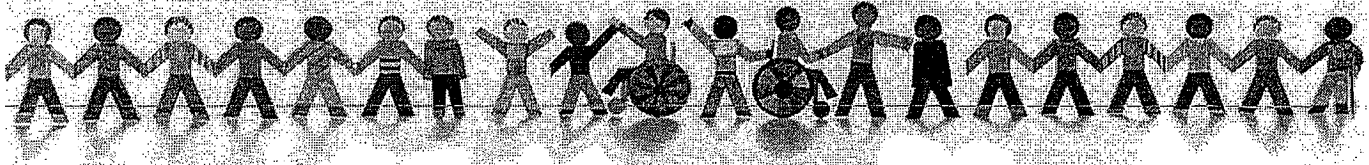
Locally, many people are hoping the fad is short-lived.

"Harassment is harassment, no matter how you look at it," Schofield said.

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## When the Bully is the Teacher

Posted by admin on September 12, 2011

### An Interview with an Expert on Bullying Provides a Thought-provoking Perspective

By Jean Harkness

Many parents would advise a child that the only way to deal with bullies is to stand up to them. But, on reflection, this simple philosophy is not practical and can be dangerous. What if the bully is much bigger and stronger? What if there is a group of bullies? What if the bully is an adult? What if the bully is a teacher? Bullying in school is not a simple problem. It extends beyond students and includes the whole school community. Schools are being challenged to expand their thinking about what is involved in creating a more respectful and tolerant school culture. Despite state requirements that bullying policy and programs address the culture of the entire school, many school programs target only the student behavior. Scrambling to meet state requirements to provide researched and proven strategies to address the problem of bullying, schools are using the resources available.

The bulk of research and the resulting program models have been limited almost exclusively to student behavior. Students are the most important emphasis in any school but they are not alone in shaping its culture. Teachers, coaches, and administrators are at the forefront in implementing change and creating a culture of respect. Change begins with school leaders modeling respectful behavior; supporting a no-tolerance approach to bullying; and deploying anti-bullying strategies.

The behavioral expectations for students that promote tolerance and respect should apply equally to the school staff. School efforts to intervene in and prevent bullying should apply to all members of the school community. Preliminary research indicates that the same standards are not being applied or enforced when the bully is a teacher.

Dr. Alan McEvoy, professor of sociology at Northern Michigan University, is a leading authority on harassment and bullying. He has been a pioneer in research that focuses on teacher (and coach) bullying. In a recent interview Dr. McEvoy shared his views and research findings, including his pilot study, Teachers Who Bully Students: Patterns and Policy Implications.

*"Bullying by teachers is enabled by a conspiracy of silence."*  
- Dr. Alan McEvoy

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### ***Q: What are the similarities between teacher bullies and student bullies?***

A: "Teacher-bullying is a common problem that exists in most schools," said McEvoy. His research found that 93 percent of the 236 teachers and students surveyed reported that teacher bullying occurred in school and the subjects were in agreement regarding who the bullies were within a school. Results from his follow-up study supported these results as well. According to McEvoy, when teachers bully it often involves public humiliation. Teacher bullying most often occurs in front of a classroom of students. "Bullying by teachers is enabled by a conspiracy of silence," he noted. Students are often hesitant to report because they fear that disclosure will lead to reprisal. Though McEvoy's research did not quantify this, many of the narrative answers clearly showed that the respondents were afraid:

"Nothing happened after I complained, but since I knew that my teacher knew I complained, I was scared to go to class."

"I felt the teacher would hate me."

"Colleagues rarely report bullying because incidents are contained in the classroom, hidden from the observation of other adults," he reported. Additionally, the students and faculty surveyed perceived that there was no effective or meaningful redress for complaints against teachers for bullying; and that there were seldom negative sanctions for teachers who were reported. The perception that school incident reporting and investigation mechanisms are complicated and ineffective perpetuates the silence and secrecy that enables bullying. Teacher bullying has serious emotional and social consequences that undermines the academic and social climate at school. Bullying is a fundamental corruption and violation of the teacher role. Two characteristics, to educate and to protect, are central to that role. Bullying is a violation of both duties. The emotional and social consequences of bullying carry over and adversely affect the victim's performance in other classes and school activities. The student's relationships with other teachers and students are disordered. "Teacher bullying often includes the tacit approval of the group," McEvoy observed. Bystanders' silence and/or responses (such as laughter) reinforce the legitimacy of the bullying and create a contagious atmosphere of abuse amplifying the experience of victimization.

### ***Q: What are the differences between teacher bullies and student bullies?***

A: Bullying by teachers is rarely physical. Most states have laws that prohibit physical discipline. Additionally, most schools have clear "hands off" policies and procedures that prohibit physical contact with students. Verbal and emotional abuse is a less defined area. A possible exception to this may be athletic coaches. "Active or passive abuses of the athletic training may be employed to cull team players—for example, when a football coach encourages larger team members to 'go after' (i.e., take cheap shots or physically hurt) another weaker athlete to get him to quit the team," said McEvoy. "Bullying by teachers is almost always done in the context of the legitimate role of the teacher to motivate or discipline the student," he said. "This masks the true nature of the behavior." For example, a student may be singled out for ridicule or correction repeatedly in front of the class; assigned detentions or other legitimate sanctions; and even poorly graded. Bullying occurs when these legitimate functions are applied unfairly and inconsistently. There is a "gray line" between when discipline and motivational techniques become excessive. Because of the lack of definition regarding the proportionate and appropriate application of discipline and motivation, reported incidents are frequently denied

and defended. "When confronted with a complaint of bullying, the action is justified as a legitimate discipline or motivational measure," noted McEvoy. "Student bullies know what they are doing and that it is wrong," he said. "Teacher bullies may not fully recognize the harm they are doing." Once accused of crossing the line, many teachers sincerely contend that they were acting in the best interest of the class or student. Most schools today recognize that student-to-student bullying is a serious problem. In response, many schools have developed policies and procedures and have implemented programs to prevent bullying and promote a respectful school climate among the students. "There is a conspicuous absence of school policies and procedures dealing with teacher bullying," said McEvoy.

***Q: Why is teacher bullying a critical issue for a school community?***

A: "It is the function of the school to educate," said McEvoy. "Effective teaching is dependent on establishing effective and positive social and emotional relationships with students. Bullying by teachers interferes with and can destroy the development of such relationships and thereby disrupt learning."

"Accommodations also need to be made for students who feel they are being bullied," according to McEvoy. Schools can build flexibility into their programs to enable students to leave a class or situation that makes them uncomfortable without the repercussion of losing credit or missing work. Online learning opportunities, transferring to another class, or other accommodations should be made available.

The mechanisms exist for schools to address the problem of teacher bullying. Incident reporting and investigation are ingrained in our school systems for other kinds of behavior like sexual harassment claims. These existing policies and procedures can be reviewed and adapted to the problem of teacher bullying.

New Jersey is known to be a highly litigious state. Challenging a tenured teacher provokes fear of union involvement and expensive law suits. While these are realistic concerns for schools in the midst of cuts that limit staff time and district funding, school boards do have the authority to stand up to bullies by creating policies that can be effectively enforced. The topic needs to be addressed and the dialog needs to begin. A culture of respect can only be created when the entire school community—including teachers and administrators—supports the fair and consistent application of behavioral expectation.

*Jean Harkness is a policy consultant with New Jersey School Boards Association's Legal & Policy Services Department. She can be reached at [jharkness@njsba.org](mailto:jharkness@njsba.org). Reprinted with permission from the November/December 2010 issue of School Leader magazine. Copyright 2010 New Jersey School Boards Association. All rights reserved.*

*This entry is filed under Features, Parents, Professionals, Teachers and tagged Bullying, FAPE, Feature, Liability, parents, professionals, School Administration, Special Education, Teachers.*

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# Delaware government: Advocates for poor defend \$95 aid

Written by

J.L. MILLER

9:41 PM, Mar. 2, 2011

DOVER -- Gov. Jack Markell's plan to eliminate a program that provides \$95 monthly checks to impoverished people came under intense scrutiny Wednesday by members of the Joint Finance Committee and advocates for the poor.

The \$3 million general assistance program will be abolished if Markell has his way. About 3,700 unemployable people with virtually no other income receive the assistance.

However, Markell has proposed a \$1.5 million transition program to help people move to other programs, many of them federally funded.

Division of Social Services Director Elaine Archangelo, whose office administers general assistance, said the agency had to balance available resources with the populations it serves. Social Services' most vulnerable clients are children, she said, and the division "believes that general assistance adults are more able and have

more choices than the children who are the primary recipients" of the agency's programs.

"These adults are unemployable but nevertheless, they are more able to find resources that could help them," Archangelo said, adding that she endorses Markell's \$1.5 million transition program.

"Through contracts and with community partners, we hope that those who qualify for federal assistance like [Supplemental Security Income] will attain it and those with more temporary conditions can move to employment," Archangelo said. She said almost all general assistance recipients already qualify for Medicaid and food benefits.

But Susan Starrett, executive director of the Homeless Planning Council of Delaware, said a survey of the council's members showed they believe that only around 10 percent of general assistance recipients are eligible for other income sources.

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"The providers believe that the immediate effect of eliminating general assistance will include persons not being able to pay for their medications, not being able to afford transportation to medical, legal and service appointments, loss of housing or the opportunity of housing because they can't pay the application fee, and an inability to apply for jobs because of lack of transportation," Starrett said.

Markell's proposed transition program, Starrett said, can't be just a one-year program.

"Over the past five years, [the state] has seen a huge increase in the number of persons relying on general assistance for income. We have to expect that there will always be individuals who are unemployed, need access to other income sources and will need help navigating the application process," Starrett said.

Rep. Dennis P. Williams, D-Wilmington North and the JFC's chairman, understated the legislative reaction to Markell's proposal when he remarked to Archangelo that "I'm sure you're aware you've received some major push-back about this."

Sen. Brian Bushweller, D-Dover North, said \$95 a month is nowhere near enough to live on to begin with.

"It's a dramatic thing to cut a program like this completely. What I'm wrestling with is, how much assistance is \$95 a month, because it's not a lot of money," Bushweller said, asking how the \$1.5 million

assistance program will work.

Archangelo replied that her agency will seek providers to determine what the recipients need, whether they will qualify for any federal benefits and whether any of them could become employable with help.

Frank Novello represents the Delaware Consumer Recovery Coalition, made up of people who are in recovery from addictions and mental health issues.

Novello pleaded for lawmakers to save general assistance, saying that \$95 might not mean much to most people -- but to others it can mean the difference between dignity and deprivation.

"Let the poor man have his dignity: the general assistance grant," Novello said.

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# Delaware budget: For poorest residents, \$95 means much more



Written by

BETH MILLER  
The News Journal

3:18 AM, Mar. 23, 2011

Danny Sheftal is trying to work his way back home, but the 43-year-old drummer has a long way to go. At the moment, he has no job, no car, no prospects.

What he does have is the used bicycle he bought from a friend using the general assistance money he got from Delaware's taxpayers. That bicycle, he hopes, will help him get to a job as soon as he finds one. It will save him bus fare and give him more options until then.

But he's out of cash now until his \$95 general assistance check arrives next month. So he didn't get the prescription filled to treat the cellulitis in his feet. Even the Medicaid co-pay was beyond reach for him. And he won't have anything to quiet the hunger pangs until his next meal at a mission.

He had a message for Gov. Markell and

Delaware legislators who are considering whether to eliminate the state's \$4.5 million general assistance program as they struggle to make ends meet for fiscal year 2012, which begins in July.

"Please hold off on that idea," Sheftal said while taking shelter from a downpour at the Homeless Cafe run by Connections Community Service Programs at what used to be West Presbyterian Church in Wilmington. "There's got to be another solution. I'll help you find it. Call me."

How much can 95 bucks mean to somebody?

"It's all I have left," said Jay Tanski, 48, an out-of-work truck driver who is working to maintain his sobriety with help from staffers at Andrew's Place, a Wilmington shelter for homeless men run by Friendship House. Tanski gives Andrew's Place \$30 a month from his \$95 general assistance check. He gets that money back, he said, when he leaves the shelter -- a savings plan for the day he finds traction in his life.

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"I'm going to meetings and getting myself back together," Tanski said.

He's living on food stamps -- he gets \$200 worth each month -- and the remainder of his general assistance check, \$65. He uses that for bus fare -- \$2.40 for a round-trip ticket -- toiletries, coffee, an occasional meal, cigarettes and laundry, which costs him \$6 per load at a city laundromat.

It hurt when general assistance was sliced from \$123 to \$95 last summer, he said. He can't imagine life at \$0.

"Some people panhandle, sell drugs or steal," he said. "That's not my lifestyle. But these politicians need to try to live on \$95. Those rich legislators don't have to worry about it."

Legislators are listening, though.

Frank Novello appeared before the Joint Finance Committee about 10 days ago to urge lawmakers to restore general assistance. The money gives a bit of dignity to "the poor man," he said.

"There are many, many things a down-and-out human being might use \$95 a month for," said Novello, representing the Delaware Consumer Recovery Coalition for those dealing with addictions and mental illness. "Bus fare, meals, a night or two in a motel when nerves are too raw to stay in the shelter, to help a friend, for needed gloves or a coat or underwear. But most of all, the dignity one gains by not having to run to Social Services every time one needs

just a little."


JFC Co-Chairman State Rep. Dennis P. Williams, D-Wilmington North, said Novello's testimony "touched my heart."

"I think it's one thing we'll probably have to put back," Williams said after the committee's last hearing last Monday. "We will work with the budget director. There are quite a few things this governor will get. ... but I think we can find another way on this."

General assistance was a cut the state could make that wouldn't affect kids, said Elaine Archangelo, director of the Division of Social Services. Kids who were previously eligible for general assistance -- about 300 of them -- last year were added to the rolls of those getting Temporary Assistance for Needy Families if they lived with a relative or guardian acting as a parent, she said.

General assistance has remained available to "unemployable" single adults. But unlike

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many sources of aid, general assistance is paid for by the state without any federal addition.

The state proposal includes \$1.5 million in transition money to help those who are getting general assistance connect with other income possibilities.

Of the 3,700 people who now get general assistance, about 1,100 are homeless, said Susan Starrett, executive director of the Homeless Planning Council of Delaware. Starrett's council surveyed the organizations it works with statewide -- more than 25 serve the state's homeless population. Officials of those organizations estimated that 10 percent to 20 percent of the people they serve would be eligible for other income such as Supplemental Security Income or veterans benefits.

"And the other 80 percent -- we need to figure something out for them," she said. "From an advocate's role, we're stuck between a rock and a hard place. We want them to have income. Ninety-five dollars doesn't do a lot. You're still going to be homeless. But at the same time, it helps them get their medications, get to their appointments. If you can't present a card that says 'I'm homeless, can't afford co-pays, and I need a free ride,' then they need that \$95 a month."

It's a steeper drop than most people understand, she said.

"A lot of us live paycheck to paycheck, but never have I had \$0 in my bank account," s

he said. "To be in that situation every day, and on top of not having a place to stay -- that's a lot."

State Rep. Ruth Briggs King, R-Georgetown, said cutting general assistance is not a popular idea for many members of the JFC. But hard choices have to be made to balance the state's budget.

"We need to find every way to economize in order to meet many needs in Delaware," she said. "There are many difficult decisions, and we must reduce as well as eliminate some areas. I prefer to provide policy and funding to the agencies and let the agencies make the funding work to provide services within the budget."

State Sen. Dori Connor, R-Penn Acres, a member of the JFC, said general assistance "is a big darn deal for some people. If it's the only \$95 you get, it could be the difference between getting to the doctor or getting to training at the Department of Labor."

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It can prevent despair, too, Sheftal said, and violence. He gets anxious about how he'll make it and often spends the night just walking around the city. Things are tough enough, he said, without losing that bit of aid.

"It is helping us," he said. "Without it, I think there will be more crime, more recidivism. People will rob, tear up stuff and get depressed. Then they'll start fighting, shooting and cutting -- just out of being desperate."

He has other hopes, he said.

"My goal is to start working again, get a place of my own and save some money so this doesn't happen again," he said.

"When you live on \$95 a month, you learn how to spend your money."



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Brad Milton, director of Homeless Services at Wilmington's Homeless Cafe, helps those in need of a place to stay overnight. / The News Journal/ROBERT CRAIG



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Jay Tanski pays Andrew's Place, a Wilmington shelter, \$30 a month from his \$95-a-month general assistance check. / The News Journal/ROBERT CRAIG

## GENERAL ASSISTANCE

General Assistance is a state-funded program designed to provide cash assistance to low-income people who do not qualify for federally funded programs, such as Temporary Assistance for Needy Families (TANF) or Social Security benefits. You may qualify if you meet one of the following criteria:

- You are age 18 to 54 and are too sick to work. You must have a form completed by a doctor.
- You have to stay at home to take care of a sick household member.
- You are age 55 to 64 with no other income.

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- You are a child living with a non-relative.
  - You are a high school student over 18 and are expected to graduate within two years.
- Source: Delaware Health and Social Services

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# Enclosure

## Section 6014

### Disqualification for Long-Term Care Coverage for Individuals with Substantial Home Equity Under the Deficit Reduction Act of 2005

Centers for Medicare & Medicaid Services  
Center for Medicaid and State Operations

July 27, 2006

**Enclosure Highlights—Section 6014**

I. New Provision

II. Methodology

III. Limitations

IV. Increases in Limits

V. Undue Hardship

VI. Effective Date

## I. New Provision

Section 6014 of the DRA amends section 1917 of the Social Security Act (the Act) to provide that in determining the eligibility of an individual to receive medical assistance payment for nursing facility services or other long-term care services, States must deny payment if the individual's equity interest in his or her home exceeds \$500,000. States have the option to substitute an amount exceeding \$500,000, but not in excess of \$750,000. States that choose to use a higher amount than the \$500,000 need not use the higher amount on a statewide basis. Also, States need not apply their higher amount to all eligibility groups.

For purposes of this provision, "other long-term care services" include:

- A level of care in any institution equivalent to nursing facility services;
- Home or community-based services furnished under a waiver under sections 1915(c) or (d) of the Act; and
- Services provided to a noninstitutionalized individual that are described in paragraph (7), (22), or (24) of section 1905(a) of the Act, and, if a State has elected to apply section 1917(c) to other long-term care services for which medical assistance is otherwise available under the State plan to individuals requiring long-term care, those services.

**NOTE: This is not a change in the general rule that excludes a home of any value for purposes of determining eligibility for Medicaid. It applies only to medical assistance payment for nursing facility services, or other long-term care services as defined above.**

## II. Methodology

\* In determining the value of home equity, States should follow the basic policies of the Supplemental Security Income (SSI) program. The equity value of a resource is the current market value minus any encumbrance on it. Current market value is the going price of the home, or the amount for which it can reasonably be expected to sell on the open market in the particular geographic area involved. An encumbrance is a legally binding debt against the resource. This can be a mortgage, reverse mortgage, home equity loan, or other debt that is secured by the home. States should follow their existing policies to determine current market value. States should also apply their usual verification procedures if an encumbrance is alleged.

If the home is held in any form of shared ownership, e.g., joint tenancy, tenancy in common, or other arrangement, only the fractional interest of the applicant for medical assistance for nursing facility or other long-term care services should be considered. For example, if the home is owned in joint tenancy by an applicant and a sibling, one-half of the home's current market value should be used in calculating the equity value of the individual, unless the individual can rebut the presumption that he or she has equal ownership interest in the property.

## III. Limitations

The limitations on home equity do not apply if the spouse of the individual, the individual's child under 21, or the individual's blind or disabled child is residing in the home. A child is considered disabled if he or she meets the definition of disability in section 1614(a)(3) of the Act. In Guam, Puerto Rico, and the Virgin Islands, instead of using the section 1614(a)(3) definition of disability, the child must be permanently and totally disabled (as defined for purposes of the State plan



program under title XVI of the Social Security Act) for the exemption to apply.

#### **IV. Increases in Limits**

Beginning in the year 2011, the \$500,000 and \$750,000 limits on home equity will increase each year. The increase will be based on the percentage increase in the consumer price index for all urban consumers, rounded to the nearest \$1,000. However, States will continue to have the option under the State plan to elect a home equity limit that is greater than \$500,000 as adjusted by inflation, but that does not exceed \$750,000, as adjusted by inflation.

#### **V. Undue Hardship**

In addition, the Secretary of Health and Human Services is directed to establish a process to waive the application of the home equity limit in the case of a demonstrated hardship. Pending publication of a process specific to the home equity limit, States may use their existing procedures for determining the existence of undue hardship as currently required under section 1917(c)(2)(D) (transfers of assets for less than fair market value), or newer procedures developed for transfer of assets undue hardship waivers under section 6011 of the DRA.

#### **Effective Date**

The changes made by this section apply to individuals who are determined eligible for medical assistance with respect to nursing facility services or other long-term care services based on applications filed on or after January 1, 2006.



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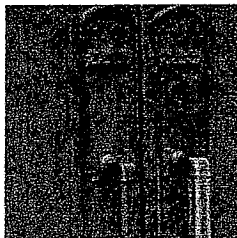
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eHow » Legal » Government Law » ADA Regulations » ADA Door Hardware Requirements

## ADA Door Hardware Requirements

By David Clair, eHow Contributor

The Americans with Disabilities Act, or ADA, was established to prevent discrimination against persons with disabilities. It also has provisions to make sure persons with disabilities can function normally from day to day by regulating construction and building accessibility. To comply with ADA guidelines, the hardware used in the construction of doors must meet certain specifications.



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### Hardware Must Be Accessible

The hardware used in a door must be sufficient to allow easy access to persons with disabilities. To meet ADA requirements, doors must have pull handles or push bars. Knobs that the disabled must grasp with both hands and twist are not authorized under the guidelines. Sliding doors must have operating hardware that is accessible and usable from both sides when the door is in an open position. The hardware for opening the door must be within 48 inches of the floor.

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### Door Closers Must Meet Certain Criteria

Doors that are equipped with a door closer must meet certain requirements. The time it takes for the door to sweep closed must be prolonged enough to allow passage through the door at a comfortable pace. Under ADA guidelines, the sweep time from an open position of 70 degrees must be at least three seconds until the door reaches within 3 inches of the latch. The ADA recommends using door closers on frequently used interior doors.

### Doors Must Open With Low Force

When doors are installed, adjustments are required so they open with a low amount of force to accommodate persons with disabilities. Doors that are mounted on hinges should move with under 3 lbs. of force when the force is applied perpendicular to the door.

Sliding and folding doors should open with less than 3 lbs. of force that is applied parallel to the door at the handle or pull latch.

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