

Invisible Children

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A series of severe child abuse cases in the state, all involving children who were reportedly homeschooled, are cause for concern. We review 4 such cases and the regulations regarding homeschooling in the state of North Carolina, exploring potential deficits in the system and suggesting ways of addressing them.

In early 2010, the Committee on Child Abuse and Neglect (CCAN) of the North Carolina Pediatric Society became concerned about a series of high-profile cases of severe child abuse. In several of these cases, the victim had long escaped attention because he or she was reportedly being homeschooled. The committee is composed of volunteers, including pediatric clinicians, board-certified child abuse pediatricians, and representatives from multiple North Carolina agencies, including the North Carolina Division of Social Services (DSS). Committee members decided to become more educated about the home school community by partnering with representatives of North Carolinians for Home Education, an organization that advocates for home schools across the state, and with the state agency that regulates home schools, the North Carolina Division of Non-Public Education (DNPE). After meeting multiple times, the group found consensus in a common commitment to the welfare and protection of children. Together participants grappled with the problem of “invisible children”—children whose parents intentionally hide them from their communities, sometimes under the guise of homeschooling.

As members of CCAN who participated in that series of discussions, we decided to write this article to document what was learned by the committee. We hope that other clinicians serving children in North Carolina will find the information useful. We want to emphasize that we do not mean to imply that children who are homeschooled are at increased risk of abuse. Rather, our goal is to illustrate through a series of cases that some caretakers take advantage of the laws that protect homeschooling to isolate their children, which allows abuse to go undetected.

Cases Involving Abuse or Neglect of Homeschooled Children

In June 2008, a television station affiliated with ABC News reported that 13-year-old Tyler McMillan had died in Edgecombe County, North Carolina, after being tied to a tree for nearly 18 hours on one of the hottest days of the

year. Tyler’s father told police that he tied his son to the tree, and left him there overnight, because he was being disobedient. Arrest warrants listed injuries that included bruising to the wrist, cuts to the entire body, and missing flesh from the buttocks. Tyler’s body temperature was 105.6 degrees Fahrenheit when he was taken to the hospital, and the autopsy report described insect bites over his arms and legs, and marks on his wrists and ankles consistent with plastic ties. His parents were charged with first-degree murder and felony child abuse. School officials reported to local news reporters that they had no record of the children in the McMillan family attending local schools. Neighbors reportedly said that Tyler and his 7- and 9-year-old siblings were homeschooled. The North Carolina DNPE was contacted and found no records indicating that this family had a registered home school listed under the name of either of Tyler’s parents, Brice and Sandra McMillan.

In another case, a 10-year-old girl, enrolled in a home school that was properly listed with the North Carolina DNPE, was found to be the victim of sexual abuse. The family was using a well-respected curriculum, and the child was progressing academically. Her father was very controlling, and severely limited the family’s contact with the community. Statements from the child reflected the extent to which her father kept her from seeing other people or even doing common things, such as going out for ice cream. The patient detailed how her father forced her to engage in sexual activities many times. Physical examination, including genital examination, found no signs of trauma; however, signs of trauma on physical examination are absent in most cases of sexual abuse. After disclosing the abuse, the patient began therapy and expressed relief that the father was no longer in the home, doing “those things.”

In 2008, ABC News affiliate station WTVD-TV in Raleigh, North Carolina, reported the tragic death of 4-year-old Sean Paddock. Sean’s adoptive mother, Lynn Paddock, was accused of having punished him by wrapping him in blankets so tightly that he suffocated. Lynn Paddock’s stepdaughter and her 5 adopted children all testified at her trial

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and described the horrific physical and emotional abuse that occurred in their home. According to their testimony, Mrs. Paddock duct-taped the children's mouths, forced them to eat their own vomit and feces, beat them with polyvinyl chloride (PVC) pipe, put soap in their eyes, withheld food for days, forced them to sit for hours with their legs crossed and their hands on their heads, and forced them to jump on a mini-trampoline for hours. Community members had been concerned about abuse in the Paddock home in the past, and DSS had previously investigated the family. In June of 2008, a jury found Lynn Paddock guilty of first-degree murder by torture and felony child abuse in the death of her 4-year-old adoptive son, Sean. It was later revealed that older children in the family were homeschooled. The North Carolina Child Fatality Review Team, which is responsible for reviewing all child deaths in the state, released findings and recommendations in June of 2008. According to those findings and DNPE's web site, Lynn Paddock had a registered home school, Benjamin Street School. The Child Fatality Review Team also noted that because DNPE has limited funding and oversight resources, it is unable to make site visits to monitor and support home schools' compliance with state policies and regulations.

In another case, a 13-year-old boy sought the help of his former guidance counselor after he was removed from public school, supposedly to be homeschooled. Public records confirm that the family had registered him as being homeschooled. The child reported that his year of homeschooling had consisted of his parents prompting him to write in a journal. However, he stated that he had not done this for several weeks. The family had a previous report for physical abuse, an allegation that was not substantiated by Child Protective Services. However, the boy ultimately broke out of his home, hid until daylight, and then sought out his former counselor. He reported multiple instances of abuse and neglect, including being locked in a windowless room for 24 hours at a time and going hungry because of insufficient food. Ultimately, it was determined that he had been starved and had not been receiving adequate medical care, and that the family had never implemented intensive behavioral treatment and an Individual Educational Plan recommended to them by a private psychologist. The child was removed from the home and the parents were convicted on charges of child abuse/neglect.

Gaps in the Monitoring of Home Schools in North Carolina

Unfortunately, these highly publicized tragedies highlight an experience that is too commonly encountered by physicians caring for children who have been abused and neglected. Homeschooling is not to blame for the horrific acts described above. It is quite clear that homeschooling requires a tremendous amount of dedication of both time and resources by parents to provide a quality education and that many children achieve excellence in this educational

setting [1]. However, we are concerned about potential gaps in the system that may put some children at risk. Our goal is to review the current requirements for home schools in North Carolina, and to provide recommendations for those who provide care and services to homeschooled children in our state. Ultimately, we hope to better equip our community with the tools needed to help minimize the risks that some children may face.

As members of CCAN, we first collected information to help us better understand the scope of this problem. A primary concern of ours is the underfunding and understaffing of the North Carolina agency responsible for monitoring home schools. The North Carolina DNPE exists by authority of North Carolina General Statutes 561, 563(b), and 566(a) to administer the requirements of Article 39, Chapter 115C of the statutes, which govern nonpublic schools, including home schools [2, 3]. DNPE is responsible for monitoring compliance with those laws.

Current North Carolina law provides a clear framework for homeschooling but does not require home schools to meet any achievement standards. Additionally, current staffing does not allow any significant enforcement of the existing requirements. In 2010, at the time of our committee's review, DNPE had 6 staff members, 3 of whom were clerical workers, and it was responsible for monitoring 45,000 home schools that had an estimated 80,000 students. Staff members have explained that they have personal face-to-face contact with some families that voluntarily come to an advertised meeting place to meet with the DNPE. In a given year, contact is made with approximately 300 families in this manner. This does not involve a visit to the home school or a visit to the home by the DNPE, but rather a meeting between the DNPE and the chief administrator of the home school at a designated location in the community. Clearly, DNPE has been innovative in their approach to meeting with as many families as possible, given the limited resources that they have been provided. However, it is critical to emphasize that 300 families constitute less than 1% of registered home schools in North Carolina. Although it is true that DNPE can send a letter to the home school to request that they be allowed to visit and review records, due to staffing limitations this rarely occurs. We learned through communication with DNPE in 2010 that no one on the staff had physically been to the home of a homeschooled child to conduct a home visit as part of the monitoring process since the year 2000. DNPE does routinely request that home schools make records available for inspection by mail. Of the 45,000 schools, test scores and attendance records are sent in for only approximately 7,000 schools yearly. Although DNPE truly wants to provide oversight that is adequate and effective, the resource constraints are significant.

Under North Carolina law, parents are required to notify DNPE that they are going to establish a home school. Parents establishing a home school are required to have a high school diploma, and to keep attendance records and

immunization records. Homeschooled children are required to take national standardized achievement tests annually; however, the law does not specify which tests must be taken, nor does it mandate that the student achieve a certain minimum score on any nationally standardized test in order for the guardian to be legally permitted to continue to home-school that student in the future [3].

We learned that DNPE lists home schools by the name of the chief administrator or by the name of the school—not by the child’s name. If an individual would like to confirm that a home school is registered with DNPE, they can do so through the DNPE Web site, where the registered home schools are listed under the administrator’s name [3]. However, there is no mechanism by which anyone, including DNPE, can look up any individual child to determine what nonpublic school that child attends, or whether he or she attends any school at all.

There is a 2-family limit on home schools. However, there is no limit on the number of children who are allowed to attend; therefore, the number of students enrolled may vary based on family size. . Every month, a list of closed home schools is published on the DNPE Web site. Although in the past individual letters were sent to school superintendents regarding home school closures, this practice has been stopped due to the cost of sending a large number of letters every month. The posted closings on the Web site allow school social workers to check this information if the need arises.

Although DNPE is responsible for monitoring schools that are registered as home schools, if a school is not registered, DNPE has no authority over it. If there is concern that a child is enrolled in neither a home school nor a public school, to whom should a report be made? Medical professionals are clearly bound by confidentiality rules that make it difficult to report such a concern to regulatory bodies such as the personnel responsible for handling truancy in the public school system. According to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, personal health information cannot be provided without consent from the patient or guardian [4]. Exceptions are made in cases of suspected child abuse and neglect, where specific NC statutes require reports to DSS [5]. In such circumstances, when reporting suspicions of abuse or neglect to DSS, consent from the family is not needed. However, these statutes do not specifically allow physicians to report concerns to other state or community agencies including DNPE without parental consent. Information regarding DSS’s handling of reports involving educational neglect can be found in section 1407 of chapter 8 of the online DSS manual [6]. The manual states that matters of truancy and educational neglect should be screened out and not investigated; however, the manual further states that an exception to this rule exists when a caregiver is contributing to truancy.

We recognize that additional information needs to be gathered, and that continued sharing of data between

TABLE 1.
Recommendations for Protecting Children Against Child Abuse and Neglect

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| Recommendations for clinicians and medical team members | <ol style="list-style-type: none"> 1. Consider asking these helpful questions when interviewing families about homeschooling: What curriculum do you use? What is your typical daily schedule? Is your family involved in any co-ops or enrichment activities? 2. Become familiar with state laws regarding homeschooling. 3. If you have concerns, contact the North Carolina Department of Non-Public Education (DNPE) to determine whether a home school is registered. Due to confidentiality rules, a report regarding concerns about a home school cannot be made to DNPE unless consent is first obtained from the family. 4. If the child’s home school is not registered, after obtaining parental consent, report the child to the public school system as being truant. 5. If you suspect educational neglect or child abuse, report this to the North Carolina Division of Social Services (DSS) and emphasize that you are concerned that the caretaker is contributing to the child’s truancy (no consent needed). 6. Look for opportunities to explore potential research regarding the impact of homeschooling on child maltreatment. <p><i>Due to Health Insurance Portability and Accountability Act confidentiality rules, without parental consent a clinician is only allowed to make a report to DSS, and not to truancy personnel associated with the public school system or to DNPE.</i></p> |
| Recommendations for members of homeschooling communities | <ol style="list-style-type: none"> 1. Become familiar with signs of child maltreatment, and if you suspect child abuse or neglect, including educational neglect, report it to DSS. 2. If you suspect educational neglect in another homeschooling family, make a report to DNPE. |
| Recommendations for government regulatory agencies | <ol style="list-style-type: none"> 1. Require that all school-aged children be registered by name and date of birth by the Department of Public Instruction and/or DNPE. 2. Ensure that this information is kept confidential and protected so that it is not considered to be a matter of public record.” Allow access to county departments of social services and to law enforcement agencies for purposes of investigation. 3. Establish a method by which community members can anonymously report suspected educational neglect to DNPE. 4. Find additional resources to ensure appropriate monitoring and oversight, including home visits for home schools. 5. Become familiar with signs of child maltreatment and report any concern about child abuse or neglect, including educational neglect, to DSS. 6. Work to establish clearly defined roles and formal collaborations between different agencies, including DNPE, the public school system, and DSS, to ensure that concerns reported by community members are adequately addressed. |

experts across disciplines may help address some of the questions we raise here. Such information gathering may be best orchestrated by a task force composed of individuals offering an even broader base of expertise than that found in our committee. We propose that the organization of such a task force may be the best next step. However, we would also like to offer some recommendations (see Table 1) for consideration while further data are being collected.

Recommendations for State Supervision of Home Schools

We recommend that the adequacy of available resources to ensure appropriate monitoring and oversight of home schools be assessed and that additional resources be allocated as needed. Furthermore, consideration should be given to requiring home visits for all home schools. We believe that if DNPE is to improve supervision of children who are homeschooled, increased funding and staffing are needed. We also propose that students be registered. An additional requirement to register homeschooled children by name and date of birth may help to create an opportunity for contact with a family, and therefore an opportunity to recognize signs of abuse or neglect. Additionally, failure to comply with this requirement may serve as a red flag for investigating agencies, such as DSS, when abuse or neglect is suspected. Furthermore, we recommend that DNPE make available an anonymous method of reporting abuses of the nonpublic education system. If a home school has been deemed noncompliant with DNPE's requirements and has been removed from the list of home schools, a process should be in place for reporting the decertification of the school to the appropriate investigating body—either DSS or the people who are responsible for handling truancy in the public school system. Cooperation and communication between these different regulatory entities is critical to ensure that concerns brought forth by community members or clinicians are addressed. Clearly defined roles and formal collaborations between different agencies, including DNPE, the public school system, and DSS should be established.

Recommendations for Health Care Providers

Clinicians can ask questions of families that homeschool their children just as they ask questions about a child's performance in a public or private school. Asking the name of the school and the name of the administrator is a starting point. Also asking about grade level, yearly testing, and the type of curriculum being used can be helpful. Clinicians who want to see whether a child is enrolled in a registered school can contact DNPE (contact information is available at <http://www.ncdnpe.org/hhh102.aspx>) and give them the name of the school or its principal and get confirmation that the school is registered. To avoid a breach in confidentiality, we recommend obtaining consent from the parent before checking with DNPE. If a clinician is concerned about educational neglect or obtains confirmation that the child is not

in a registered home school, the child should be reported to DSS. Such a report to DSS does not require parental consent, and the reporter should emphasize specific concern that the caregiver is contributing to truancy [5]. Although reports of truancy can also be made to the public school system, doing so requires that patient information be disclosed, which also requires parental consent.

Recommendations for the Homeschooling Community

There are 3 major home school associations in North Carolina that offer families support as well as instruction regarding the current laws and regulations governing home schools. Although these home school associations are not regulatory agencies, they do offer homeschooling families such resources as enrichment activities for students. Collaborations, including co-ops and support groups, are often organized. Our discussions with the leadership of the home school parent group North Carolinians for Home Education have led us to believe that parents who are doing a good job of educating their children may come into contact with parents who are not adequately homeschooling their children or who may be abusing them. We propose that education of the home school community regarding child maltreatment be offered through these organizations and through community support groups. Such education would assist community members in recognizing the signs of child abuse and make them aware of their duty as citizens to report it.

Discussion

It is important to recognize that home school advocates may feel unjustly linked to child abuse. We want to be clear that we consider this problem one of child maltreatment presented under the pretext of homeschooling. Concern has been expressed that inappropriately connecting child abuse and homeschooling may lead to discrimination, infringement of parental rights, and invasion of privacy. It is true that children in the private or public school setting, as well as in a home school setting, may be abused. It is also true that when children in public and private schools are abused, the abuse sometimes goes undetected. It has been stated by home school advocates that increased regulation for home schools would not ensure that child abuse could always be identified. In fact, in 2 of the cases discussed above, other community members had seen signs of abuse, and DSS had previously been involved. Although we certainly recognize that undetected child abuse can occur in any educational setting, we recommend that documentation of each homeschooled child's name and age and the location of their home school be required. Although we know that regulation is not a panacea, we propose this as a compromise that would help protect abused children who might otherwise escape recognition, while also protecting the rights of families to educate their children at home.

Research exploring any potential link between homeschooling and child maltreatment should be carried out. Despite the heated debate, there is a surprising paucity of evidence on this topic in the medical literature. We recognize that the community exposure offered by the public school system has long served as a safety net for children [7, 8].

The Fourth National Incidence Study of Child Abuse and Neglect, which is a congressionally mandated research effort to assess the incidence of child abuse and neglect in the United States, does look at children enrolled in school versus those not enrolled. However, it is important to note that this data does not differentiate between types of school, placing children who attend home school, those who attend public school, and those who attend private school all in the same category. This national study highlights that teachers and school personnel play a large role in reporting child abuse and neglect [9]. With school personnel being a primary source for professional reporting of child abuse, the impact of homeschooling on child maltreatment reporting should be explored. Again, we want to emphasize that we recognize that at this point there is no data to support or refute the claim that homeschooling increases a child's risk of being mistreated. We suggest, however, that further data needs to be gathered, and that identifying a child by name, date of birth, and school enrollment would assist in that process.

In summary, families that homeschool their children are to be commended for their great dedication to their children and for their efforts to produce both excellent students and citizens in the home school setting. The merit of homeschooling is not the question at hand. Rather, the question is this: How can we as health care providers team with the homeschooling community and the state of North Carolina to help prevent child maltreatment and educational neglect? Additionally, how can we prevent abusive caretakers from manipulating the current homeschooling regulations to hide abused children? Clearly, collaboration among all parties is paramount in our attempt to end the exploitation and abuse of these invisible children. **NCMJ**

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