



You can homeschool!

your struggling learner

Dear Parent,

The decision to homeschool a struggling learner or a child with special learning needs is a weighty one. Parents may meet pressure from the school district, or even the state, to enroll their child in the “system.” Many encounter criticism from well-meaning family and friends, and often deal with their own fears of inadequacy. Nevertheless, in record numbers, parents of children with special needs are choosing to home-educate, and most are finding that the rewards far outweigh the costs.



Home School Legal Defense Association believes that homeschooling may be the best way to meet most special learning needs, and we are delighted to assist parents in this endeavor. In fact, we believe that parents can truly offer an individualized, excellent education plan—your very own “IEP”!—within the home by providing direct instruction, flexibility, encouragement, and the loving support that is ideal for children with a variety of learning needs.

HSLDA exists to defend the right of all families to homeschool. This includes families who are homeschooling a struggling learner or a child with special needs. Should a member family’s homeschool encounter legal problems, HSLDA will provide the aid of an attorney. HSLDA supplies our members with valuable resource lists and access to our “Find a Professional Near You” database of homeschool-friendly private professionals who are qualified to assist with standardized and/or diagnostic testing, tutoring, or needed therapies.

We hope you will consider home education—it might be just what your child needs. If we can be of assistance, please contact us at 540-338-5600 or info@hsllda.org.

Sincerely,

A handwritten signature in black ink, which appears to read "J. Michael Smith". The signature is stylized with a large, sweeping loop at the end.

J. Michael Smith
President

Note: The information provided in this booklet is designed to assist families in establishing the safest legal environment possible for their homeschools. These recommendations do not constitute legal advice.

Welcome to HSLDA, from HSLDA's special needs team! Our mission is to equip and encourage parents who are homeschooling children with special needs. We are dedicated to responding to your calls and continually searching for information related to your concerns. So you can breathe deeply, relax, and rest in the assurance that you do not have to figure out homeschooling alone!

- We've put together a website designed to help you. Be sure to check out the many resources available at hsllda.org/strugglinglearner—an e-newsletter, articles, checklists, recommended teaching materials, and much more.
- HSLDA's special needs consultants specialize in helping homeschoolers find solutions to learning struggles. If you have specific questions about your child, you can call HSLDA at 540-338-5600 and ask to speak with one of us. (This service is available to HSLDA members only.)
- By accessing the *Home School Court Report* archives at hsllda.org/courtreport, you can read our special needs column with encouraging articles, FAQs, and personal stories.
- To find further assistance in your local region, search our "Find a Professional Near You" database of homeschool-friendly private evaluators, tutors, therapists, and other specialists: hsllda.org/strugglinglearner/consultants. (This service is available to HSLDA members only.)

We look forward to helping you on this exciting journey!

Faith Berens, Joyce Blankenship, Carol Brown, Kristy Horner, and Krisa Winn
HSLDA Special Needs Consultants

Getting started



The very nature of homeschooling is that it provides an individualized, excellent education plan for each unique child—ranging from children with attention difficulties, giftedness, or learning disabilities to those with medical challenges or severe multiple handicaps. Homeschooling can offer your child freedom from unhealthy comparisons, distractions, inappropriate teaching materials and pace of instruction, and ineffective methods of instruction that may have been used in the past.

So, even if your child formerly had an official IEP (individualized education program) through a school district or retains an active ISP (individual service plan) for special services, rest assured—in your home education setting, you can provide excellently for your child’s special needs. We are here to assist you along the way! Here are some guidelines for your journey on the homeschool “IEP” path:

Individualized

- **Investigate** your child’s unique learning styles and specific needs. You are the expert (and should be well versed) in your child’s particular condition, abilities, and differences.
- **Identify** your child’s strengths and weaknesses as well as his or her functioning levels.
- **Incorporate** therapies, interventions, accommodations, and adaptive equipment into your home education plan in order to meet your child’s special needs.
- **Individual**, one-on-one, direct instruction in academics, life skills, and spiritual development can be a catalyst for better and faster progress.

Excellent

- Make your home learning **environment** a positive, loving place, ready to meet your child’s needs.
- **Engage** your child by planning lessons that match his or her interests and academic levels.

- Have realistic **expectations**. Know that your child will need time to adjust to the home education setting. There will be good days and bad days.
- **Enlist** support. Don’t go it alone. Get involved in a support group, network through your community of faith, and seek out homeschool-friendly tutors and other professionals.

Plan

- **Peruse** the resource list (next section) and the Homeschooling a Struggling Learner website (hslda.org/strugglinglearner) for curricula and program planning ideas.
- **Pick** teaching strategies, methods, and materials that are most appropriate for your child and your family’s needs.
- **Prepare** a suitable schedule, appropriate goals, and thoughtful lesson plans, and gather the needed materials.
- **Pray** for God’s wisdom, leading, direction, strength, and creativity at the start of your school year and daily. Remember, those He calls, He is faithful to equip!

Resources



Bruce Baker and Alan Brightman, *Steps to Independence: Teaching Everyday Skills to Children with Special Needs*

Carol Barnier

- *How to Get Your Child Off the Refrigerator and On to Learning: Homeschooling Highly Distractable, ADHD, or Just Plain Fidgety Kids*
- *The Big WHAT NOW Book of Learning Styles: A Fresh and Demystifying Approach*

Ruth Beechick, *The 3 R's*

Leslie Broun and Patricia Oelwein, *Literacy Skill Development for Students with Special Learning Needs: A Strength-Based Approach*

Dianne Craft

- *Smart Kids Who Hate to Write* (DVD)
- *Teaching the Right Brain Child* (DVD)
- *Understanding and Helping the Struggling Learner* (DVD)

Christine Field, *Homeschooling the Challenging Child: A Practical Guide*

Sharon Hensley, *Homeschooling Children with Special Needs*

Joyce Herzog

- *Choosing and Using Curriculum: For Your Special Child*
- *Learning in Spite of Labels*
- *Luke's Life List and Luke's School List*

Carol Kranowitz, *The Out-of-Sync Child Has Fun: Activities for Kids with Sensory Processing Disorder*

Kathy Kuhl, *Homeschooling Your Struggling Learner*

Judith Munday, *Teaching Your Special Needs Student—Strategies and Tools That Really Work: You Can Do This!;* available at hishelpinschool.com

Patricia Oelwein, *Teaching Reading to Children with Down Syndrome: A Guide for Parents and Teachers*

Lise Pyles, *Homeschooling the Child with Asperger Syndrome: Real Help for Parents Anywhere and on Any Budget*

Sue Schwartz, *The New Language of Toys: Teaching Communication Skills to Children with Special Needs*

Eileen Shaum, *Helps for Special Education Teachers: Curriculum and Activities to Promote Basic Skill Development in Special Needs Children*

Marianne Sunderland, *Dyslexia 101: Truths, Myths and What Really Works;* available at homeschoolingwithdyslexia.com

Sandra Vroon and Susan Harrell, *Best Practices for Teaching Reading at Home*

Clarissa Willis, *Teaching Young Children with Autism Spectrum Disorder*

Find many more resources listed at hsllda.org/StrugglingLearnerResources.

Find out how to get started
homeschooling! Visit
youcanhomeschool.org.

Steps to protect your homeschool



HSLDA believes that homeschooling may be the best way to meet most special learning needs, and we are delighted to assist dedicated parents in this endeavor.

Our experience in defending homeschoolers and monitoring legislation has shown us that a parent's decision to homeschool a child with special learning needs sometimes leads to challenges from public school officials and other government agents. We recommend that our members take two steps to help us defend their homeschools. As you read through these suggestions, remember that it is best to choose a course of action that fits the severity of your child's special learning needs.

Arrange for regular evaluations and document your child's progress.

Whatever the severity of your child's special learning needs, it is important to keep accurate records demonstrating how you are meeting these needs and how your child is progressing. Much of your success in defending your homeschool against legal challenges may hinge upon your personal determination of what is best for your child and also upon your keeping accurate records.

One of the most important elements of your recordkeeping should be documentation of periodic evaluations of your child's educational progress. As a general guide, the more severe the special learning need, the more frequent and thorough the evaluations should be.

There are several options for performing evaluations. You can download a sample evaluation form from hsllda.org/EvaluationForm.

It is best to keep all of your records concerning your child with special needs until the child is beyond compulsory school age.

These resources can help you document your child's progress:

- *Evaluating for Excellence: A Handbook for Evaluating Student Progress* by Teresa M. Moon
- *Making the Grade: A Practical Guide for Grading and Evaluating Homeschooled Children* by Lesha Meyers
- *The Homeschooler's Guide to Portfolios and Transcripts* by Loretta Heuer
- "Documenting Your Child's Progress Over Time," hsllda.org/DocumentingProgress

Obtain assistance in meeting your child's special needs.

If any of the following are true, we suggest that you obtain some form of outside assistance. Your child:

- has received special education services in the current school year,
- has been enrolled in special education services for the coming school year,
- has been evaluated and diagnosed as having a special learning need,
- is functioning substantially below grade level (two or more years below grade level in reading, language, or math),

- has a physical disability that significantly hinders his ability to learn,
- has significant academic difficulties that have been observed but have not yet been professionally diagnosed, or
- has a difficulty or need likely to be noticed by others.

After reading this list, you may determine that you do need assistance. If so, you will next need to determine what kind of assistance to obtain. As parents, you are intimately acquainted with your child's needs and may be able to determine what specific help may be most beneficial. However, the more severe your child's special learning needs, the more assistance you probably should obtain to help meet those needs.

Because of the legal complexities involved in dealing with schools and government agencies, one of the safest things you can do to protect your homeschool is to obtain the services of an outside, private educational consultant.

This private consultant can be anyone who has either credentials or experience in the same area as your child's special need. Preferably, this person should not be directly related to the child (e.g., parent, grandparent, aunt, or uncle).

The outside consultant should be in contact with your family approximately one to three times during the school year to document your child's progress, depending on the severity of your child's needs. Follow your consultant's recommendation.

To find an outside consultant, try these sources:

- **HSLDA Special Needs**

Department: HSLDA maintains a database of private education

professionals who will work with parents in evaluating and planning the education of a child with special needs. Most of the professionals in the database have been recommended by homeschooling families as being homeschool friendly. Members of HSLDA may access this tool at hsllda.org/strugglinglearner/consultants or by calling the special needs department at 540-338-5600.

- **Support groups:** Contact your local or state homeschool support group for the names of individuals who work with families of children with special needs. This can be easily done via an internet search or by visiting hsllda.org/orgs. Many times, support groups will provide online lists of outside consultants in their area. If not, you can email the group leader for a list of local educational consultants that the groups members use most often.
- **Colleges and universities:** Some colleges and universities have programs that could benefit families of children with special needs. Please be aware that they use the results of their work with those children in their research-related projects, but they will not divulge the names of those children.
- **Private educational programs:** You can secure regularly scheduled assistance and/or evaluations for your child through a private program. Speech therapists (in clinics, hospitals, or in-home settings), occupational therapists, physical therapists, and applied behavior analysis (ABA) therapists are some of the many types of professionals who routinely conduct such evaluations.

- **Public school programs:** These include any services funded by state or federal dollars through your local school district, whether the services are provided in your own home or at the school. Be aware that although county services seem independent of public school services, sometimes they share records with the school district when the child reaches school age.

Considering public school

programs: In general, HSLDA has found that it is better if families do not use the services offered through their local public school. We have observed that many families find themselves mired in legal difficulties as a result of their involvement in public school services.

Currently enrolled: If your family is currently receiving public special education services, you may want to establish a goal of eventually meeting all of your child's special education needs through private sources. We are aware that many families have previously enrolled their child in their local public school's special education program and, now that they are homeschooling, they would like to retain these free public services. We understand that, as a matter of economics and ease of access, free public school services are very attractive. We also know, however, that regulatory strings are often attached to these programs. Generally, we find that the longer a family uses these programs, the tighter the strings of control become.

Withdrawing from a public school

IEP: If your child is currently enrolled in public school special education services, with an active individualized education program (IEP), you will need to follow two steps to successfully withdraw your child from the school setting. First, send a letter of intent to the school district, notifying them that your child will be schooled privately. In addition, send the district a letter of withdrawal from your child's current IEP. You can obtain both of these forms from the special education office in your school district, or members can download HSLDA's sample letter from hsllda.org/IEPLetter. This letter states that you would like your child's IEP to be terminated immediately and that you will provide "whatever special education services are needed through private resources." Contact HSLDA if you have concerns about severing your relationship with the public school.

HSLDA will do everything it can to protect our member families' right to homeschool children with special learning needs. HSLDA members are welcome to call our special needs consultants for assistance in working with a child with special needs or a struggling learner at home. They can help equip you with information to successfully homeschool your child.

FAQs



What laws and regulations apply to homeschooling a child with special needs?

Check out the information listed for your state here: hsllda.org/StrugglingLearnerLaw.

What does HSLDA consider a special need?

Generally, we define a child with special needs as one who is working two or more years below grade level in his subjects, a child who has been receiving special education services, or a child with any other disability that greatly impacts his ability to learn.

Who does HSLDA consider a struggling learner?

Typically, we define a struggling learner as any student who is experiencing learning challenges. This may include children with focus and attention difficulties, behavioral or mental health issues, retention problems, health concerns, or students working six months to one year below age/grade level in one or more subjects.

Do I have the right to homeschool my child with special needs?

Parents who wish to homeschool a child with special needs have the right to do so under the protection of the First and Fourteenth Amendments of the United States Constitution. This includes parents who presently have their child under an individualized education program (IEP) set up by their public school's special education department.

Parents may feel intimidated by school officials and teachers and are often led to believe that they have fewer constitutional rights to homeschool a child with special needs than any other child.

Even though the Constitution protects the right of parents to homeschool, most state legislatures have passed statutes regarding homeschooling. These laws typically come under the compulsory school attendance statutes for the state and may contain stricter provisions for families homeschooling children with special needs.

Do I have the right to therapeutic services offered through the public school?

It depends on the state you live in, your family's financial need, and the severity of your child's need. Please be aware, however, that HSLDA generally recommends that families obtain services provided by private organizations or individuals. Information about your state's law is available on our website at hsllda.org/StrugglingLearnerLaw.

What if our family cannot afford private services?

The most important consideration is that the special needs of your child are being met. HSLDA members who cannot afford private services are encouraged to contact our special needs consultants to discuss this. Families may also apply for a curriculum grant from HSLDA; visit homeschoolfoundation.org.

Does HSLDA require families to use an outside consultant?

No. However, HSLDA does recommend regular contact (two to four times per year) with an outside, private consultant if the child's needs are severe enough to warrant assistance.

How long should families retain the assistance of an outside consultant or educational program?

It depends. In general, if the special learning need is remediable through homeschooling, you should maintain this assistance until your child is functioning close to grade level. Sometimes the special learning need will require you to receive assistance during your child's entire homeschooling experience, or until he is no longer of compulsory school age. The answer to this question may also vary depending upon the specific statutes and regulations in your particular state.

What if my outside consultant is making too few or too many recommendations for me to follow?

It is important to communicate your expectations to your outside consultant at your initial meeting. If you are a beginning homeschooler, you might want a significant amount of oversight and a greater number of recommendations from your outside consultant. If you are an experienced homeschooler, however, you might want an outside consultant who has a hands-off philosophy. If you find

that you are not compatible with the outside consultant you have chosen, you can locate someone else.

Can I obtain the services of an outside consultant from another state?

Yes. However, it is best to have an outside consultant who has met you and your child and is able to meet with you in person. If you choose someone in another state, consider periodically sending samples of your child's work to that person and then having follow-up telephone consultations.

What kind of contacts/evaluations are necessary?

We do not specify what the evaluation should involve. However, there should be a review of the child's progress. The evaluation should demonstrate that the parent and outside consultant are aware of the child's skill levels and how he is progressing in them. An achievement test is only one of many ways to measure progress. For instance, if you have written down some domestic goals for your child, such as putting away clean clothes, maintain a checklist to evaluate whether he is doing this independently. If he is not, make notes of what he is unable to accomplish and what steps he is failing to understand. You can share this information with your outside consultant when you meet. The two of you can brainstorm ways to facilitate his progress through these steps.

Should I send the evaluations to HSLDA?

No. Just keep copies in your files at home. If your homeschool is ever in jeopardy, HSLDA's legal staff will request these records from you.

Are these evaluations required by the state?

No. HSLDA requests these evaluations for the benefit of the family should you encounter legal problems as a result of homeschooling your child with special needs.

Please remember: Each state has its own requirements separate from these recommendations.

Am I legally required to have an individualized education program (IEP) for homeschooling?

The public school system uses IEPs to set up individual teaching plans, obtain related therapeutic services, and make necessary transportation arrangements. Homeschooling is a different educational arena. Children no longer have to be transported to class, therapeutic services are usually done privately, and homeschooling offers individualized education for all students—not just children with special needs.

We suggest that parents exercise responsible homeschooling by planning and evaluating each child's progress. Some families choose to create their own IEP-type document. They do this for a variety of reasons, such as monitoring progress and keeping on track with their goals for the year; organizing information about testing, goals,

accommodations, and therapy all in one place; and making pertinent information about their child's needs easy to share with others helping the child (e.g., co-op teachers and tutors). In the homeschooling community, an IEP-type document for home educators is sometimes referred to as a student education plan (SEP) or individualized home education plan (IHEP).

The following resources can help you write your own IEP-type document:

- *The IEP Manual: Individual Education Planning for the Home School-Handicapped Student* by Jim and Debby Mills, nathhan.org
- *The Student Education Plan (SEP): A Preparation Guide* by Judith Munday, hishelpinschool.net
- *Luke's Life List* and *Luke's School List* by Joyce Herzog

Brigance Diagnostic Inventories are tests that parents or professionals may administer to determine what skills a child has or has not mastered. These tests are one of the many resources used in public and private schools for developing IEPs. Members who want to give their child a test at home may rent the following Brigance Diagnostic Inventories from HSLDA:

- *Inventory of Early Development* (yellow)—birth to developmental age 7
- *Comprehensive Inventory of Basic Skills* (green)—pre-K through grade 9 functioning levels
- *Transition Schools Inventory* (blue)—used to assess independent living, employment, and additional post-secondary skills

Meet the consultants



Faith Berens has over 20 years' experience teaching and consulting in both public and private Christian schools, serving as a Reading Recovery teacher, reading specialist, tutor, and educational therapist. Her areas of expertise are early childhood literacy, reading assessment, and the identification and remediation of reading difficulties. She earned her master's degree in reading from Shenandoah University. Faith joined the HSLDA team of special needs consultants in 2008 and also works as a private educational consultant, evaluator, and tutor.



Krisa Winn received her BA in early childhood and elementary education from Arkansas State University and an associate degree in practical theology from Christ for the Nations Institute. During her more than 20 years of experience as a classroom teacher in private and public school settings, a private tutor, and an early childhood intervention specialist, she has had many opportunities to work with children with various special needs. Krisa loves helping children and parents discover the key that unlocks the door to learning. She joined the HSLDA team of consultants in 2012.



Joyce Blankenship earned her BA in liberal studies at California State University Long Beach and her elementary teaching credential at California State University Chico. She has worked in the field of education for the past 30 years as an educational therapist, tutor, enrichment class teacher, and home educator. She has graduated four of her five children and continues to homeschool her youngest daughter. Having homeschooled a struggling learner, Joyce finds great enjoyment in encouraging parents in their homeschooling journey. She joined HSLDA's special needs consultants team in spring 2013.



Dr. Carol Brown has over 30 years of experience as a principal, teacher, cognitive developmental therapist, social worker, reading and learning specialist, speaker, consultant, school counselor, curriculum author, and homeschooling mother. Carol received her Doctor of Education from Southern Baptist Theological Seminary, MA in social services from Southwestern Seminary, and BA in rehabilitation counseling from Marshall University. She has served classical Christian schools in the United States and France. Since 2009, she has been the director of Equipping Minds Brain Development Center. Carol is licensed and certified as an FIE Mediator by the Feuerstein Institute. She became a special needs consultant for HSLDA in 2014.



Kristy Horner holds a BS in business administration and human resource management from Shepherd University, with a minor in technology, and has studied many areas of special education at Fairmont State University. She has over 10 years of teaching experience within her local public school system, in traditional and nontraditional classrooms including typically developing students, struggling learners, and those with intellectual disabilities. Kristy joined the HSLDA team of special needs consultants in 2015. She combines contagious joy and enthusiasm with a passion for homeschooling and for bringing Christian education to other families.

Testimonials



"Thanks so much for all your specific answers and resources. Your answers were just what I had hoped to get—knowledgeable about perspectives I didn't know about and resources to provide specific help."

—Hilary L.

"We found you through our membership through HSLDA and I had the privilege of speaking to you over the phone. It was there that I shared with you how we were looking for an educational consultant for our son, who has PDDNOS, or high-functioning autism. From there you were so kind to counsel me on the various learning styles and from our conversation it became clear that our son had an auditory processing disorder. The material you sent has been so helpful and the process has been so affirming for him. He feels validated because he simply is learning in the way that makes perfect sense to him . . . and that to us has made all the difference in the world."

—Melissa S.

"I can't tell you how encouraging your newsletters are. I am teaching 9th grade to my three 15-year-old daughters. They have processing issues, which doesn't make them 'learning disabled,' but it does present its challenges. God is encouraging me this year, through his Word and through others. Thank you!!"

—Laura S.

"Thank you for the work you do. I initially joined HSLDA for the legal protection, but have found you to be an invaluable resource. I have found your special education references to be a wonderful asset, and we are making progress where the school and therapists were making none. . . . In this day and age, we don't typically expect to get more than we paid for, but this was the best investment I've made. God bless you!"

—Jennifer D.

STRUGGLING LEARNER

Hope

hslda.org/strugglinglearner