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ISSUE ANALYSIS

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Homeschooling and Special Needs Children

I. Introduction

Teaching your child with special needs is a privilege—but it is also hard. It requires from the parents much sacrifice, patience, and unconditional love.

We cannot forget to consider what the child with special needs experiences as well. Living with a handicap such as blindness, cerebral palsy, a speech impediment, autism, retardation, a disease, or one of many types learning disabilities is difficult. It is a daily struggle emotionally, mentally, and many times physically. The child's self esteem is constantly put to the test. Some handicaps or learning disabilities can be overcome with consistent and focused effort. Other handicaps can only be managed and may never go away.

Living with multiple sclerosis these last few years has helped me appreciate the struggles of a physically handicapped person. Every day it is hard for me to simply walk, put my socks on, or stay in 80-degree weather for any length of time. The emotional drain is intense. The need to think and plan for logistics to achieve normal movement is a heavy burden. The quality of life from a human perspective is diminished. Hiking in the woods or camping is too hard, going to the beach is incapacitating, and participating in most sports that I love is out of the question.

Personal attention and love by my family is more important to me than ever before. I know a child with special needs truly needs this extra support and reassurance. Homeschooling your special needs child makes that intense, loving support possible.

We have seven children including a set of twins who were supposed to have died in the womb. Yet God answered our desperate prayers in a miraculous way. Amy, whose head was caved in, spine twisted, and was not hooked up right, completely recovered in the womb and was born alive at 2 lbs. 13 ounces. Although Amy was miraculously delivered, she is mentally much slower than her twin sister, Charity. At 6 years old, Amy is not ready to read like her sister and she requires much more time, attention, and love. Sending her to an institutional school would devastate her fragile self-confidence. Teachers could not possibly give her the one-on-one attention and love she needs.

In light of these experiences, I am convinced that homeschooling children with special needs is the most effective way to successfully teach them and the ideal environment in which they will learn and thrive.

II. Parents Excel in Teaching Their Special Needs Children

Objective studies demonstrate that parents are providing a superior form of education for their special needs children by teaching them at home. Contrary to the claims of the education elite, parents do not have to be specially certified or have special qualifications to teach their handicapped children at home.

In fact, in one of the most thorough studies performed thus far on the subject, Dr. Steven Duvall conducted a year-long study involving eight elementary and two junior high students with learning disabilities. He compared one group of five students that received instruction at home with a group of five students who attended public schools. He was careful to match the public school students to the homeschool students according to grade level, sex, IQ, and area of disability. Using a laptop computer, Dr. Duvall sat in on teaching sessions and took an observation every 20 seconds, creating tens of thousands of data points that were then fed into a statistical analysis package. Normally his research included a second observer who double-checked Dr. Duvall's readings.

Dr. Duvall recorded and analyzed academically engaged time by students during instructional periods. He also administered standardized achievement tests to them to measure gains in reading, math and written language. His results show that the homeschool, special needs students were academically engaged about two-and-one-half times as often as public school special needs students! He found the children in the public school special education classrooms spent 74.9 percent of their time with no academic responses, while the homeschool children only spent 40.7 percent of their time with no academic responses. He also found that homeschools have children and teachers sitting side-by-side or face-to-face 43 percent of the time, while public education classrooms had such an arrangement for special needs children only 6 percent of the time. This was a tremendous advantage for the homeschoolers.

His study further demonstrated that the homeschool students averaged six months' gain in reading compared to only a one-half month gain by the special public school students. Furthermore, the homeschool special needs students during the year gained eight months in written language skills compared to the public school counterparts who gained only two-and-one-half months

Dr. Duvall summarized, "These results clearly indicate that parents, even though they are not certified teachers, can create instructional environments at home that assist students with learning disabilities to improve their academic skills. This study clearly shows that home schooling is beneficial for special-needs students."¹

¹ Dr. Steven Duvall, *The Impact of Home Education on Learning Disabled Children: A Look at New Research*, August 1994, presented to the Home School Legal Defense Association, Purcellville, VA.

It is interesting to note that Thomas Edison was expelled from public school at age 7 because he was considered “addled” by his public school teacher. He lasted only three months in formal schooling. Over the next three years, his other taught him the basics at home, and as Edison himself stated, “She instilled in me the love and purpose of learning.”² Without any special qualifications, Mrs. Edison helped her son overcome his disabilities to become a great inventor.

Once again we see homeschooling works for any child!

III. The Home Is the Ideal Environment for Special Needs Children

All children need to know they are loved. For children with special needs it is even more important. Homeschooling gives special needs children teachers (the parents) who truly love them and intimately know their weaknesses and strengths. This gives parents a tremendous advantage in delivering an effective education program to their children.

Homeschooling also gives the parents an opportunity to teach what really matters. Having a handicap, as I have said, is a daily struggle. A handicapped child is constantly aware of his weakness and inability and this can often regularly lead to feelings of worthlessness and inadequacy. In homeschooling, parents can spend much time teaching their special needs child that they were created in the image of God. They have worth and value because God loves them. Their struggles and difficulties have purpose in glorifying God and being conformed more into the image of His Son.

They can learn, “not to lose heart. Though our outward man is decaying, our inward man is being renewed day by day. For this momentary, light affliction is producing for us an eternal weight of glory far beyond all comparison, while we look not at the things which are seen but at the things which are not seen; for the things which are seen are temporal, but the things which are not seen are eternal.” II Corinthians 4:16-18. If they accept Jesus as their Savior and believe He died on the cross for their sins and rose again, they will be healed one day in heaven, if not before.

Weakness and disability reminds us of our mortality and our great need for a Savior. The spiritual object lessons to be drawn from the our children’s handicap are endless and of eternal value to them and the whole family. I can truly say my multiple sclerosis and Amy’s limitations are blessings that are reaping tremendous spiritual growth. God is teaching us to walk by faith not sight. (II Corinthians 5:7).

IV. Can I Legally Home School My Special Needs Child and What Are My Rights?

² Christopher Klicka, *Home Schooling: The Right Choice*, (Twin Sisters, OR: Loyal Publishing, 2000), p. 168.

The Home School Legal Defense Association (HSLDA), since 1983, has worked to win and protect all parents' rights to teach all their children at home, including special needs children. When we started it was only clearly legal to homeschool in approximately five states. It is now legal in all 50 states. Even though homeschool special needs children are being taught well by their parents and it is legal, they are still faced with regular legal challenges.

When Israel left Egypt, the Amalekites attacked Israel. However, they would rarely attack armed forces or the main group of the Israelites. Instead they would pick off the stragglers, who were often made up of the sick or weak.

Some public school authorities, unfortunately, seem to have adopted the tactics of the Amalekites when they are dealing with handicapped children who are being homeschooled. When they find it difficult to pick on homeschoolers with average or above average students, they turn to harassing the handicapped or special needs homeschool children. Going after handicapped children that are homeschooled is somewhat easier since it is harder for the family to prove educational progress. It is also easier to intimidate the families into thinking they are not qualified. Of course, the incentive is greater also, since special needs children are worth nearly twice as much in state and federal tax dollars that will be sent to the local school district.

As a result, oftentimes, homeschool families with children with special needs or handicaps are harassed and restricted more than other homeschool families. As a result of this discriminatory treatment, many homeschoolers with special needs children begin to think they have less parental rights than everyone else. Constitutionally, this could not be further from the truth. Parents with special needs children are protected by the same Constitution as all other parents. Therefore, they too have the protection of the First and Fourteenth Amendments.

For example, one Home School Legal Defense Association (HSLDA) homeschool family in Colorado had their child in special needs classes in the public school. After awhile, their child basically stagnated, as the classroom atmosphere became unbearable. They decided that they could do a better job themselves so they notified the school district that they were going to homeschool. Although it was legal to homeschool in the state, the local school district would not disenroll the child. The district felt the child's Individual Education Plan (IEP) recommendation could not be fulfilled by a mere mother. It called the family nearly every week, trying to pressure them back in for more meetings and more conferences with the public school's specialists. The mother could barely stand the intimidation and began to doubt herself. I was called and was able to convince the school district to retreat and recognize her right to homeschool privately.

In Illinois, a family disenrolled their child from all special needs programs except speech therapy. Over and over again the school district tried to pressure the family to come into various meetings in which the child would be evaluated and recommendations given. The school district believed the parents were not qualified. Finally, the school district initiated a due process proceeding, pursuant to the "Individuals with Disabilities Education Act" or "IDEA," since they believed the family was still under the jurisdiction of that act because the child was still receiving speech therapy. The family followed my advice and withdrew their child from speech therapy and provided a written statement to the school district breaking all ties. After we further negotiated with the school district, the family was finally left alone.

In Indiana, a couple who educated nine adopted handicapped children was harassed repeatedly by school officials. Scores of other families were homeschooling in the area, but this family was singled out because all the children had special needs. The school district was losing a lot of money.

The personal experiences I have had with defending handicapped children who are harassed only because they are homeschooling, could go on and on. In every instance, the situations were resolved by HSLDA attorneys, and in every instance, the parents were able to do a better job because they cared about their children and best understood their special needs.

V. How Can I Get Help To Teach My Child With Special Needs?

There are two basic options homeschoolers can choose to receive help: private special needs resources or resources from the public schools through the federal IDEA program. Of course, some homeschoolers could do a combination of them both.

At this time, the U.S. Department of Education's Office of Special Education Programs (OSEP) has interpreted the IDEA special education resources only have to be made available to students in public schools or private schools. They specifically explain homeschool students cannot qualify. This policy letter from the OSEP, however, seems contrary to the purpose of IDEA "to assist States. . . to provide for the education of ALL children with disabilities." 20 USC section 1400(d)(C).

At his time, HSLDA has filed suit in federal court to end this discrimination and we are working with the Bush administration to issue a new policy letter from the OSEP to recognize all homeschoolers can qualify for special needs services.

In the meantime, certain states have passed regulations allowing homeschoolers to participate. Also, if a homeschooler is in a state that recognizes homeschools as private schools, the homeschoolers can generally get the assistance.

However, parents should consider the possible side effect of loss of freedom when taking government special needs services. A common adage, that government controls nearly always follow government money, often rings true with homeschoolers who receive public school services for their special needs children. Many times the controls are not immediately visible but they usually surface as soon as the parents begin to disagree with the public school authorities' "recommendations" for new therapy or a different educational approach.

At the very least, homeschoolers who receive public school services for their special needs children, place themselves under the jurisdiction of the federal IDEA and local state regulations which implement that act. The types of problems homeschoolers encounter are described above.

The intent of IDEA, therefore, is to provide statutory guidelines for local public schools to make

available a free public education to the handicapped. The act is not a compulsory attendance statute for handicapped children. It is clearly apparent, therefore, that parents who do not want to take advantage of a free public education for their handicapped child, are not mandated to do so. Such a mandate would also violate the parents' fundamental right to direct the education of their children, as guaranteed under *Pierce v. Society of Sisters*³. In the *Pierce* case, the U.S. Supreme Court declared parents have the right to choose a private educational program for their children, and, as a result, the Court struck down an Oregon law that mandated only public school attendance. Parents of special needs children are not required to use any public educational services. To privately educate their special needs child is the parents' choice. By doing so, they avoid the state's controls pursuant to the IDEA.

VI. Conclusion: Homeschooling Works

Homeschooling special needs children takes a tremendous effort on behalf of parents. HSLDA receives regular reports of the consistent success that these parents are achieving, oftentimes far beyond the progress the special needs child made in the public school. One of the major reasons for success seems to be the fact that parents know their children best and, therefore, can best meet the needs of their handicapped child.

Below is a list of a few resources parents can contact for more information on teaching their special needs children. We also have a full-time special needs coordinator, Betty Statnick, who assists HSLDA members with questions and finding resources.

Homeschooling special needs students privately carries the least risk for government intervention. Be cautious if you choose to work with the public schools for the reasons discussed above. Homeschoolers should also carefully watch their legislatures in order to oppose any attempts to create excessive regulations for handicapped children being home schooled. All homeschoolers need to stand together to protect special needs homeschoolers from being separately and excessively regulated.

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³ 268 U.S.510 (1925) [Also see *Meyer v. Nebraska*, 262 U.S.390 (1923) and *Wisconsin v. Yoder*, 406 U.S.205 (1972)].