

# Homeschooling The Special Needs Child

by John Russell-Curry, OH, SH, LH, Multiple Subjects and Administration Credentials Pattee Russell-Curry, MFT, ADTR

In the early implementation of special education laws, a key component was the "Search and Serve" directive to identify and assess all special needs children that the public schools could find and serve. The intent of this directive was to ensure that children would no longer be overlooked, or underserved. Today this concept directive is referred to with the motto "No Child Left Behind".

Specific codes and special education regulations can be accessed through the following contact: Special Education Hearing Office, McGeorge School of Law, 3200 Fifth Avenue, Sacramento, CA 95817. The phone number is (916) 739-7053. The Special Education Department of the local school district in question is another source.

Schools frequently have "Student Study Teams" that discuss whether a student may need a referral for special education services or other services that might be provided. Schools must document their review to demonstrate that they are following the "Search and Serve" directive. When students score low on test scores, this may also warrant the schools involvement in assessing and providing modification or accommodations to address special needs the student may have that have interfered with test performance.

When parents decide to homeschool a special needs child, the school district may be concerned about whether they are complying with the "Search and Serve" directive adequately. Parents are within their legal rights to decline public school special education services that are offered. Hopefully, the parent will weigh the benefits of the services offered as opposed to going without. In some cases, a child who is homeschooled may receive special services in addition to the homeschooling, while in other cases the services may not be needed due to the one-on-one nature of much homeschooling experience. These educational needs and issues must be discussed and weighed on a case-by-case basis.

In our experience, it is rare that a parent declines services, but in doing so they can expect that the district will ask them to sign a waiver holding the district harmless of any liability for absence of service. The district wants to demonstrate that they are complying with the "Search and Serve" directive, and if a parent doesn't want their help, the parent must state this in writing through the waiver. School districts are legally obligated to prove that a student was offered services. In the case of homeschools, the district is only obligated to offer limited special education services. Some district administrators who are so inclined, may offer homeschool families more special education services, but in general, most services are probably withheld unless the student attends the public school. Homeschool students enrolled in a Charter School will not have the same tension from the school district because it is possible to provide the special education specialist services at the Charter office where students drop in. Of course, parents can choose to decline these services in the Charter School as well. The school district will still have to complete their assessment and develop a service plan, but the parent can choose to waive the plan.

Private schools that provide credentialed teachers may receive the offer of limited special education services from the public school. However, private schools that hire uncredentialed teachers, and other homeschool environments that may not be able to demonstrate credentialed teachers create a difficult and confusing dilemma for school districts who are not clear on how to interpret the law for these "unqualified" groups.

Traditionally, special education services include speech/language therapy, adapted physical education, resource specialist service, special day class, or other specialized service (i.e. for blind, deaf/hard of hearing, orthopedically impaired, severely emotionally disturbed, developmentally delayed). The student may receive a service which monitors health concerns at the school site, or a behavior intervention program. Peripheral services include modified testing situations (providing prompts or augmentative equipment), and transportation. Obviously, when a child is homeschooled many of these services are no longer necessary (such as health monitoring, modified testing equipment, or transportation) because they are already incorporated into the child's life in the home.

Finally, many school districts have access to support and family oriented service centers where families may meet with other parents and receive valuable insight into the workings of the school district and the special education laws. Some of these centers provide parent advocates who will

attend IEP (Individualized Educational Plan) meetings with a parent, and the resource centers often have laws and other therapeutic resources available for parent check-out. School districts are usually very willing to put parents of special needs children in contact with their local resource center.