

FAITH, DISABILITY, AND EDUCATIONAL OPTIONS: A CALL FOR CHANGE

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Introduction

As special education advocates, the lion's share of our work involves children in public schools, because public schools are mandated to provide special education. However, with the advent of the Ohio Autism Scholarship and the Ohio Jon Peterson Scholarship, more and more of our students with disabilities can attend school in a faith-based school setting. Families may choose this for faith-based reasons, or simply because they like the idea of a smaller setting, or because they want their children to get out of a lower-performing public school. These programs could be a great move forward in terms of the furthering inclusion in heretofore non-inclusive settings. However, we have a long way to go toward having children treated as the major faiths say they should be when it comes to participating in faith-based school settings. Most of the issues raised in this paper are fully permitted by the principles of our country that separate church and state. The issue at hand is not a question of who is following the law, but shouldn't we be going one better by following the tenets of faith in educational practices at faith-based schools.

What Do Faith Traditions Have to Say About Disability?

When looked at very broadly, the major Western/Middle Eastern faiths have varying portrayals of disability. Jesus himself associated with lepers and was a model of acceptance in so doing. However, the New Testament emphasis on Jesus curing people with disabilities and its association with casting out demons is how disability became associated with sin for many centuries in Christendom, and still is viewed that way by some sects today.

In contrast, Guvercin (2008) notes that Islam tradition has a positive view of disability.

Abdullah ibn umm Maktum, who was blind, was among the first to accept Islam. He was devoted to the Prophet and extremely eager to memorize the Qur'an. When the Prophet arrived in Medina, he appointed Abdullah to be one of the muezzins (calling the Muslims to prayer five times a day). On several occasions, the Prophet placed Abdullah in charge of Medina in his absence. This is a remarkable example of inclusion that shows how people with disabilities are looked upon and treated in Islam. What we learn from this outstanding act of our prophet is that we should not belittle disabled people or make superficial judgments because although people have certain disabilities they might be capable of doing great deeds, and it is also important to delegate leadership responsibilities to disabled people when they are capable of such duties.

Dorff (2014) makes a similar point about Jewish tradition, although he does note a bit of inconsistency in treatment of people with disabilities in ancient practice.

I think it is fair to say from the very start that traditional Judaism's approach to disability is remarkably enlightened and compassionate, especially when compared to the treatment disabled people got in other cultures. Before we get to the specific legal aspects of this, note that almost all of the biblical heroes were disabled in some way. Sarah,

Rebekah, Rachel, and Hannah are all barren for some time in their lives, 1 Isaac and Jacob suffer from blindness in their old age, 2 Jacob was lame for much of his life, 3 and even the greatest biblical hero, Moses, suffered from a speech impediment. 4 Similarly, a number of talmudic rabbis were disabled; for example, Nahum of Gimzo, Dosa ben Harkinas, Rav Joseph, and Rav Sheshet were all blind.... The Jewish tradition is remarkable not only in how it thought about the disabled, but in the actions it demanded with and for them. In Greek and Roman cultures, "imperfect" infants were put out to die, and disabled adults were left to fend for themselves and often mocked to boot. In Jewish culture, in contrast, killing an infant for any reason constitutes murder, 8 and the Torah specifically prohibits cursing the deaf or putting a stumbling block before the blind. 9

As Jews, we dare not forget these fundamental features of our tradition's thought and practice. On the contrary, given how other cultures treated the disabled, we should take pride in the fundamental humanity embedded in our own tradition. With this as a background, though, it is also important that we acknowledge that Jewish sources did put the disabled at some disadvantage. This especially affected the Temple and the biblical concept of the holy.

With some contradictions with religious traditions and the interpretations of same by followers over the course of time noted, many of faith have called for a contemporary proactive stance toward disability inclusion within the context of faith traditions. The United States Conference of Catholic Bishops put forward the following in their Pastoral Statement on People with Disabilities (1978):

Defense of the right to life, then, implies the defense of other rights which enable the individual with a disability to achieve the fullest measure of personal development of which he or she is capable. These include the right to equal opportunity in education, in employment, in housing, as well as the right to free access to public accommodations, facilities and services. Those who must be institutionalized deserve decent, personalized care and human support as well as the pastoral services of the Christian community. Institutionalization will gradually become less necessary for some as the Christian community increases its awareness of disabled persons and builds a stronger and more integrated support system for them.

11. It is not enough merely to affirm the rights of people with disabilities. We must actively work to make them real in the fabric of modern society. Recognizing that individuals with disabilities have a claim to our respect because they are persons, because they share in the one redemption of Christ, and because they contribute to our society by their activity within it, the Church must become an advocate for and with them. It must work to increase the public's sensitivity toward the needs of people with disabilities and support their rightful

demand for justice. Moreover, individuals and organizations at every level within the Church should minister to persons with disabilities by serving their personal and social needs.

Guvercin (2008) references a similar duty among the followers of Islam:

The scholar Fethullah Gulen says, "Islam promotes equality as the will of God Almighty and requires mutual respect of fellow human beings. Islam embraces every individual and every group with the same equality and warmth. It responds to the expectations and the needs of everyone in the same way. As if shouting at the top of its lungs that no one is superior to another human being, it frequently emphasizes equality and equal opportunities."(2) Islam teaches us that everyone deserves love, care, and respect, and this fact does not change when a person is impaired. What really matters is his or her heart and conduct. We are enjoined to be accepting of all people regardless of their disability and include them amongst us and support them by addressing their needs. In one of the hadith, our Prophet said, "God the Merciful shows mercy to merciful people. Show mercy to those on earth so that God shows mercy on you" (Abu Dawud). It is the duty and responsibility of everyone to serve the needs of others, and Divine mercy and blessings will be showered on us.

Guvercin (2008) sees the practices of inclusive public education promulgated in federal special education law as directly in line with Islamic tradition. While she doesn't address the role of private Islamic schools in her article, she certainly cites the American system of inclusive education as a model for all to follow. Guvercin is perhaps also doing so as an encouragement to families emigrating from countries where inclusive education has yet to be adopted, and who may have kept their children at home or in segregated schools. Long and Shuttloffel (2005) cite the Catholic bishops' pastoral statement above as a call for inclusion in Catholic schools, as well.

These are wonderful positions, not completely unrealized in secular society. The Americans with Disabilities Act of 1990 codified many of the things mentioned in the pastoral statement promulgated 12 years earlier. Persons with disabilities now are guaranteed access to places of public accommodation and a number of other rights regarding employment and living in the community.

If The Message is Right, and Society is Changing, What is the Problem?

The inclusion and equality mantras seem to have largely been lost on faith-based school community itself. As advocates, we regularly get alerted to potentially discriminatory actions by faith-based schools, including:

- Expulsion or denial of privileges because of behavioral concerns related to the disability, even if such concerns do not pose a likely threat
- Denial of admission because of doubt the student can meet the school's standards
- Refusal to make accommodations that will not necessarily cost anything, but may inconvenience staff or other students

- Refusal to conduct a meeting when the parent wishes to bring an advocate along to help address disability-related issues, even if our stance as advocates is not always adversarial

The quandary is this, however. Faith-based schools are allowed to do all these things, because of exemptions granted to them from federal and state laws barring discrimination unless they receive federal funds other than school lunch dollars. This is a fact that school officials regularly explain to parents, and we as advocates are reminded of every time we check with attorney colleagues for possible loopholes. In other words, disability discrimination in the legal sense is largely impossible to pursue at faith-based schools.

Faith-based educators regularly promote programs such as scholarships or vouchers that allow parents the choice to choose a faith-based education using public dollars as an expression of religious freedom and a way to access education that may offer smaller classes and more academic rigor than the public schools. (National Conference of State Legislatures, 2014) There is nothing wrong with this principle unless one feels strongly that programs violate the separation of church and state and further burden public districts by diverting dollars. Without delving into that larger question, for our part, we work with many families that want, but cannot afford such a choice, and we are glad to see them have an option. However, we find it frustrating that even the Jon Peterson Scholarship, which is designed to extend such options to children with disabilities, specifically excludes disability from the non-discrimination policy scholarship providers are required to have.

Why is this? Not having participated in the framing of the law, it is hard to say for certain, but the truth is probably this—unlike any other form of acceptance, serving students with disabilities is not likely to be free of costs not otherwise covered. Architectural changes are expensive, as is some assistive technology. Specialists in therapies or behavior can cost more to have on staff than a teacher. While it is a good thing that the Americans with Disabilities Act was passed despite much fervor about it being an unfunded federal mandate, there is no denying that disability-related costs are not cheap. As one Catholic educator noted in the 1990s, Catholic schools do not have the luxury of public dollars to help them provide services in most cases. (AASA: The School Superintendents Association, 1997) This assertion is still quite true. Only 17 states have scholarships for private school choice, and only nine of these have programs for supporting students with disabilities, of which Ohio is one. (United States Conference of Catholic Bishops, 2014) Public school administrators, however, would certainly point out that they often do not receive adequate state and federal subsidies to meet those needs either.

What Are Some Solutions?

We do not deny that educating children with disabilities can be a costly challenge. We are saying, however that if some faith traditions who often operate faith-based schools are going to advocate publicly against euthanasia and abortion, and for community inclusion, on the grounds that the quality of life or life itself should not be connected to societal cost, but rather the value of a person as an individual, faith-based schools need to put more effort into living out this message at their schools. Not all accommodations

are expensive or even cost anything. It is simply not morally acceptable for a faith-based school to refuse to accommodate certain disabilities, simply because they are not required to by public laws. Nor is it acceptable under most faiths to put the preferences of the group over the genuine needs of the few. So, we ask every faith-based school administrator to consider the tenets of their faith before they default to, “We don’t have to,” when a parent makes a disability-related request. “What Would Jesus Do?” may have gotten trendy a few years back, but it shouldn’t be just a catchphrase.

As far as the needs that do cost significant money, we would like to see more efforts to collaborate to provide services. We do know some schools that sincerely try and do well serving students with disabilities, but there needs to be more uniform effort in the faith-based education community. Not every school needs to have every service, but more services would be affordable if schools collaborate, just like cost savings may result when combining schools. Would a full special education continuum at every school be ideal? Yes, but not a fair expectation. However, there are things that can be done. Crowley and Wall (2007) point out that paraprofessionals, not just special education teachers, can be a great help to students with disabilities in the private school classroom. Should all schools have instructors qualified to help those with mild disabilities even if those instructors are not full time at each school? Yes. Should all schools have at some paraprofessionals on staff rather than requiring that individual children have a special needs scholarship to pay to pay for their own paraprofessional in order to attend? Should all private schools try to work with Districts and each other to provide other services for other low incidence needs (for example, vision support and behavior consultation), as feasible? Yes. Can every school realistically retrofitted to be accessible? No, but when considering school closures, close the inaccessible ones first. Also, consider that accessibility doesn’t just benefit students with physical disabilities, but family and caregivers of every age and ability that may wish to attend students’ school events. Finally, should each school commit to providing simple accommodations and sincerely considering how they might serve any applicant with a disability, without being adversarial or dismissive? Yes!

Conclusion

Faith-based schools unquestionably face challenges in serving students with disabilities, but calls for the dignity of persons with disabilities cannot exempt faith-based schools themselves, not so much because of an obligation to those less fortunate, as many advocates of charity would say. Rather, because as Rabbi Dorff puts it, we need to recognize that we are all disabled in some way at some time in our lives, and we need to see people with disabilities as a reflection of humanity as a whole, not as “others.” In his vision of a changed world, “The real difference would be one of attitude. Instead of thinking of ourselves with all kinds of abilities and coping with whatever disabilities we have, and instead of modeling ourselves after people with no apparent disabilities, we would instead think of human beings as coming in all kinds of shapes and sizes, abilities and disabilities.” (Dorff, 2014)

Beyond just challenging faith-based schools to change, we as advocates must also offer our assistance. Since we cannot pursue many legal avenues against faith-based schools, we can, and should be seen, by faith-based schools as more of a potential partner than potential enemy. How we present our case as advocates, and how schools respond to our call, will be a test of how well we can all respond to the call of many faiths for unified work toward the good of the community.

References

- AASA: The School Superintendents Association. (1997, August). *The folly of public/parochial comparisons*. Retrieved from The School Administrator: <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=15468>
- Dorff, R. E. (2014). *Mishaneh Ha-Briyyot: A new Jewish approach to disabilities*. Retrieved from United Synagogue of Conservative Judaism: <http://www.uscj.org/JewishLivingandLearning/SocialAction/Accessibility/MishanehHaBriyyotANewJewishApproachtoDisabilities.aspx>
- Guvercin, H. (2008, May/June). People with disabilities from an Islamic perspective. *The Fountain*.
- Long, T. J., & Schuttloffel, M. J. (2006). A rationale for special education in Catholic schools. *Catholic Education: A Journal of Inquiry and Practice* , 443-452.
- National Conference of State Legislatures. (2014). *School voucher laws: state by state comparison*. Retrieved from <http://www.ncsl.org/research/education/voucher-law-comparison.aspx>
- United States Conference of Catholic Bishops. (1978, November 16). *Pastoral statement of U.S. Catholic Bishops on people with disabilities*. Retrieved from National Catholic Partnership on Disability: <http://www.ncpd.org/views-news-policy/policy/church/bishops/pastoral>
- United States Conference of Catholic Bishops. (2014, January 13). *Our greatest and best inheritance: Catholic schools and parental choice*. Retrieved from www.usccb.org/beliefs-and-teachings/how-we-teach/catholic-education/upload/Our-Greatest-Inheritance.pdf