

וְשִׁנְנֶתְם לְבָנֵיכֶם

“And you shall teach them diligently to your children”

Providing a Jewish Education for Children with Special Needs

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*Members voting in favor: Rabbis Miriam Berkowitz, Elliot Dorff, Jerome Epstein, Robert Fine, Baruch Frydman-Kohl, Reuven Hammer, Josh Heller, Adam Kligfeld, Aaron Mackler, Daniel Nevins, Avram Reisner, Philip Scheim, Elie Spitz, Barry Starr, Jay Stein, David Wise.*

שאלה

Is the Jewish community obligated to educate Jewish children with special needs?

תשובה

**Introduction:**

The rabbinic text most interested in education is Passover Haggadah. In it we bring to life the rabbinic dictum להגדת לבנך.<sup>1</sup> In the Haggadah the most popular component is the four questions in which the text describes four children, the wise, the wicked, the simple and the child who doesn't (even) know how to ask. The response to each child prescribed by the text, לפי דעת הבן האב מלמדו, is to meet that child where he/she is. The mandate of retelling of the Passover story does not require the same information or even the same method employed to convey that information. The Torah requests it, the rabbis demand it we ought to execute these responsibilities.

The opening sections of the Shulchan Aruch, in the section of Laws pertaining to the Study of Torah states clearly the requirement to study. Every single Jew is capable of glean something, benefiting in some way through Jewish education.

כל איש ישראל חייב בתלמוד תורה, בין עני בין עשיר, בין שלם בגופו בין בעל יסורים, בין בחור בין זקן גדול. אפילו עני המחזר על הפתחים, אפילו בעל אשה ובנים, חייב לקבוע לו זמן לתלמוד תורה ביום ובלילה, שנאמר: והגית בו יומם ולילה (יהושע א, ח).<sup>2</sup>

Every Jew is obligated in the study of Torah, whether rich or poor whether healthy or

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1. שמות י"ג:ח, פסחים י"ה, פסחים ק"ז:

2. שולחן ערוך יורה דעה סימן רמו סעיף א.

suffering with ailments, young or very old. Even the poor who have to beg at the doors, whether married with children (or not) is obligated to establish set times for the study of Torah either day or night as it says, “and you shall mediate on it day and night.” (Joshua 1:8)

However, the final sentence of this section reflects the controversial nature of this question. We need not answer the question of whether or not this person actually exists on the spectrum of people with special needs or if this person was simply an analytical type.

ומי שא"א לו ללמוד, מפני

שאינו יודע כלל ללמוד או מפני הטרדות שיש לו, יספיק לאחרים הלומדים.

And for the one for whom it is impossible to study because he doesn't know how to study or because of other troubles that he has, he should provide for others to learn.

This ruling of Yosef Caro in the Shulchan Aruch does, however, offer an opportunity to extend a lenient ruling for those families burdened by the overwhelming requirements of caring for a loved one with special needs.

חייב להשכיר מלמד לבנו, ללמדו. אבל לבן חבירו, אינו חייב להשכיר. הגה: והיו כופין ליה לשכור לבנו מלמד. ואם אינו בעיר, ויש לו נכסים, אם אפשר לאודועי ליה מודיעים ליה; ואם לאו, יורדים לנכסיו ושוכרים מלמד לבנו. (הגהות מיימוני פ"א דת"ת בשם הר"מ).<sup>3</sup>

#### Section 4

One is required to hire a teacher for one's child to teach him but for his friend's child he is not required. Rema – they would compel him to hire a teacher for his son and if he is not in the city and he has the financial capacity, if it is possible to notify him, we inform him (of his obligation to do so); and if not you deduct it from his possessions in order to pay for his child's instruction. (Rambam Hagoat Maimoniot on Mishneh Torah Hilchot Talmud Torah chapter 1)

Jewish education is so important that it becomes the priority of the community. The Shulchan Aruch is making the comment that the burden rests squarely on the parents. However, the community is concerned about its implementation.

מאימתי מתחיל ללמד לבנו, משיתחיל לדבר מתחיל ללמדו: תורה צוה לנו וגו' (דברים לג, ד), ופסוק ראשון מפרשת שמע (דברים ו, ד), ואח"כ מלמדו מעט מעט, עד שיהא כבן ששה או כבן שבעה, ואז מוליכו אצל מלמדי תינוקות.<sup>4</sup>

At what point does one begin to teach one's child? From when he begins to speak, we begin to teach him [the passage] (Deuteronomy 33:4), “Moses commanded us the Torah [the heritage of the congregation of Jacob],” and the first verse of the Shema (Deuteronomy 6:4 – “Hear O Israel, the LORD our

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3. ibid. ד סעיף

4. ibid. ה סעיף

God, the LORD alone”) and afterwards one teaches him little by little until the child is six or seven years old and then we bring him/her to a teacher who instructs children.<sup>5</sup>

The Shulchan Aruch is not suggesting capacity for speech is the determining marker for instruction. In fact, we know that one’s capacity for speech is not a determinant for intellectual capability.<sup>6</sup> The emphasis of this section is that all receive a Jewish education.<sup>7</sup>

### ***Brief History of Special Needs Education Legislation in the United States***

There is much that can be learned from the communities in which we find ourselves that will assist in creating both a theoretical and practical model for how to address our specific goal. In many ways the legislation in the United States of America provides an instructive model for special education.

In 1975, Congress passed the Education for All Handicapped Children Act, better known at the time as Public Law 94-142, to change what was clearly an untenable situation. Despite compulsory education laws that had been in place nationwide since 1918, many children with disabilities were routinely excluded from public schools. Their options: remain at home or be institutionalized. Even those with mild or moderate disabilities who did enroll were likely to drop out well before graduating from high school...

Public Law 94-142 proved to be landmark legislation, requiring public schools to provide students with a broad range of disabilities - including physical handicaps, mental retardation, speech, vision and language problems, emotional and behavioral problems, and other learning disorders - with a "free appropriate public education." Moreover, it called for school districts to provide such schooling in the "least restrictive environment" possible.<sup>8</sup>

It is also unmistakable that the cost for providing such an education is expensive and requires concerted and creative thinking to resolve. According to the Department of Education,

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5. see also ערובין כ"ב שולחן ערוך יורה דעה סימן רמה

6. There is an entire field of science devoted to the development of technology that is called electromyogram (EMG) in order to assist individuals carry out meaningful communication by means of the intelligent analysis and interpretation of information derived from signals generated by facial muscles. Clearly, the ability to speak is not necessarily tied to their capacity for thought such as in infants and toddlers. This is true in many different forms of paralysis or aphasia.

<sup>7</sup> I have made the connection that “the study of Torah” is the rabbinic terminology used for Jewish education including the study of holidays, even though, today we would also include other subjects such as history, etc. in a full Jewish education.

8. Priscilla Pardini, *Rethinking Schools on Line*, Volume 16 No. 3 - Spring 2002

approximately 6 million children (roughly 10 percent of all school-aged children) receive special education services. Educating those children was expected to cost nearly \$51 billion in 2001, according to the Department of Education's Center for Special Education Finance, with the yeoman's share - more than \$44 billion - coming from states and local school districts. That, despite the promise made by the federal government in 1975 to cover 40 percent of the additional costs incurred by districts to educate students with disabilities. Even though federal spending for special education continues to rise (from \$3.1 billion in 1997 to \$6.3 billion in 2001), the federal government has never paid more than 15 percent of the total costs.

Clearly the United States government in addressing the issue of special needs education recognizes as do I, that special needs education is both expensive and necessary.

### ***Terminology and Categories of Learners***

Before beginning a conversation about the technical terms our tradition uses to describe people with special needs it is helpful to make mention of the varied terms used today in modern parlance so we remain sensitive to those most closely touched by these issues. The commonly used terms today are “special needs” denoting an individual with significant challenges in learning and social development. “Learning differences” denotes a person with less significant challenges while the term, “on the spectrum” is a reference to individuals who have some diagnosis of autism. People exhibiting normative behavior and cognition are referred to in this context as “typical.” It is, however, important to obtain, through appropriate testing, a correct diagnosis in order to create an appropriate educational plan including setting realistic goals.

In rabbinic tradition the terminology is less subtle. The categories such as חרש and שוטה do not apply to this unique cohort. The Shulchan Aruch explains that people who are not as bright as the average person are not considered a שוטה. The שוטה is mentally ill, that is, a person who suffers from an illness that is chronic in nature.<sup>9</sup> These people are still required to perform

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9. *Shoteh gamur* (completely insane): perhaps best illustrated by the chronic schizophrenic patient, whose prognosis remains poor and whose baseline functioning is seldom regained. (Rema, *Even ha-Ezer* 44; Ahi'ezer, *Even ha-Ezer* 1:10.)

In Rabbi Reuven Hammer's חולה נפש ולא מפגר he defines שוטה as one who is

*Shoteh* who exhibits 'itim halim 'itim shoteh (who cycles in and out of psychosis): (*Ketubbot* 20a; *Yevamot* 113b; *Nedarim* 36a; *Gittin* 5a, 23a; *Rosh ha-Shanah* 28a; Palestinian Talmud, *Ketubbot* 1:25b; Palestinian Talmud, *Gittin* 2:44a. Note that the *Yerushalmi* appears to differentiate between halim [incomplete remission] and shapui [full remission]) See responsa Rashba 4:201. See also Rambam, *Mekhirah* 29:5. For example, the manic depressive, or bipolar, patient, for whom the prognosis is generally good and who may be considered sane and competent when not cycling in the psychotic state.

*Shoteh le-davar ehad* (who is insane in only one domain, remaining sane and coherent in all others): as seen in the contemporary delusional disorder, in which there is a fixed manifestation of non-bizarre delusions involving situations that may occur in real life, such as being followed,

mitzvot.<sup>10</sup> The חרש is discussed in the Talmud.<sup>11</sup> “The חרש (deaf-mute) is to be encouraged to maximize their observance to the full extent of their abilities.”<sup>12</sup> If a חרש is required to observe mitzvot, there must be an obligation for instruction.

Clearly the statement in the Talmud<sup>13</sup> indicating a correlation between capacity for speech and cognitive ability is not relevant. The thrust of rabbinic directive on this subject is on the requirement to teach Torah, not necessarily the ability of the learner. *The scope of this teshuvah focuses on the requirement to teach, that is to offer a Jewish education to all regardless of their capacity to acquire it.*

The Talmud does not correlate capacity to learn with requirement to teach. Rabbi Reuven Hammer in his teshuvah *Regarding the Issue of Bar/bat Mitzvah Ceremony for children with Special Needs*, makes this point. Both Rav Moshe Feinstein and Rabbi Simhah Bunam rule that a child with special needs is required to perform mitzvot when he reaches the chronological age of Bar Mitzvah. It would therefore follow that a child must receive instruction (Jewish education) if they are to properly perform the mitzvot.

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poisoned, infected, deceived, diseased, etc. This individual, despite remaining psychotic in a specific area, may be adjudged competent to engage in certain other domains of responsibility and obligation that would otherwise remain off limits to other *shotim*.

For more on this subject please see [http://www.daat.co.il/daat/kitveyet/assia\\_english/strous-1.htm](http://www.daat.co.il/daat/kitveyet/assia_english/strous-1.htm). This article was written by Rael Strous, M.D., Senior Psychiatrist, Be'er Ya'akov Mental Health Center, Sackler School of Medicine, Tel Aviv University

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10. שולחן ערוך אורח חיים סימן קצט סעיף י.

וחרש ושוטה אם מכוונים ומבינים מצטרפין לזמון, אע"פ שאין החרש שומע הברכה (מהרי"ל).

מגן אברהם שם ס"ק ח

11. חגיגה ג.

12. Iggerot Moshe OH 2:80, 3:55, 4:84 and 4:90

13. חגיגה ג.

אמר מר זוטרא: קרי ביה למען ילמדו. רב אשי אמר: ודאי למען ילמדו הוא, דאי סלקא דעתך למען ילמדו וכיון דלא משתעי לא גמר, וכיון דלא שמע לא גמר - האי מלמען ישמעו נפקא אלא ודאי למען ילמדו הוא.

Said Mar Zutra, read, That they may teach. R. Ashi said: Assuredly it is [to be read]: That they may teach. For if you suppose [that it should be read]: That they may learn, and [argue that] if one cannot talk one cannot learn (and [obviously] if one cannot hear one cannot learn), that follows from [the expression]: That they may hear. Therefore, it must certainly be [read]: That they may teach.

Rabbi Reuven Hammer's *Teshuva on Bar/Bat Mitzvah of children with special needs* states, בשו"ת שבט סופר, אבן העזר כ"א, ר' שמחה בונים סופר כותב שילד מפגר מתחייב במצוות בגיל י"ג כמו כל ילד אחר. וכן פוסק הרב משה פיינשטיין. הרב חיים פנחס שיינברג הגיע למסקנה ש"המפגרים אם על ידי טיפול נראים כבני דעת שמבינים דברים הסותרים זה את זה והם בני י"ג שנה שמחויבים בכל המצוות כשאר גדולים..." והרב שלמה זלמן אויערבאך בהסכמה לדברי הרב שיינברג מרחיק לכת באומרו שאם יש לילד "דעת כמו פעוטות וידע שהקב"ה נתן לנו תורה ואנחנו מקיימים מצוותיו" הוא כמו בר דעת לעיין קיום מצוות וראה הרב חיים פנחס שיינברג, "תשובה בעיין ילדים מפגרים לגבי חינוך ומצוות", מוריה י"א גליון ט"י (אלול תשמ"ב) עמ' נ"ג

In the Responsa Shevet Sofer, Even HaEzer 21, Rabbi Simhah Bunim Sofer writes that a retarded ("learning disabled" – pc) child is obligated in [observing] the commandments at age thirteen just like every other child. Rabbi Moshe Feinstein reaches the same decision.

Rabbi Hayim Pinhas Sheinberg reaches the conclusion that "learning disabled children – with therapy appear like those [children] having cognition that understand contradictory matters and that they, as thirteen year olds, are obligated for all the commandments like other adults.

And Rabbi Shlomoh Zalman Auerbach, in agreeing with Rabbi Sheinberg, goes further when stating that if the child has "cognition like toddlers that God (lit. "The Holy One, Blessed Be He") gave us the Torah and that we are fulfilling His commandments, he (the learning disabled child) is like an individual with knowledge concerning the fulfillment of the commandments.

Though the terminology is particularly distasteful to our modern sensibilities, the message is the same. Different people learn at different speeds and depths. Through the sensitive reading by Rabbi Moshe Shapira, Moses becomes an example of what can be achieved through more appropriate pedagogical methodologies.

להחזיר את הטיפשים: ששוכחים מה שלומדים שלא יאמרו מה לנו לייגע בחנם והתשובות ממה שהיה חוזר ולומד אף שהיה משכח עד לבסוף שניתן לו במתנה

To bring *tipshim*<sup>14</sup> to learning. Those who forget their learning. It should never be said, "Why do we teach certain children who appear not to be able to comprehend the material?" The answer is derived from Moses. He diligently continued to learn in spite of his constant forgetfulness. And, at the very end he acquired it.<sup>15</sup>

### ***Qualitative/Quantitative/Immeasurable/Unexpected Results: A False Mindset***

We often fall into the mindset that learning must be based on quantifiable results. This is

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14. I purposefully have not translated the word *tipshim* because the classical translation "those who are stupid" is offensive, and I am uncomfortable with that language.

15. פני משה ירושלמי הוריית פרק ג דף מח טור ב'ה"ד.

patently false. Though Jewish education has three desired results, only one is in any way quantifiable.<sup>16</sup> We often falsely believe that the sole purpose of education is to convey information. Material, dates and facts seem to be the sole focus of the educational enterprise. While they may be true of many educational experiences, such as math and science, that cannot and should never be the sole purpose of the study of Torah.

Torah is taught with three results in mind. 1. Quantitative results - learning Torah so that one can perform mitzvot. למען תזכרו ועשיתם, then you will remember and you will do.<sup>17</sup> 2. Qualitative results - we learn so that we might grow personally and find a measure of fulfillment. This is given expression by the statement, "Rav said the commandments were given in order to refine people through them - אמר רב לא נתנו המצוות אלא לצרף את הבריות מהם" <sup>18</sup> and 3. Immeasurable results, such as learning as a means towards connection with God. "In order for people to become involved in doing commandments and thereby attach to Him, שתהא עוסק בתורה ובמצות, ובו תדבק,"<sup>19</sup>

There is no minimum requirement for capacity for learning to be associated with teaching (and for the sake of this responsum, providing a Jewish education for) those with a diminished capacity for comprehension.<sup>20</sup> All of these categories of learning speak to the transformative capacity of learning, while at the same time recognize that there is no way to measure the change that has occurred within the individual.

Finally, within the educational endeavor there are lessons that are taught that often have little to do with the material that is being transmitted consciously. For Jewish education, seeking emotional and intellectual growth (including formation of identity), and further connection to God and community, inclusion of students with special needs will have a concomitant value of shaping the lives of the fellow students and instructor alike. The common reading of the text from Mishnah Avot of the statement

בן זומא אומר איזהו חכם. הלומד מכל אדם. שנאמר (תהלים קיט). מכל מלמדי השכלתי כי עדותיך שיחה לי.

BEN ZOMA SAID: WHO IS HE THAT IS WISE? HE WHO LEARNS FROM EVERY PERSON, AS IT IS SAID: FROM ALL WHO TAUGHT ME HAVE I GAINED

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16. This idea is developed in an essay by Rabbi Mosheh Taragin (faculty member of Yeshivat Har Etzion) entitled, "*Torah Education and its Pivotal Role within Chinuch*," available at <http://www.haretzion.org/alei/1-7edu.htm>

17. במדבר טו:מ and ויקרא רבה פרשת י"ג ד"ה כל אמרת.

18. בראשית רבה טו:א.

19. מדרש תנחומא (בובר) פרשת ויקרא סימן טו ד"ה [טו] נפש כי.

20. There is a statement found in Mishna Avot 5:23 that suggests at certain ages specific types of texts are taught. However, this Mishna does not give a rationale for this curriculum.

## UNDERSTANDING, WHEN YOUR TESTIMONIES WERE MY MEDITATION.<sup>21</sup>

Again I draw your attention to the concomitant effect of expanding educational access to those with special needs will have. There are tremendous benefits to the special needs learner, teacher, and fellow students when these three come together in a learning environment. Teachers and students alike learn from the experience, and they each develop in their own way, all the while learning from each other. As one mother of a child with Fragile X<sup>22</sup> remarked, Matthew is a gift that keeps on giving. Rabbi Reuven Hammer explains

Depriving the child of knowledge of his heritage, of the opportunity to participate fully in Jewish life at home and in the synagogue and of the warmth and significance of synagogue celebrations such as Bar or Bat Mitzvah is unfair, especially to a child who needs every opportunity available to develop feelings of positive self-worth and of belongingness.<sup>23</sup>

An examination of the varied sources within our sacred canon will further support, both in principle and in practical halakhic language, the requirement to provide a Jewish education for all.

### **Moses our Teacher**

Both of our guiding principles as well as specific legal requirements are provided by the Biblical narrative. We are shown people and personalities so that we might identify and refine our lives accordingly. Moses is such an example. Though there are behaviors exhibited in the Torah that we would choose not to emulate, and at times Moses behaves in those ways, in this circumstance Moses offers a model I believe is worthy of imitation. Moses explains that he is unable to lead because of his speech impediment. God responds that God is the creator of all, and therefore, assists people. But more significant than Moses's example is God's response to Moses.

ויאמר משה אל ידוד בי אדני לא איש דברים אנכי גם מתמול גם משלשם גם מאז דברך אל עבדך  
כי כבד פה וכבד לשון אנכי: ויאמר ידוד אליו מי שם פה לאדם או מי ישום אלם או חרש או פקח  
או עור הלא אנכי ידוד:

And Moses said to the Lord, O my Lord, I am not eloquent, neither yesterday nor the day before, nor since you have spoken to your servant; but I am slow of

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21. אבות ד:א

22. Fragile X is a family of genetic conditions, which can impact individuals and families in various ways. These genetic conditions are related in that they are all caused by gene changes in the same gene, called the FMR1 gene. This can have an effect on cognition, behavior, sensory perception, speech and language, motor skills and living skills. For more information see <http://www.fragilex.org/html/what.htm>

23. Rabbi Reuven Hammer, *The Other Child in Jewish Education*. United Synagogue Commission of Education. 1974. page 10



speech, and of a slow tongue. And the Lord said to him, Who has made man's mouth? Who makes the dumb, or deaf, or the seeing, or the blind? Is it not I the Lord?<sup>24</sup>

Though this may appear as just an excuse on the part of Moses, it is clear the Rabbis understood Moses in a similar fashion. Moses becomes both an inaccessible role model, a person whom we could never emulate as in the case of *לא קם בישראל כמשה עוד נביא*, “never arose in Israel another prophet like Moses,” and a completely human and real person whom we can venture to imitate. Moses was a person with very real differences from a typical learner, as we have already seen. (see *שמות ד:י-יא*) The Talmud offers us another insight into both Moses' learning and God's response.

כל ישראל ראויין למלכות אמר רבי יוחנן כל אותן ארבעים יום שעשה משה בהר היה למד תורה ומשכחה ובסוף נתנה לו במתנה כל כך למה בשביל להחזיר את הטיפשים

All Israelites are fit for royalty. Rabbi Yohanan said, “Each of the forty days that Moses was on Mount Sinai he learned the entire Torah and then forgot it. In the end, God gave him [the Torah] as a gift. Why was it necessary? To bring *tipshim* closer to Torah”<sup>25</sup>

Our Sages remind us we are all created *בצלם אלהים*, and therefore we each have a unique purpose and a unique role, regardless of our apparent insufficiencies. Rav Yosef Soloveichik explains, “If it is possible for Moses to be chosen as the messenger for the Holy One Blessed be He, it is possible for every single Jew.”<sup>26</sup> God is able to convey God's message through whatever agent God chooses, and we are not to be the determinants of who might be that vessel. The second message being conveyed in this comment is that God has the capacity, regardless of the instructor, to assist the learner in comprehending the message that is offered. God works through the speaker to the listener. The assessment that the one appears to be unable to apprehend the material being transmitted may be incorrect.

Though there is much commentary offered throughout the ages about the Shema, the unambiguous statement that we are to teach Torah to our children makes it obvious that no criterion is set for what characteristics must be met for this basic responsibility to apply.

ושננתם לבניך ודברת בם בשבתך בביתך ובלכתך בדרך ובשכבך ובקומך:

And you shall teach them diligently to your children, and shall talk of them when you sit in your house, and when you walk by the way, and when you lie down,

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24. *שמות ד:י-יא*.

25. remarkably this same story in the Babylonian Talmud (תלמוד בבלי מסכת נדרים דף לח עמוד א) stops short of the final statement of *למה בשביל* להחזיר את הטיפשים

26. הרב יוסף דב הלוי סולובייצ'יק, ימי זכרון. ירושלים, 1996. עמ' 11

and when you rise up.<sup>27</sup>

The Shema **never** says, “you shall teach this to your children only if they are able to understand it.” The text never even implies that there are potential scenarios in which this would not apply. Moreover, the text never suggests what the nature or the content of that education ought to be.

### Early Detection

Identifying early learning styles is critically important. The earlier the identification of differentiated learning styles the better for equipping the individual students with the tools necessary for success in the learning environment. For generations many learning challenges have been overlooked, not understood, not recognized, or, worse, ignored. Recognizing these challenges early are some of the ways we help people with learning differences to establish life long patterns. If we are clear that from the youngest age Jewish education is required, we will be teaching two critical lessons: (1) every child should have access, and (2) Every child ought to realize the priority they should place on Jewish learning. Proverbs instructs us:

חנך לנער על פי דרכו גם כי יזקין לא יסור ממנה;

Train up a child in the way he should go; and when he is old, he will not depart from it.<sup>28</sup>

We understand the importance of early intervention for children with special needs as critical to their development and that certain children require different modes of instruction. For some education can be frontal; for some, it must be experiential. Some people are auditory learners, some are visual learners, and some are kinesthetic learners. This is what Yehiel Hillel Altshuler (son of David Altshuler, 18th century, Galicia) intuitively understood when he commented,

חנוך - התחל והרגל את הנער בשנים להוליו בעבודת ה' לפי דרך חכמתו אם מעט ואם הרבה וכשיהיה מורגל בעבודת ה' אז גם כי יזקין לא יסור ממנה כי יתן לב להשכיל כשרון המעשה  
ההיא:

Initiate the child at a young age in the service of the Lord in accordance with his level of intelligence, whether excessive or limited. As a result, when he becomes accustomed to serving God, even when he ages he will not stray because he will come to understand and appreciate these activities.<sup>29</sup>

### The Role of the Teacher - The Teacher Transformed

Patience and perseverance are required for the education of children with special needs. They are called “special needs” because they require of the educators to rethink their methodology and find an approach that is less common. The story of R. Pereda shows the rewards that come with

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27. דברים ו:ז.

28. משלי כב:ו.

29. מצודת דוד משלי פרק כב:ו.

such an effort. Again, it is important to note that this story focuses not on the potential frustration of the student, but rather on the obligation of the teacher. *Let me stress again that this is a teshuvah addressing the responsibility to teach, not the capacity to learn as the underlying halakhic requirement.*

רבי פרידא הוה ליה ההוא תלמידא דהוה תני ליה ארבע מאה זימני וגמר. יומא חד בעיוה למלתא דמצוה, תנא ליה ולא גמר. אמר ליה: האידנא מאי שנא? אמר ליה: מדההיא שעתא דאמרו ליה למר איכא מילתא דמצוה אסחאי לדעתאי, וכל שעתא אמינא, השתא קאי מר, השתא קאי מר. אמר ליה: הב דעתיך ואתני לך. הדר תנא ליה ארבע מאה זימני [אחרינין] נפקא בת קלא ואמרה ליה: ניחא לך דליספו לך ארבע מאה שני, או דתיזכו את ודרך לעלמא דאתי? אמר: דניזכו אנא ודריי לעלמא דאתי. אמר להן הקדוש ברוך הוא: תנו לו זו וזו.

R. Pereda had a pupil whom he taught his lesson four hundred times before the latter could master it. On a certain day, having been requested to attend to a religious matter, he taught him as usual but the pupil could not master the subject. “What,” the Master asked: “is the matter to-day?” — “From the moment,” the other replied, “the Master was told that there was a religious matter to be attended to I could not concentrate my thoughts, for at every moment I imagined, now the Master will get up or now the Master will get up.” “Give me your attention,” the Master said, “and I will teach you again,” and so he taught him another four hundred times. A bath kol issued forth asking him, “Do you prefer that four hundred years shall be added to your life or that you and your generation shall be privileged to have a share in the world to come?” — “That,” he replied. “I and my generation shall be privileged to have a share in the world to come.” “Give him both,” said the Holy One, blessed be He.<sup>30</sup>

The relationship between teacher and student is one in which the focus is on the change that occurs within the student. The intention of the gift of knowledge, kindness and connection is one that normally looks as unidirectional. The teacher gives to the student. This text reminds us that teacher compensation often comes in the form of gifts of the same kindness, connection and knowledge. That compensation comes from the student to the teacher. Educators are changed in the process of engagement with their students. The symbiotic nature of that relationship is made more evident through this text.

Educators may not be able to assess the ultimate impact of any given methodology for a specific type of learner. That is, we have no way to measure the transformative effect of the methodologies employed. Teachers often become discouraged or even disheartened in their efforts to convey material. The Talmud reminds such teachers that they must remain focused on their task and determined in their efforts, for they serve a greater good. The teacher must remember that they too are fulfilling a sacred obligation, one they are uniquely positioned, if not uniquely qualified, to put into action.

אמר רב יהודה אמר רב: כל המונע הלכה מפי תלמיד - כאילו גוזלו מנחלת אבותיו, שנאמר (דברים ל"ג) תורה צוה לנו משה מורשה קהלת יעקב, מורשה היא לכל ישראל מששת ימי בראשית.

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עירובין דף נד ע"ב. 30.

Rab Judah said in Rab's name: Whoever withholds a halachah from his disciple is as though he had robbed him of his ancestral heritage, as it is written, "Moses commanded us a law, even the inheritance of the congregation of Jacob:" it is an inheritance destined for all Israel from the six days of Creation.<sup>31</sup>

The teacher must remember not to measure success based on quantifiable results. New metrics and new approaches must be developed in order that both the teacher and the student can measure achievement.

(כאילו גוזלו כו') ר"ל שאינו לומד עם התלמיד כר' פרידא שהיה למד עם תלמידו ד' מאות פעמים עד שהיתה שגורה לו בפה וז"ש שמונע הלכה מפי תלמידו ללמד עמו עד שתהא שגורה לו בפה לפי שאומר הרב שאין תלמיד הגון וראוי לכך וא"א לו ללמדו הרי גוזלו מנחלת אבותיו שהתורה מורשה לכל ישראל מששת ימי בראשית ר"ל דלפי בריאותם וטבעם מששת ימי בראשית מוכנים כל ישראל ללמוד תורה

(As if he stole etc.) He wants to say that one who does not learn with his student like R. 'Pereida, who had to teach 400 times until it was fluent in his student's mouth, and he who says that they will withhold law from his student until what he has taught is fluid in his mouth, as it states, a teacher who does not have an understanding student deserves him. And if he does not teach him, it is as if he has stolen his heritage from him. For the Almighty has prepared each Jew his/her individual his/her access to Torah since the six days of creation.<sup>32</sup>

Maharsha (Rabeinu Shlomo Aderet, 11th Century, Spain), commenting on Sanhedrin 91b, reiterates the importance of teaching Torah to all types of students. He further instructs the teacher to guard against an elitest attitude that might preclude certain students from access to qualified teachers. Maharsha indicates that Torah does not belong to the teacher, and withholding it would be considered a grave offense tantamount to stealing.

There is no doubt that teaching children with special needs requires great patience, skill and insight. It requires advanced education and keen sensitivity. Providing such an education speaks not only to the values of the individual, but to the values of the community that employs such a person. The P'nei Moshe (Rabbi Moses Margalit, circa 1727, teacher of The Vilna Gaon) reminds us,

מפני מה לא ניתנה לו בתחילה במתנה: להחזיר את הטיפשים. ששוכחין מה שלומדים שלא יואמרו מה לנו לייגע בחנם והתבונה ממשה שהיה חוזר ולומד אף שהיה משכח עד לבסוף שניתן לו במתנה.

Why wasn't it originally given to him as a gift? To bring the *tipshim* closer to learning. Of those who forget their learning it should never be said in the Jewish community, "Why do we teach certain children who appear not able to comprehend this material?" The answer is derived from Moses. He diligently continued to learn in spite of his constant forgetfulness. And, at the very end he

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תלמוד בבלי מסכת סנהדרין דף צא עמוד ב. 31.

מהרש"ה סנהדרין צ"א: 32.

acquired it.<sup>33</sup>

### **Community Responsibility**

The responsibility to educate children is one that has always been understood to be shared by parents and the community. The reasons for this is not only to raise up a community of educated people, who will therefore contribute to that community. The values of every community are expressed in the priorities it has. Where a community devotes its resources speaks to the values it holds to be sacred. The education of every person indicates that the community finds each person worthy of education.

מושיבין מלמדי תינוקות בכל עיר ועיר. וכל עיר שאין בה מלמד תינוקות, מחרימין אנשי העיר עד שיושיבו מלמד תינוקות. ואם לא הושיבו, מחריבין העיר, שאין העולם מתקיים אלא בהבל פיהם של תינוקות של בית רבן. (ועיין בחושן המשפט קס"ג סעיף ג')<sup>34</sup>

You should settle every city with a teacher. And every city that does not have a teacher you should compel the people of that city to acquire a teacher. And if they do not comply, the city should be destroyed, because the world can only survive by the words that come out of the mouths of the children in the house of teachers.

יש מי שאומר שמצות בית הכנסת עדיפא ממצות צדקה, ומצות צדקה לנערים ללמוד תורה או לחולים עניים, עדיף ממצות בית הכנסת. (רוקח סימן רי"ז).<sup>35</sup>

There is an opinion that states that the commandment to support the synagogue is preferable to the commandment concerning [the giving of] tzedakah, and the commandments of [the giving of] tzedakah for children are to study Torah or for poor who are infirm is preferable to the commandment to support the synagogue. (ROKEAH SIMAN 217).

The Shulchan Aruch places the burden of teaching squarely on the shoulders of the community and indicates that teaching children is a clearly a priority. There is no question that the resources we devote to any given population within our community speaks to our priorities. When we choose to dedicate resources to the education of everyone, we make a clear statement about the value we place on every person and the value we place on Jewish education.

### **Recommendations**

I recognize there are many needs in any given Jewish community. Regularly communities must make decisions about the allocation of scarce human and financial resources. There are many resources for how the Jewish community should respond to students with special needs.<sup>36</sup> Other

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33. פני משה על תלמוד ירושלמי הוריות פרק שלשי הלכה ה.

34. שולחן ערוך יורה דעה סימן רמה סעיף ז.

35. שולחן ערוך יורה דעה סימן רמט סעיף טז.

36. This is one example of the rich resources available to the Jewish community.

responsa overlap with this one and add nuance and texture to this discussion.<sup>37</sup>

In his pioneering book, *The Other Child in Jewish Education*, Rabbi Reuven Hammer wrote,

The purpose of this book is to set the basic lines along which this can be done and thus to help the school and the community provide a suitable program within Jewish education for children with learning disabilities.

The responsibility of the Jewish community springs from the traditional Jewish emphasis upon the importance of education not only for the elite and the elect, but for everyone. Historically, opportunity for education was provided for the average man by the community. Special children surely deserve no less.<sup>38</sup>

There must be a mechanism in place to both encourage (financially and otherwise) our schools, both supplemental and day school, to allocate resources towards the development of avenues for special needs children to receive proper education. Camp Ramah has already done it through the Brayrah and Tikvah programs. Now the other branches of our movement charged with educating our children, such as Solomon Schechter Day schools, synagogue schools, and U.S.Y., and Kadima must also respond to this mandate.

### **A Warning**

This teshuvah purposefully does not suggest the methods or the content of what “Jewish Education” should or ought to be; that is the purview of each individual community and their educators. This teshuvah simply seeks to make clear that every student deserves access to Jewish education.

To this end, I make the following specific recommendations:

1. Communities must be brought together to share financial and human resources. If there is ever an issue that has the potential to bring different streams of Judaism together it is this one. There is no question that common ground can be found in the area of curriculum and must be initiated by our movement to mediate those conversations and create these initiatives.<sup>39</sup>

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*Annual Newsletter of the Consortium So That All May Study Torah: Communal Provision of Jewish Education for Students with Special Needs-* a survey and recommendations JESNA webpage (includes resources for special needs): [www.jesna.org.http://www.jesna.org/j/pdfs/re\\_stamst.pdf](http://www.jesna.org/j/pdfs/re_stamst.pdf)

37. James Rosen, in his responsum "Mental Retardation, Group Homes and the Rabbi" YD 336:1.2000 based on the verse, “If your kinsman being in straits comes under and you hold him as a resident alien, let him live by your side. Do not exact from him advance or accrued interest, but fear Your God and let him live by your side as your kinsman”(Lev. 25:35-36), adds tremendously as well to this discussion.

38. Hammer, page 11

39. Elliot Dorff has already provided a framework for these discussions in his teshuva “Joint Conservative-Reform Schools” Y.D. 245:15, 1988. James Rosen has also added texture to this conversation through

2. Rabbis should take a leadership role in raising money from individual and private donors.
3. Communal lay and professional leaders should lobby the allocation committee of local and national Federations/U.J.C./J.U.F. for funding.
4. Synagogues should attach a voluntary supplement to their dues structure to provide individuals an opportunity to participate in this mitzvah.
5. Schools should apply for grants from Foundations that may be inclined to use their resources in this manner.

### **Conclusion**

We are just beginning to understand how the brain works, and therefore we have no full understanding of what is comprehended or how that information is catalogued. To judge a priori would be to place ourselves in a position not of teachers but of prophet and judge. Many halakhic and aggadic sources point to the fundamental, critical and far reaching requirement to provide a Jewish education to all regardless of capacity.

It is clearly the obligation of both Jewish parents and the community to provide for the Jewish education of all Jewish children, regardless of their social, emotional or intellectual capacity. The type of education that is provided should be determined by the professionals in this area. The field of special needs Jewish education is an ever expanding profession with talented and qualified faculty and administrators. The specifics of the type, breadth and depth of the education that ought to be and can be offered is clearly something they should decide. Jewish institutions ought to pool resources in order to efficiently utilize and allocate support in a non-discriminatory way.

### **פסק הלכה**

קהילות היהודים חייבות לספק חינוך יהודי לכל ילדים מיוחדים. יש חיוב חשוב על כל קהילה יהודית לקחת בחשבון בהחלפת מקורותיה הכספיים

### **P'sak Halachah**

Every Jewish community is required to provide a Jewish education commensurate with the needs of every student. **This is one important duty that every Jewish community must take into consideration in allocating its resources.**

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אנציקלופדיה תלמודית ערך "חרש שוטה וקטן"

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