

# LEGAL INSIDER

From the Desk of  
Charles D. Hankey



## Your Right to an IEP

If you believe your child is in need of special education classes, it is your legal right as a parent to be able to request that the school evaluates your child to see if they qualify.

Before a student can receive special education services, he or she must be evaluated for eligibility. Examples of qualifying disabilities include autism, deafness, emotional disturbance, speech or visual impairment.

If you think that your child may qualify for special education services, you need only to request an evaluation by contacting your child's teacher, the school psychologist or the school principal. The district has 60 days from the date of your request to complete the evaluation.

If your child is diagnosed with a disability, the next step will be to design a program that will address his or her unique needs. This program will be laid out in a very specific document called the

individualized education program (IEP) that will be reviewed annually.

The IEP contains the following information – how well your child is doing at the time, as well as reasonable academic goals and how the school will work with you to achieve those goals. It is a working document that can be modified and changed as needed.

Did you know the Hankey Law Office is one of the few firms in the state of Indiana that handles child Social Security cases? If you are fighting for disability benefits for your child, call the Hankey Law Office at 317-634-8565 for a free review of your case.

*\*Information provided by the Special Education Guide at [specialeducationguide.com](http://specialeducationguide.com).*

## Inside this issue



### Social Security Tips

You should consider getting a doctor's prescription for your cane or walking device.

Page 1



### Parental Basics on Bullying

Know the signs that your child might be getting bullied and what you can do to make sure it stops.

Page 2



### Dealing with Car Insurance Companies

Car insurance can be expensive but, if you get into an accident without it, the costs can really add up.

Page 3



### Back-to-School Shots

Indiana law requires students in all grades to have appropriate vaccinations before attending classes.

Page 3



## Social Security Tip From the Desk of Carolyn Eck

**If you use a cane or other assistive walking device, it is extremely important that you have a valid prescription from your doctor for that device.**

A trip to the drugstore to pick up a cane may seem like an inexpensive solution as far as walking assistance goes. However, it could cost you in your Social Security case. Having a prescription for your walking device shows that your doctor agrees that you are unable to walk or perform normal daily tasks without it.



# Parental Basics on Bullying

## What You Need to Know to Better Protect Your Child

By Attorney Megan Cain



### **PART 1: WHAT IS BULLYING?**

First things first—we need to talk about what bullying actually is. Bullying is not just physical. It can take a variety of forms and can have varying degrees of severity. Probably the most common type of bullying is done verbally via teasing or name-calling. It can also take form in sexual harassment, shoving, hitting, tripping, threatening, hazing, stealing property or spreading rumors about another. Cyber bullying has also become prevalent in recent years.

The state of Indiana has defined bullying as an imbalance of power, with a pattern or repeated acts over time.



Regardless of the form or definition, bullying can have serious long-term effects on a child. It can occur in the home, on the playground and, most commonly, in the school system. Parents need to be equipped with the warning signs of school bullying and they should understand what rights their child has while in the school's care.

According to “Stomp out Bullying”, a national anti-bullying and anti-cyber bullying organization, the following are considered warning signs that your child may be experiencing bullying:

1. Your child comes home with torn, damaged, or missing pieces of clothing, books, or other belongings;
2. Has unexplained cuts, bruises, and scratches;
3. Has few, if any friends, with whom he or she spends time;
4. Seems afraid of going to school, walking to and from school, riding the bus, or taking part in organized activities with peers;
5. Finds or makes up excuses as to why they

- can't go to school;
6. Takes a long, out-of-the-way route when walking to or from school;
7. Has lost interest in school work or suddenly begins to do poorly in school;
8. Appears sad, moody, teary, or depressed when he or she comes home;
9. Complains frequently of headaches, stomach aches or other physical ailments;
10. Has trouble sleeping or has frequent bad dreams;
11. Experiences a loss of appetite;
12. Appears anxious and suffers from low self-esteem

### **PART 2: HOW DO I, AS A PARENT, DEAL WITH SCHOOL BULLYING?**

Schools have a duty to protect children and provide a safe environment conducive to education. This duty means that schools, if they have knowledge of the bullying, are legally required to take action to protect your child.

If you suspect your child is being bullied, I highly recommend you contact your school's principal to discuss the situation. In the state of Indiana, there are specific laws in place that require school officials to prohibit bullying and outline specific guidelines for parental involvement, bullying reporting, investigation of bullying and intervention.

It is imperative that you put the school on notice and craft a solution on how to end the bullying. Do not take, “I'm sorry, there is nothing we can do,” as an answer from their school. There are options and you should not give up.

If your complaints are ignored by the school, or negligently resolved, you may want to consider contacting a lawyer about your legal options. Lawyers can often draft a letter to the school, which makes clear the severity of the bullying allegations and helps motivate them to resolve the issue. Or, if warranted and severe enough, a lawsuit can be filed.

In addition to notifying the school, document everything! Every incident of bullying your child complains of, every written request or phone call made to the school, every therapy appointment, every poor performance on an exam due to bullying – write it down. The more you keep track of your efforts, the more serious the school will take you and the more evidence for your lawyer to work with should a bullying claim go that far.

One of the biggest hurdles facing bully victims is how to report the bullying. Often times, blowing the whistle can sometimes make the situation more volatile between the victim and the aggressor. In response to that, creative entrepreneurs like Brandon Boynton have thought outside the box!

In 2014, Brandon launched BullyBox, a mobile app and anti-bullying system that allows schools to offer anonymous and safe reporting for students facing bullying. Brandon has received positive feedback from both students and schools alike – “not only does the BullyBox stop problems through the use of reporting, but it also acts as a deterrent. Why would a student pick a fight if he or she knows that everyone around them has the ability to report them anonymously, right at their fingertips?” Brandon understands that depending upon the student and the school, situations may be handled differently. “There is certainly no ‘one size fits all’ solution to handling bullying, but an anonymous reporting system is a step in the right direction.”

Bullying is not something a parent or a school should take lightly. Statistics show that more than 16,000 young people are absent from school each year because of bullying. 83% of young people say bullying has a negative impact on their self-esteem and 30% of young people have gone on to self-harm as a result of bullying.

As a parent, understanding the warning signs is an important first step. From there—talk with your child, talk with your school or consult an attorney to discuss your legal options.



# BACK-TO-SCHOOL SHOTS

## Required Vaccinations for Hoosier Students



The federal program Vaccines for Children (VFC) provides vaccines at little to no cost for children under 19 who are eligible for Medicaid, uninsured, or underinsured – meaning that the child does not have insurance but it does not cover the cost of immunizations.

To find a VFC provider near you, call the Indiana State Department of Health Immunization Division at 1-800-701-0704.

According to the Indiana State Department of Health (ISDH), it is mandatory for students in all grades – including children ages 3-5 attending special education programs, child care, or preschool within a school building – to meet the minimum immunization requirements. Requirements vary by age and can be found on the ISDH website at [in.gov/isdh](http://in.gov/isdh).

If your child does not have an immunization record or is not up to date with their immunizations, you may still enroll them in school; however, they will not be permitted to attend after the first day. Exceptions to this rule include either a medical or religious exemption on file.



## School's Back. Watch for Children!

**Flashing Red Means STOP**

## We LOVE Referrals

Our business is growing because of referrals from clients and professionals like you. Thanks!



We would love to assist others, so please don't hesitate to send friends and family our way for help with:

- Social Security Disability
- Supplemental Security Income
- Personal Injury
- Long Term Disability
- Workers' Compensation
- Employment Law

## Dealing with Car Insurance Companies

### | What Happens if You Have an Accident And Don't Have Insurance (part 2)



By Attorney James DuBach

In our last article, we took a look at insurance companies and pointed out that their highest concern is their own profit. We also stated how important it is to contact our office immediately when you or a loved one is injured in a wreck as a result of someone else's negligence.

If you don't, you can expect that the insurance company will contact you and try to get you to make statements and take steps that will not be in your best interest.

We are certainly not saying that you should not carry car insurance. In fact, we also strongly

recommend that you purchase uninsured motorist coverage. For example, let's say you only have the plan with bare minimum coverage and you get into a wreck that's not your fault. If the at-fault driver does not have insurance, no coverage will be available to you. This means you will not be compensated for your injuries, no matter how serious they may be. So, even if you decide not to buy all of the options with the "full coverage," try to buy uninsured motorist protection.

To save money, here are the top 5 ways to get the best deal you can on car insurance, as recommended by JD Power, the independent automotive authority:

1. Avoid the habit of just signing up with the same company each year. Shop around for the best price every six months or so.
2. If you put more than one vehicle on a policy or also insure your home through the same company, you'll save money.
3. The higher the deductible on your policy,

the lower the premium that you will pay to buy it. The downside here is that in the event of an accident, you will pay more before your insurance pays, but this is a way to lower your regular premium cost.

4. Price insurance before you buy a car. There can be a big difference in the premium you will pay, depending upon the type of car you buy.
5. Most insurance companies offer good driver discounts. Usually, that means no accidents or tickets (parking tickets don't count) in 3-5 years. But there may be other discounts available to you, such as low mileage discount if you don't drive that much. Safety feature discounts may be available if your car has air bags, anti-lock brakes, or an alarm. Senior discounts may also be available if you are over 50 years of age.

Car insurance may not seem like a necessity, but in the case of an accident, you'll be glad to have it.



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With 80 years of combined experience, both in and out of the courtroom, the legal professionals of the Charles D. Hankey Law Office can resolve cases involving:

- Disability Claims (SSD/SSI)
- Car Accidents
- Premises Liability
- Long Term Disability
- Truck Accidents
- Product Liability
- Short Term Disability
- Motorcycle Accidents
- Brain/Head Injuries
- Worker's Compensation
- Bicycle Accidents
- Spinal Injuries
- Employment Law
- Railroad Crossing/  
Train Accidents
- Dog Bites /Animal Attacks
- Workplace Discrimination
- Airplane Accidents
- Child Injuries
- Wage & Hour Issues
- Highway Defects
- Construction Accidents
- Insurance Law
- Workers' Compensation
- Burn Injuries
- Personal Injury
- Drowning

## Employee Spotlight: Dyneil



Meet Dyneil Bonds! She is the newest Case Administrator at the Hankey Law Office. She moved to Indianapolis, IN in 2004 from Grand Rapids, MI where she graduated from Kentwood High School. Dyneil also has a Medical Office Specialist degree from Kaplan University.

In her free time, she enjoys spending family time with her children and doing family activities including movie watching, board games and outdoor fun.

Next time you're in the office, be sure to say hi to Dyneil!

Past results afford no guarantee of future results. Every case is different and must be judged on its own merits. The contents of this newsletter do not constitute legal advice.

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