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**ORAL HISTORY VIDEO INTERVIEW WITH  
PAT HOWEY  
DECEMBER 6, 2016  
INTERVIEWER: JANE HARLAN-SIMMONS  
VIDEOGRAPHER: PEGGY HOLTZ  
RECORD ID: 48-DO**

**PH:** PAT HOWEY

**JHS:** JANE HARLAN-SIMMONS

**PJH:** PEGGY J. HOLTZ

[00:00:10]

**JHS:** This interview is by Jane Harlan-Simmons with Pat Howey on December 5th, 2016 at the Indiana Governor's Council for People with Disabilities Annual Conference. So yeah, I mean, we have a theme today, but I think you have things that you could probably go beyond. Our theme is transition. And I understand that you have a lot to say about that. And then there was another area that I was told you --

**PJH:** Special ed.

**JHS:** Special ed?

**PH:** Special ed is my area of expertise, yes.

**JHS:** Okay, yeah.

**PH:** Whatever that means.

**JHS:** And for our collection would you say we need more transition or younger years?

**PJH:** Younger years.

[00:00:58]

**PH:** Well, I have a question: When you say "transition," what do you mean? Because there are lots and lots of transitions.

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[00:01:06]

**JHS:** Right. And we are talking at the conference here today more generally. But I guess I understood that you, you know, could speak about the transition from high school and beyond --

**PH:** But everybody knows about that. What people don't seem to understand is there are lots and lots of transitions from the time a child is born until that period. And schools have to prepare people -- parents and the student -- for that transition into adulthood post-secondary or whatever, but nobody tells you that there's also a transition from early intervention -- First Steps in Indiana -- into the preschool program, which is public education. There don't seem to be many training programs around to help people with that. There's also a transition from preschool into elementary school. Then there's a big transition, usually in grade three, when the academic requirements really ramp up. Kids are expected to know more, they're expected to be more independent, and a lot of kids with disabilities have to learn that -- that doesn't come automatically with them.

[00:02:23]

So usually third grade is a really, really big transition period where a lot of kids, particularly those with undiagnosed disabilities, really start to struggle. Then there's another transition, depending on the school corporation you're in, depending on the school you're in when they start changing classes and teachers. In some schools that's as early as fifth grade. They have a fifth, sixth, and seventh grade. They start changing classes, they start changing teachers. So kids lose that security they have with the one teacher that they've had that knows them. They're expected to be more organized. Fifth-graders are not real organized to begin with. And then when you take a child with a disability who maybe has attention deficit disorder, organizational problems, now all of a sudden they're in fifth grade, they're expected to be organized. They're expected to remember not only to bring their books and their paper to class -- to multiple classes -- they're expected to remember to hand their homework in.

Some of them don't know how to do that, they have to be taught how to do that. And then there's the transition from middle school, or junior high, or whatever it's called into high school, which, again, is another big transition. Some of these kids go from a relatively small school into a huge factory high school -- that's a major transition for them. So when you're talking about kids with disabilities, you have to look at every transition -- every transition. And there are no training programs so there's really no preparation for parents or students except for that big one in high school when they're supposed to be preparing them for post-secondary adulthood life on the outside of school. So when you say transition, it's really difficult for me to narrow it down to any one particular transition.

[00:04:25]

**JHS:** There's no need to do that. [ laughter ] One thing we usually ask at the beginning is if you can tell us your name, where you're from, and I mean, in this case if you want to tell us what you're doing or if you're retired, that kind of thing.

[00:04:37]

**PH:** No, I will never retire. I have way too much fun at what I do. But anyway, my name is Pat Howey. I am from Tippecanoe County -- the middle of Tippecanoe County, the middle of the cornfield or a bean field, whichever the case may be. I have been a special education advocate for families since about 1987. I got into this field because I had -- my youngest child was born with a connective tissue disorder. She had some pretty severe disabilities. She had some severe health problems. She was in a wheelchair from the time she was seven until she was about thirteen. And so I just kind of started off with the experiences I had with her. And special education advocacy throughout the whole United States, that's what happens -- parents are successful with their own children, so they get called by other parents to help them.

Because there really aren't that many training programs, there's no requirement in special education advocacy for there to be any education or training. It's really not a profession; it's more like a cottage industry. And that's how I got started. Then after we went through our special education hearing on our daughter and ended up in federal court, I decided I wanted to go back to school. And so I went back to school and graduated from St. Mary-of-the-Woods with a bachelor's degree in paralegal studies. So in addition to my special education advocacy, I also do contract work for attorneys just on special education cases. I limit myself to that.

**JHS:** So when you say special education advocate, are you an independent person? You're not hired by a school system?

[00:06:35]

**PH:** No, no. I work for parents. I don't work for schools, I work for parents. I also am on the faculty of the College of William and Mary's Institute of Special Education Advocacy, which is one of just a couple of programs and the only program at the graduate level. And it's put on by Wrights Law out of Virginia; the Oklahoma Disability Law Center, which is Oklahoma's protection and advocacy; and the PELE Clinic at the College of William and Mary Law School, which is a clinic that provides free special education advocacy services to people in that regional area. Law students provide those services and also the director of the clinic does. We have probably I'm guessing eight to ten faculty members and we all donate our time -- it's all volunteer.

If we want to, we can get our expenses recovered, but most of us don't do that. We volunteer our time to do this. And we've done this for six years now and we've trained approximately 250 advocates, law students, and attorneys through this clinic.

**JHS:** How many other special ed advocates would you say there are in Indiana?

[00:08:05]

**PH:** Not very many. There are a very few that do things to the extent that I do because I have represented parents at due process hearings. I am not aware of any other special education advocates that do that. Now, I prefer to refer those to attorneys and most of the time I do refer those cases to attorneys, but I can do a hearing. And like I say, I'm not aware of any other lay advocate that does that within the state.

[00:08:38]

**JHS:** Well, because this is a history project, we would love to hear more about the court case that involved your daughter. But I'm torn, you know, I'd also like to hear your perspective on how things have changed over the years, you know, from your earlier knowledge of the field into how things look today. So if you could sort of fit both of those things in, that would be great.

**PH:** I think I probably can do that. Like I said before, I first got involved in special education advocacy pretty much the day my daughter entered kindergarten. Because we went to this meeting, which at the time I thought was like a parent-teacher conference. And I was told that because she had a physical disability that the best place for her to go to school was to be put on a bus and taken into Lafayette to Murdock School, which is where all the kids with physical disabilities went to school because all the services were there. And I was completely mystified by this because she was almost six years old. She'd gone on vacation with us, she went to church with us, she went out to restaurants with us. She went everywhere. She was completely included in the community, and now all of a sudden she had to go to a different school than her brothers and sisters?

[00:10:06]

I didn't understand that. And we all have within us a little inner voice that tries to tell us when something's wrong, and we're usually not very good about listening to it. But my little inner voice was screaming at me, "This doesn't sound right. She shouldn't have to be put on a bus and spend 45 minutes on a bus one way just to go to school." And we had some really, really good independent physical and occupational therapists at the time, and they said, "Why don't you contact this attorney in Frankfort, Indiana? Because he had a child with a physical disability, and he was able to get things changed." So my husband and I went over to see him. We made an appointment, went to see him. He wrote one letter and the school just kind of folded and said, "Okay, yeah, she can go to her regular school." And I thought that was great. I thought that was wonderful.

[00:11:07]

And I still knew this much about special education. As a matter of fact, I like to tell the parents that I work with, "You are so much smarter than I was when my child was your age." Because my daughter's first IEP had one goal, and it was that she would successfully complete the requirements of kindergarten. I thought that was wonderful. That's what I wanted her to do. You know, I wanted her to complete the requirements of kindergarten. Never occurred to me that the only way you could really measure that goal was if she didn't do it. And then it's kind of like an oops goal -- oops, what are we going to do? She didn't complete the requirements. As time went on and I learned a little bit more about special education, we began to get a really, really strong advocacy movement in Tippecanoe County. There was a group that had been around for a long time called Parents for Special Education -- was that the name of it?

[00:12:09]

Yeah, because we changed it later to Parents and Professionals for Special Education, TPPSE -- Tippecanoe Parents and Professionals for Special Education. So we got a really strong advocacy group, we had IN\*Source come in. They trained 100 people. We had over 100 people at that training. And out of that training evolved a very strong advocacy group. And we started to learn, we started to file complaints. Over a period of two and a half years we had I don't know how many Office for Civil Rights complaints. As a matter of fact, they threatened to come rent an apartment in Lafayette because they were there so much. And we had a number of parents who requested hearings, including us. In short, we were able to make a lot of changes. We had people filing state complaints. I mean, they were just active all over the place. And in the course of after our hearing and after our court case where we were able to recover attorney's fees for our hearing, we had two superintendents that retired early; the director of special education retired earlier; we had several school board members who declined to run again for school board.

[00:13:34]

And things were really, really good for several years. What I'm seeing now is we're fighting the same battles that we fought back in the late '80s and early '90s. We have kids on special education school buses who are losing I don't know how many minutes a day because they're arriving at school late and they're leaving early. So we have transportation issues that are based solely on special education busing. We are hearing the same things today that we heard back in the '80s and '90s -- we would love to do that, but we don't have the money for it. Things like that. So things tend to run in cycles. And I think what's happening now is we are into a cycle where we need to have some very, very strong parent advocacy. We need to have parents actually get involved. Unfortunately, they need to start requesting hearings; they need to start filing complaints.

Because a lot of times the only thing that schools will understand, unfortunately, is when you hit them in the pocketbook, when you hit them in their wallets. And that's unfortunate because it's our money. So when you have a child with a disability and you file for a hearing, you pay for your attorney's fees to try to receive the free appropriate public education that you've already paid your tax dollars for. And if you win, then you can collect your attorney's fees, which the school has to pay, which your tax money has already paid for. So you end up paying for your child's education two to three times if you fight the system. Not every parent can afford to do that. As a matter of fact, most parents can't afford to do that. So in kind of a roundabout way, have I covered everything that you --

**JHS:** Yeah. I mean, [inaudible] there's a lot more areas where we could go into detail. Boy, that's just -- I'm kind of shocked that there's been as little progress. I mean, do you feel like there's been progress?

[00:15:49]

**PH:** Yes, I think there was, but unfortunately, parents have to stay vigilant. They have to stay vigilant. One of the things that I told the partners yesterday in my presentation was we have not been very, very good as parents and advocates in going to Washington when the federal law is being reauthorized. Number one, there's no requirement to ever reauthorize the federal law; it's self-perpetuating. But what

happens is the schools don't like what's going on, and so they go to Congress and they start lobbying to reauthorize it because they want changes to be made. And one example is when the law was last reauthorized in 2004 -- the school administrators, by the way, are already in Washington, D.C. lobbying and they have been for several years. The National School Boards Association has already been lobbying.

[00:16:50]

The School Psychologists National Association has already been lobbying for changes in IDEA. They want to do away with due process -- I don't know how they'll ever do that because that's a constitutional right. But anyway, in 2004 when it was being reauthorized the school lobbyists went to Washington and said, "You have to do something about all these hearing requests we're getting. We are just being -- you know, we don't know where they're coming from. They're like a lightning bolt out of the blue. We didn't even know these parents were unhappy and now all of a sudden we've got a hearing that we've got to go to." Even though that parent has probably gone to 15 IEP meetings and dad left the room crying -- or dad left the room yelling and mom left the room crying, the schools claim they didn't have a clue that the parents were unhappy. So what happened when IDEA was reauthorized in 2004 is they added the resolution meeting. Because once the hearing is requested, now what parents have to do, they have to go to a resolution meeting where the school gets another bite at the apple to try to remedy what they had 12 months to remedy before.

[00:18:04]

So that was one of the changes that happened. It's not a really big deal, but the inequity of it is if the parents don't go to the resolution meeting, they don't get to have a hearing. If the schools request the hearing, there's no requirement for them to go to a resolution meeting with the parent. So it's kind of an inequitable thing. But that's our fault as parents, advocates, and stakeholders -- we weren't there. We have not done a very good job of being there when these laws are being reauthorized or commenting on the regulations and things like that. Well, I don't know about anyone else, but I'm going to be there. I'm going to be there on the steps of Washington, D.C. if it's authorized again, and I'm going to make myself heard because I've been as guilty as everyone else in not taking part in the systemic, the nationwide things. I've just kind of carved out a little niche here in Indiana where I try to do things.

My motto has always been changing the world one child at a time. And it's too slow. I'm not going to live long enough to be able to do that. So my goal now is to try and go after systemic changes, to try and make things better by going at it at a higher level.

**JHS:** [ Inaudible ] trainings that you are doing [inaudible] [clearing throat in background]

**PH:** Yes.

[00:19:33]

**JHS:** Wow. It's ten or so I guess we should probably -- you know, we could really do a more lengthy interview with you. And I apologize that we don't have more time.

[00:19:43]

**PH:** That's fine.

**PJH:** Lora had told her to show up a little late so we can go a little longer.

**JHS:** Oh, okay.

**PJH:** Because Lora was the one who said come a little later.

**PH:** Yeah, I could have been here at 20 after. I did have one thing. I did review the article that you had in the brochure for the conference. Wish I'd had that -- that would have saved me a little bit of research. But one of the things I did not see in there, and I just want to make sure that you have the information on it -- and you may have it, but it just wasn't in that -- were you aware that in Indiana in 1931 the Indiana legislature passed a law requiring school districts to establish special classes or courses, this is public schools in 1931, children three or more years retarded -- not my words; that's what the law said back then -- instruction adapted to their needs of their mental attainment. Nineteen thirty-one we had a state law that said public schools were supposed to provide a public education to this one small group of kids with intellectual disabilities.

[00:20:57]

To the best of my knowledge, that law went completely unnoticed until about 19 -- let me think about this -- about 1965. In Benton County there was a gentleman there and his wife by the name of George and Stony Early [assumed spelling] who started a program at the Oxford High School for kids with intellectual disabilities. That is the only program I'm aware of in the state of Indiana before the law was passed in 1975. Are you aware of that law? Are you aware of any programs where that was done?

**JHS:** I'm sure we have that on our timeline, but I -- yeah, I need to know more about that obviously.

**PH:** Yeah. Well, I found this -- I first did this presentation on the history of special education in 2012. And I found this law still on the books. But when I went back to look for it in preparation for the Partner's training I was doing, I couldn't find it. It doesn't mean it's not there, it may mean I just looked in the wrong place. It may have been repealed. But in 2012 it was still on the books. So I'm looking for someplace where I can find those old laws so that I can verify that this actually happened. So I don't know if you --

**JHS:** So were you thinking that this was really unusual for Indiana to have such a law?

[00:22:32]

**PH:** Oh, yeah, absolutely. Because IDEA is 41 years old, and of course, you have the information on the School for the Deaf, it's 173 years old; the School for the Blind is 169 years old. But for these kids with specific cognitive impairments, that law was 85 years old. As of today it would have been 85 years old. It was not repealed as of 1975 when the Education for All Handicapped Children Act was passed. But I'd like to find out what happened to it between 2012 and 2016. I need access to the old laws that were

repealed in order to find that. Because you just are now going to have to take my word that it was there in 2012 until I can find it somewhere else.

[00:23:24]

[ Inaudible ]

**PH:** So. But that was the main thing I wanted to let you know and that in the history of education in Indiana, even with all these old laws, was focused on institutionalization. You know, the Muscatatuck Center, the Fort Wayne Developmental Center, Silvercrest Children's Development Center -- those were all institutions where we sent kids. So were we ahead of the curve? Yes, we were way ahead of the curve. And, you know, that's a good thing to say for Indiana, but it's still sad to say that the only options for education that these parents had was to send their kids far, far away from home in order to be provided with any kind of an education at all. But, you know, Indiana was ahead of the curve.

**JHS:** Can we say that? Nobody enforced it, was it pretty much ignored? I don't understand that.

**PH:** Well, you know what? I have yet to see a law where there was a clause in it that called for police officers. They make us the police officers. So somebody encouraged the Indiana legislature to pass this law in 1931, and then they thought their work was done. And it wasn't. Because we become the police officers. There's no ADA police around, there's no 504 police around. You know, they respond to complaints from the stakeholders. And so, you know, somebody just didn't know what else they had to do. And it was 1931. Remember, women only had had the vote for how long in 1931? So times were different back then. I'm not saying anyone was at fault for not doing any more, but what I'm saying is we had a law on the books to serve in the public schools children with specific cognitive impairments. And as far as I know, it was never done.

[00:25:34]

**JHS:** It's really good to point that out. All right. Well, I guess we have to wrap up.

**PJH:** Well, I think [inaudible]. One thing we don't have a lot of -- you had mention the transition from infant up. If you could talk just a little bit about that because we don't really have any information in that area.

[00:25:57]

**PH:** Well, that's probably because there isn't a lot of information in that area. I think each agency is required -- for example, First Steps in Indiana, I think they're required to give information to parents about the transition into the public school setting, and they do their best. But let me tell you what, I remember my daughter was in the old Wabash Center Preschool, which was open to all kids with disabilities; it wasn't just any one particular disability. And I remember she was actually out of that program when she was four because she didn't meet the criteria anymore. And I remember going to this little workshop that they had on when your child enters public school and you can expect this and this, and it's just like it went right over my head because she was four years old. The thought of her going into public school was so foreign to me I didn't understand anything they were saying. So as a result, two years later when she went into kindergarten, I was not prepared.



[00:26:58]

That may be part of it, particularly if kids age out of a program or if they fail to qualify anymore for a program. But there really aren't. There really is not much of a focus on preparing parents for all these other transitions. There's a big focus in Indiana law and the federal law on the transition into adulthood. But I will tell you the reason we went to the hearing in 1987 on my daughter was because we had been told by our private evaluators that she would not -- by the time she was in the third grade she would physically not be able to meet the qualifications that were required by writing. Because she just couldn't write that well. She didn't have the strength to. So we wanted her to have a laptop computer. And there was no dispute on the laptop computer -- the school said, "Yeah, we'll provide it. We'll provide it in third grade." And we're going, "Wait a minute. So you've already told us that third grade is going to be very difficult for her because of the academic requirements.

Now you want to add a piece of equipment, and instruction in that equipment, and touch typing in addition to all of that? We want it now so she's prepared for third grade." And a lot of parents are that way, they're looking ahead. They want to prepare for things where schools -- schools react to things. We'll do it when it's necessary. They don't think about the preparation a lot of times. So we went to the hearing and the hearing officer agreed with us. And she was provided with a laptop computer, a little dinosaur by today's standards. And one of the school's occupational therapists had told us that one of the reasons they did not want to provide it until third grade is that they didn't think the anatomy of her hands would allow her to learn to touch type until third grade -- this is a myth and a low expectation. Because she received the laptop computer all through second grade, she received touch typing instruction.

[00:29:06]

And by the time she was in the third grade, she was typing 45 words a minute. By the time she was in middle school, the teacher was asking her to help teach the class. You know what she's doing today? Today she is a systems analyst for Epic Medical Records Systems for IU Health. I love it when her old teachers or her old principal ask me, "By the way, how's Tiffany doing?" And I start out with, "Interesting you should ask that, would you like to know what she's doing today? Remember when we went to the hearing over the laptop computer? Well, guess what her occupation is?" Because we had asked for that laptop computer -- back then the term assistive technology was not even in the law. We asked for it as part of her vocational education to prepare her for that transition. Now, we're talking about a first-grader here. We asked for a laptop computer in first grade to prepare her for the transition into adulthood, as well as the third grade.

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And I love it when they ask me that because it's like, you know, we didn't know what she was going to be when she grew up. But I'll tell you what, she is an independent, self-sufficient, functioning taxpayer today when she could have been on SSI. So but there was nothing to prepare us for that, that was just kind of like my little inner voice saying, "You need to pursue this."

[00:30:40]

**JHS:** Can you just give us an anchor as far as what year, either first grade or the hearing year, just a little bit of a date.

**PH:** The hearing was in 1987. Back then there were no specific timelines to go to federal court to recover attorney's fees. So that happened in 1989, and we got the decision in 1990. And one of the things I tell parents and wannabe advocates is go read that decision. Go read *Howey v. Tippecanoe School Corporation* because you will see in that decision the kind of advocate or parent you don't want to be. Because we could have received -- we were asking for \$50,000 to \$60,000 of attorney's fees. That was cut down to less than a third of that because of the way I had advocated for my daughter. Very simply, what I did was I said, "It's my way or the highway. I'm going to write the IEP, you're going to do everything my way." Those were the tools I had at the time and they worked, but they're not good tools.

[00:31:55]

I have better tools now. The IEP is a process. No one on that IEP team can go in and say, "This is the way you're going to do it because I say you did it." That all came back to haunt me in the federal court case. You'll see -- and Judge Sharp was very kind to me because I was very bold. I had no idea what I was doing. I didn't know you were supposed to show respect in a federal court. Fortunate he liked women. And so he cut me a lot of slack when he didn't have to. But we did lose a lot of attorney's fees simply because that's not the way you advocate. You advocate as a team approach, not as it's my way or the highway. So yeah, that's a matter of public record. You can just Google "*Howey v. Tippecanoe School Corporation*." And when you read the decision, it pretty much tells you why Judge Sharp -- you know, there's a lot of it that's not true, but it doesn't matter.

The school presented that case and Judge Sharp accepted it. And so now it's history. And so now when I train parents I say, "Do as I say, not as I did. Because all this stuff can come back to haunt you later." I was -- I was like a bull in a China shop. IN\*Source taught me about the law and I just took it and ran with it, and you can't do that. But I did. And let me end with this: If I had it to do all over again with the same tools I had, I would not change a thing. Because I look at my daughter today, I look at how successful she is both in her personal life, in her work, in her social life, and I did a good job with the tools that I had at the time. And I wouldn't change a thing. But I have better tools now, and those are the tools I try to give to other parents. That a good way to end it?

[00:33:58]

**JHS:** [Inaudible] [laughing] end it, yes, yes.

[End of interview]