



RETHINKING EDUCATIONAL NEGLECT
FOR TEENAGERS
New Strategies for New York State

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Executive Summary

Under New York State law, a parent or guardian who does not ensure that his or her child attends school regularly can be found to have neglected the child. Since 2004, educational neglect allegations have increased by 34 percent statewide. In 2008, one in every 10 children whose parents were investigated for abuse or neglect was the subject of an allegation of educational neglect. Concerned about this increase, the New York State Office of Children and Family Services, with support from Casey Family Programs, asked the Vera Institute of Justice to study New York State's approach to educational neglect and to suggest strategies for improving the system's response.

The study, which included interviews with stakeholders, analysis of data, and reviews of case files and research literature, focuses on teenagers, who comprise more than 60 percent of the state's educational neglect cases. Vera investigators found that cases involving teenagers do not fit well in the traditional child protective system process. A central purpose of child protective services (CPS) investigations into allegations of educational neglect is to determine whether absence from school is a symptom of abuse or serious neglect that threatens the child's safety. But reports involving teenagers rarely uncover safety concerns. They do, however, reveal other issues which the child protective system is not always well-equipped to address, including complex educational needs, conflict between parents and teens, homelessness, and mental illness.

This report, a follow-up to a preliminary assessment conducted in December 2008, identifies 10 strategies for improving the state's approach to educational neglect cases involving teenagers:

1. Amend the law to clearly state the actions schools must take before calling the state's child abuse and neglect hotline, the State Central Register for Child Abuse and Maltreatment (SCR).
2. Require SCR staff to request specific information about a parent's responsibility for school absences.
3. Develop a resource within the child welfare system for schools to consult when there is concern about a child's absence.
4. Expand the use of the family assessment response, an emerging non-investigative approach to child protection, for educational neglect cases involving teens.
5. Make experts in educational issues available to CPS staff.
6. Develop preventive services models for chronically absent teens and fund service providers to implement these models.
7. Coordinate the responses of the child protective system and the state's persons in need of supervision (PINS) system to improve services for families and conserve resources.
8. Encourage data-driven interagency approaches with clear goals of reducing chronic truancy without increasing SCR reports for teenagers.
9. Create a model program for re-engaging chronically absent teens in school and test it in schools with large numbers of educational neglect reports.
10. Explore amending the child protective statute to eliminate educational neglect as a ground for child protective proceedings for children ages 13 and older, while also funding and authorizing programs specifically designed to address chronic school absences among this population.

Many counties are already working to improve their responses to educational neglect and school absenteeism. State officials can build on these efforts by allocating limited child protective resources more effectively and implementing new approaches to produce better outcomes for teenagers and their families.

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Introduction

In 2008, New York State’s child abuse and neglect hotline—the State Central Register for Child Abuse and Maltreatment (SCR)—accepted allegations that 269,615 children were being abused or neglected by a parent or guardian.¹ Each of these allegations triggered an immediate investigation by a county child protective services (CPS) agency. These investigations typically last 60 days and involve a thorough search for evidence of abuse or neglect. If credible evidence is found, the agency will work with the family to address the parenting issues and monitor the family’s progress.² In most cases, a child safety worker will arrange for services to address the circumstances that brought the family to the attention of the system. If the situation is severe and the child’s safety is threatened, or if a parent does not attend services arranged by the child safety worker, the agency may take the parent to court.³ A judge can order the parent to go to services and require that a child protective worker supervise the parent. If the judge deems it in the child’s best interest, the child can be removed from the parent and placed in foster care.⁴ (For a flowchart of this process see Appendix I).

Under New York State law, a parent who does not ensure that his or her child attends school regularly can be found to have neglected the child if the youth’s educational progress suffers as a result.⁵ In 2008, the parents of 28,401 children were investigated for allegations of educational neglect.⁶

Educational neglect cases are consuming a growing portion of the child protective system’s limited resources. In 2008, children with educational neglect allegations constituted 10.5 percent of all children with abuse and neglect allegations compared to only 8.9 percent in 2004.⁷

Although many question whether teenagers who are not attending school fit well within the system described above, cases involving teens are becoming numerous. While the number of children whose parents were investigated for allegations of educational neglect increased by 34 percent since 2004, the number concerning teenagers increased by 39 percent.⁸ In 2008, more than 60 percent (17,369) of the children investigated for allegations of educational neglect were teenagers, typically ages 15 or 16.⁹

Building on a 2008 preliminary assessment, from June through September 2009 the Vera Institute of Justice conducted a detailed study of responses to educational neglect involving

¹ OCFS data warehouse as of August 5, 2009. Some children may be counted more than once if they had more than one report of educational neglect in 2008. This applies to all of the data obtained by OCFS.

² Social Service Law, section 412 (7); Social Service Law, section 424 (10).

³ For ease of reading, throughout this memo the term “parent” refers to parents or guardians.

⁴ New York Family Court Act, section 1022(a)(iii).

⁵ New York Family Court Act, section 1012; Office of Children and Family Services, *Model Policy on Educational Neglect*, (New York: February 28, 2008), http://www.ocfs.state.ny.us/main/news/2008/2008_02_27_mpoen.asp.

⁶ OCFS data warehouse as of July 29, 2009. Some children may be counted more than once if they had more than one report of educational neglect in 2008.

⁷ OCFS data warehouse as of July 29, 2009, and August 5, 2009.

⁸ OCFS data warehouse as of July 29, 2009, and August 12, 2009.

⁹ OCFS data warehouse as of July 29, 2009.

teenagers in New York State.¹⁰ The study, conducted at the request of the New York State Office of Children and Family Services (OCFS) and with support from Casey Family Programs, included five components:

1. stakeholder interviews with a range of government agencies, service providers, advocates, and experts (see Appendix II);
2. a case file review of a sample of 2008 educational neglect cases involving youth ages 13 to 17 in Orange County—whose data quality and proximity to Vera’s offices allowed for meaningful analysis within the allotted time frame (see Appendix III);¹¹
3. analysis of child protective system costs associated with educational neglect reports in New York City, which generates the largest percentage of educational neglect cases;¹²
4. statewide analysis of county data supplied by OCFS, supplemented by additional information from Yonkers and New York City; and
5. a review of literature on evidence-based practices related to educational neglect and truancy.

This report, based on the above study, describes how the child protective system currently addresses educational neglect and explores specific strategies that could improve outcomes for youth and families while focusing child protective resources where they can have the greatest impact. The proposed strategies are informed by the following three goals:

1. to focus child welfare resources on cases in which there is a child safety concern or neglect is a core issue,
2. to develop more effective responses for families of teenagers who end up in the child protective system, and
3. to improve government responses to chronically absent teenagers.

¹⁰ Vera Institute’s Educational Neglect Planning Team, *Memo to NYS Office of Children and Family Services: Preliminary Assessment of New York State’s Approach to Educational Neglect and Options for Moving Forward* (January 27, 2009).

¹¹ OCFS generated a list of all reports to the State Central Register involving youth ages 13 to 17 with at least one educational neglect report in 2008 in Orange County. From this list of 161 Vera staff requested the Orange County child protective files of a random sample, stratified by month, of 80 children. Using a data collection instrument, staff collected information about the youth and family circumstances that led to the 2008 education neglect report(s), information about previous reports filed against the parents (if any), and about the outcomes of the child protection investigation. OCFS then retrieved data on previous reports involving the parents in the case files reviewed. Vera staff used this data to better understand the families’ histories in the New York State child welfare system.

¹² Vera constructed a cost analysis tool to conservatively estimate the marginal child welfare costs related to educational neglect allegations. This type of cost analysis can be useful for projecting how funding could be effectively reallocated to respond to chronically absent teenagers outside of the child protective system. For additional information on this tool, please contact Vera’s Communications Department at contactvera@vera.org.

The report is divided into three sections. The first section outlines the key issues and findings from the investigation. The second section proposes strategies that state and local officials can implement to more effectively address educational neglect allegations for teenagers. The third section discusses possible next steps for OCFS.

I. Issues and Findings

Vera's investigation revealed the following seven findings, some of which were alluded to in the previous section:

- Educational neglect cases, especially cases involving teenagers, represent a significant and growing portion of the child protective caseload across the state.
- The SCR accepts cases in which little effort has been made to determine parental responsibility or cases that are already being served by the PINS system.¹³
- The child protective system is not well equipped to handle educational neglect of teenagers.
- Families and teenagers reported for educational neglect have needs that might be more appropriately addressed by other systems.
- There are many more teens who miss a lot of school than are reported to the SCR; Vera staff suspect that large numbers of them need help and are not being served by another system.
- There are promising practices for addressing chronic absenteeism among teenagers.
- New York can build on counties' interest and efforts to improve the system.

Each of these findings is discussed in detail below.

I-1. Educational neglect cases, especially cases involving teenagers, represent a significant and growing portion of the child protective caseload across the state.

Approximately 10 percent of all children with abuse and neglect allegations in New York State in 2008 were the subject of at least one allegation of educational neglect (see figure 1).¹⁴ In some jurisdictions, the proportion was even greater: In New York City, for example, 19 percent of all children with abuse and neglect reports were the subject of an allegation of educational neglect.

¹³ A person in need of supervision (PINS) is "a person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient, and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05 of the penal law." See Family Court Act, section 712.

¹⁴ Allegations of educational neglect often accompany other neglect charges. For the purposes of this report, any case that includes an allegation of educational neglect, regardless of any other charges involved, is counted as a case of educational neglect. However, in the Orange County case file review analyses, those cases where educational neglect is the only allegation are separated from those accompanied by other allegations.

Figure 1: The percentage of children with abuse and/or neglect allegations that have at least 1 educational neglect allegation, 2008

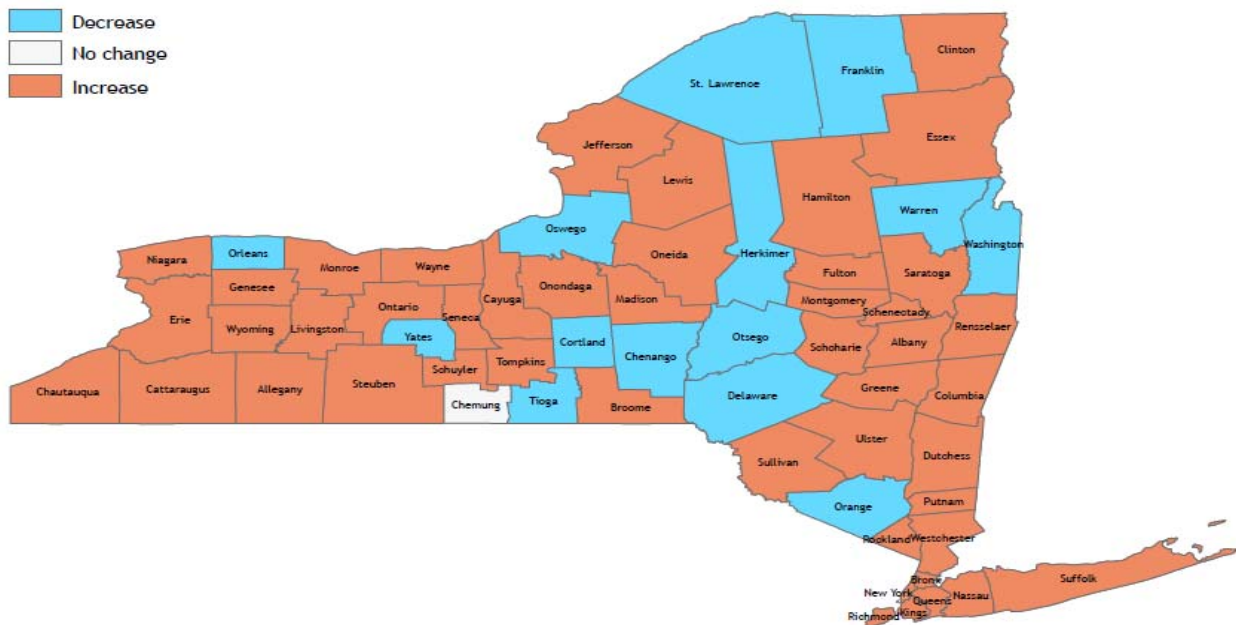
Monroe County	5%
Nassau County	7%
Erie County	7%
Orange County	7%
Statewide	10%
Westchester County	13%
New York City	19%

Source: OCFS data warehouse as of July 29, 2009.

An analysis of statewide data shows that from 2004 to 2008 the number of children reported for allegations of educational neglect increased by 34 percent statewide, from 21,131 to 28,401. By contrast, the number of children reported for all abuse and neglect allegations increased by 13 percent during the same time frame.¹⁵ Forty-seven of New York’s 62 counties contributed to this increase, illustrated in figure 2; only 14 counties saw decreases in educational neglect reports, and one county saw no change. (See Appendix IV for details on change since 2004.)

Figure 2

Change in the Number of Children with Educational Neglect Allegations, 2004-2008

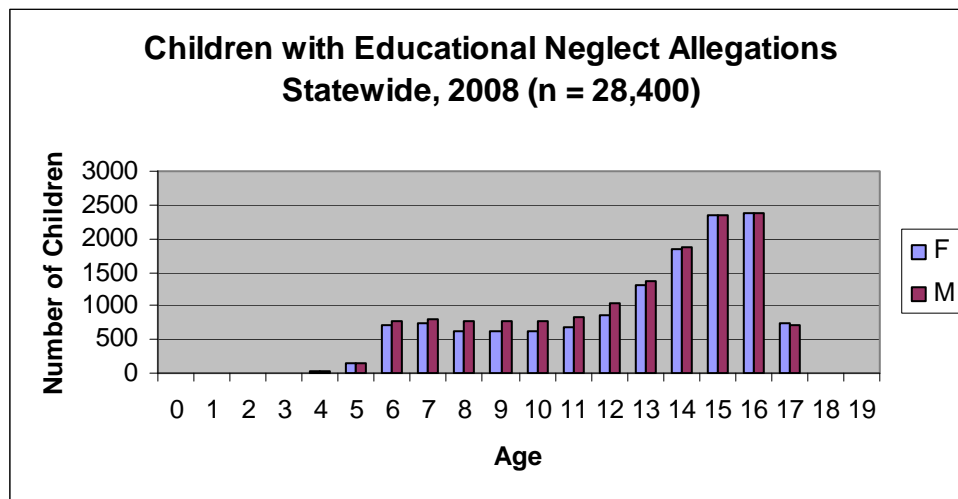


Source: For 2004, OCFS data warehouse as of August 12, 2009; for 2008, OCFS data warehouse as of July 29, 2009.

¹⁵ OCFS Data Warehouse as of November 11, 2009.

Teenagers accounted for most of the educational neglect allegations—a finding that surprised many of the child welfare and education officials who were interviewed. Students ages 13 to 17 accounted for 61 percent of all 2008 educational neglect allegations.¹⁶ As figure 3 shows, the highest numbers of reports were for 15- and 16-year-olds.¹⁷

Figure 3



Source: OCFS data warehouse as of July 29, 2009.¹⁸

I-2. The SCR accepts cases in which little effort has been made to determine parental responsibility or cases that are already being served by the PINS system.

Two types of cases that are called into the SCR may be inappropriate for the system: those in which minimal effort has been made to gauge parental responsibility and those that are already being served by the status offender system. Each of these is discussed in the following two subsections.

The state child abuse hotline accepts cases in which little effort has been made to determine parental responsibility and cases that do not involve safety concerns. School personnel are the most common reporters of educational neglect (see figure 4).¹⁹ As mandated reporters, anytime

¹⁶ Data provided by OCFS data warehouse as of July 29, 2009.

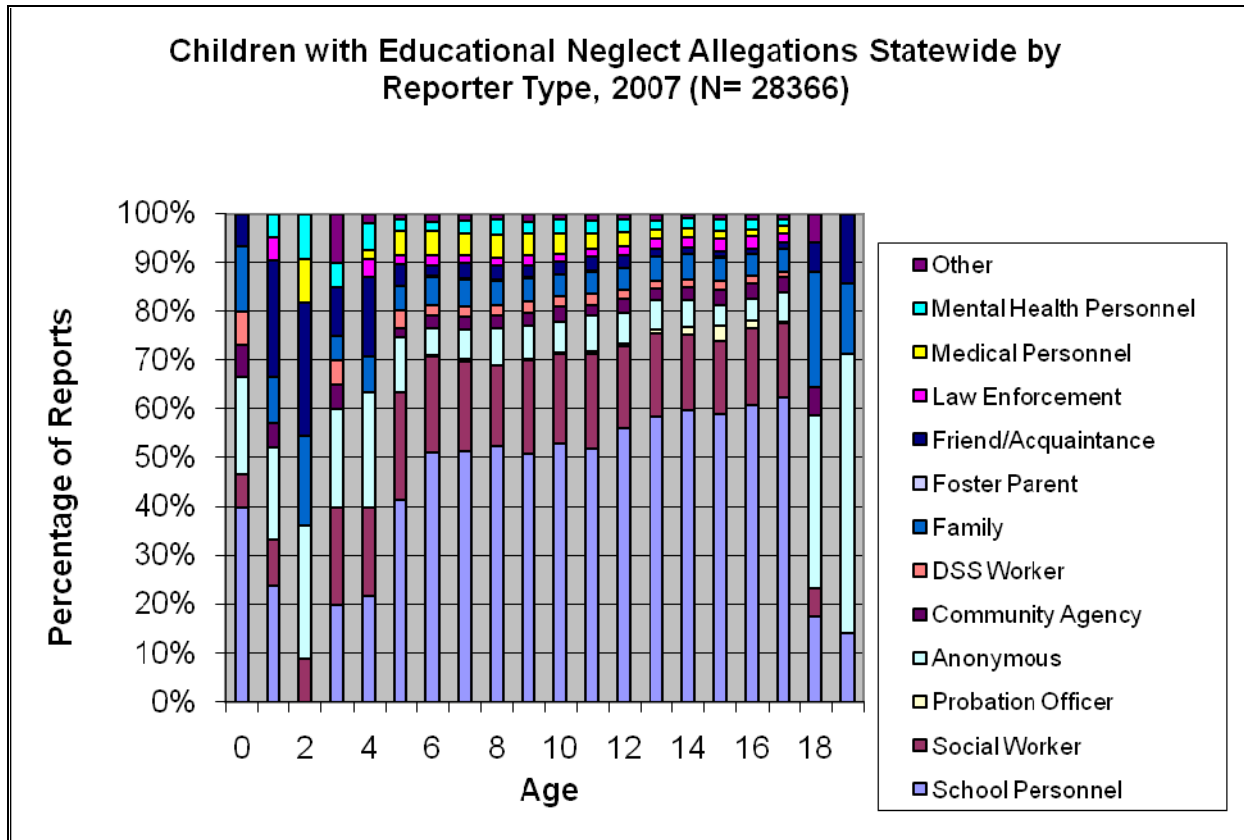
¹⁷ Compulsory education age is 16 in New York State, except in Erie County and New York City where it is 17. See New York Education Law, section 3205(3). Children must attend school through the end of the school year in which they reach the compulsory age.

¹⁸ Specifically, this chart counts children with at least one allegation of educational neglect in distinct reports to the SCR.

¹⁹ The percentage of school personnel may be larger than is reflected in figure 4 because some of the reporters in the social worker category may be school social workers. The categories that the State Central Register records for reporters of neglect and abuse were condensed into more general categories. These include the following: school personnel (guidance counselor, school personnel, attendance teacher, principal, teacher); other (other, director, clergy, ME/coroner); mental health personnel (psychiatrist/psychologist, therapist, mental health personnel); law

school officials suspect a parent is contributing to a student's excessive absences or has failed to address school attendance problems, and the child's education is suffering as a result, they are required to report it to the SCR. Yet child protective workers indicated that they often spend time investigating reported cases only to find that there is insufficient evidence of educational neglect. They suggested that school officials could have determined parental responsibility in many cases before making a report.

Figure 4



Source: OCFS data warehouse as of December 3, 2008.

Caseworkers in Yonkers said, for example, that educational neglect allegations are placed when a school is unable to contact families for reasons such as changes in address and lack of phone access (many families have prepaid phones that run out during certain periods of the month).²⁰ In

enforcement (law enforcement, attorney, police officer, court, district attorney, detective); friend/acquaintance (concerned citizen, neighbor, friend, unrelated house member); foster parent, DSS worker, community agency (community agency, other shelter, other state agency, substance abuse, family violence shelter, child care worker, public health, day care, institutional services); anonymous, probation officer, social worker, family (cousin, parent, substitute parent, biological father, aunt/uncle, grandchild, daughter/son, niece, nephew, mother, guardian, grandparent, other family member, sibling); or medical personnel (nurse, physician, EMS/EMT, state medical facility, physician's assistant, dental hygienist).

²⁰ According to Yonkers Department of Social Services, the initiation of the Yonkers Truancy Reduction Workgroup has resulted in specific efforts to reduce these types of calls. These efforts include funding the Yonkers

every county where Vera staff conducted interviews, child protective workers said that they receive reports in which the school has made a report to the SCR without first investigating the parent's role in the child's absences. They also indicated that a significant number of reported cases often did not constitute neglect because an investigation revealed parents making efforts to improve the child's attendance. The review of case files from Orange County found that approximately 50 percent of unfounded reports noted that parent were trying to engage the child in school or other services related to the child's attendance.

A lack of clarity in the law may account for some of these contentious reports. New York State does not set specific numbers or thresholds defining excessive school absence, nor does it define what steps a school should take to address the problem or determine the parent's responsibility for it. The statute itself is vague. Educational neglect is part of the general definition of neglect, which involves "the failure of [a] parent or other person legally responsible for [a child's] care to exercise a minimum degree of care in supplying the child with adequate food, clothing, shelter *or education* in accordance with [the state education law]...."²¹ No other regulations define educational neglect more specifically.

Another law, passed in 2006, requires the department of social services in each county to work with local school districts to establish specific criteria and procedures for filing educational neglect reports, based on a model policy that OCFS developed in conjunction with the New York State Education Department.²² These policies were to be submitted by January 1, 2008. As of September 2009, most of the 62 counties had yet to do so. This does not mean, however, that they have not been working on the plans; many stakeholders told project interviewers that the process of negotiating details and creating partnerships with school districts (some counties include more than 20 separate school districts) has been promising yet slow.

Although the stakeholder interviews clearly indicated that this requirement had focused attention on the issue, there was no evidence that it has brought consistency to educational neglect reporting. Local child welfare administrators and staff said, for example, that some schools consistently call the SCR and others do not. The Orange County case file review corroborated these reports: some students missed fewer than 10 days before a call was made; others missed more than 100. Data from New York City's 2007-2008 school year showed schools with similar locations, demographics, and chronic absenteeism rates with vastly different educational neglect reporting rates.²³

Whenever the SCR receives a call alleging educational neglect, the hotline interviewer asks questions to elicit information about the nature of the absences, the effect on the child, and the

Police staff to make home visits and schools providing mail notifications and automated calling to alert parents about a child's absenteeism.

²¹ New York Family Court Act, section 1012(f).

²² New York Social Services Law, section 34-a (8).

²³ Kim Nauer, Andrew White, and Rajeev Yerneni, *Strengthening Schools by Strengthening Families: Community Strategies to Reverse Chronic Absenteeism in the Early Grades and Improve Supports for Children and Families*, (New York City: Center for New York City Affairs The New School, 2008), 22. It is not known whether this has changed since New York City released updated chancellor's regulations on the minimum standards for attendance programs (A-210) June 29, 2009.

parent's awareness of the absences.²⁴ According to OCFS guidelines, a call from school personnel should be accepted by the SCR when the parent is unable to be contacted (no level of outreach is specified), the parent has been "uncooperative," or the parent cannot provide an explanation for the absences.²⁵ Based on these criteria, the SCR may accept reports when there is no independent reason to be concerned for the child's safety and the parent's responsibility for the child's absence has not been established but when the parent has not been located.

Orange County case file review: A case study

The following example was drawn from case notes (any identifying details have been changed to protect the privacy of youth and their families).

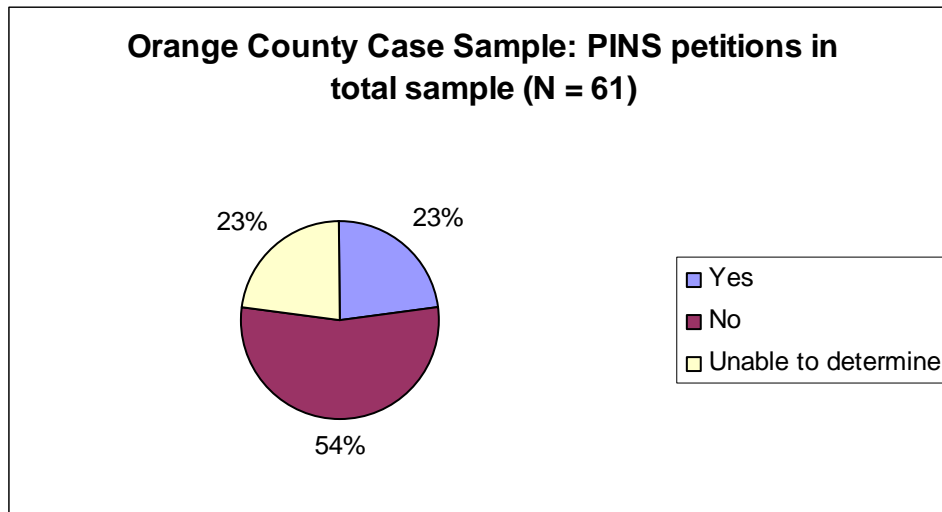
The child is a few years behind in school, feels embarrassed about going to school and, therefore, does not go. She has been tested for special education but has been told she does not need it. The child has a history of running away and getting into trouble. Her mother has filed a PINS petition in the past. The family participated in PINS services, the situation improved, services were discontinued, and then the child resumed acting out. Both parents work full time and care about their daughter's behavior, but they seem to have trouble controlling her behavior.

Cases that are already served by the PINS system for truancy are investigated for educational neglect. The persons in need of supervision (PINS) system oversees youth up through the age of 17 who are habitually truant, ungovernable or disobedient, or beyond a parent or guardian's lawful control and require supervision or treatment. The case file review in Orange County and interviews with stakeholders reveal that the PINS and child welfare systems are duplicating services for families with teenagers who are chronically absent. At least 23 percent of the educational neglect reports in the Orange County case file review involved youth who had been the subject of a PINS petition filed before or after the investigation (see figure 5). This number may be higher because involvement in the PINS system is not always noted in the child welfare case files.

²⁴ Office of Children and Family Services, *Model Policy on Educational Neglect*, (New York: February 28, 2008), 6, http://www.ocfs.state.ny.us/main/news/2008/2008_02_27_mpoen.asp.

²⁵ Office of Children and Family Services, "State Central Register Policy on Educational Neglect," *OCFS Statewide Central Register (SCR) Intake Procedure Manual* (New York).

Figure 5



I-3. The child protective system is not well equipped to handle educational neglect of teenagers.

Although 24 states recognize educational neglect, there are no evaluations of the impact of child protective system interventions on teenagers' school attendance in educational neglect cases. (Only two related evaluations for children under the age of 11 were found.)²⁶ This study's stakeholder interviews, case file review, and data analysis indicate, however, that the child protective system may not be well suited to address educational neglect among teens for the following reasons:

- Educational neglect reports involving teenagers generally do not present risks of future abuse or neglect or safety concerns.
- Parental responsibility for teens is often murky, and a child protective investigation to determine it can be counterproductive.

²⁶ The only studies Vera staff were able to find on educational neglect were conducted by the Center for Advanced Studies in Child Welfare in Minnesota. The first study, conducted in Minnesota from 2000 to 2001, found that 70 percent of children under the age of 11 improved their attendance one year following contact with the child welfare system, with greater improvement observed for the youngest children. Anita Larson and Tim Zuel, *Child Protection and Educational Neglect: A Preliminary Study* (Minnesota: Center for Advanced Studies in Child Welfare in Minnesota, 2005), 22. The follow-up study found that children sustained their improved attendance rates for up to three years following contact with the child welfare system, at which point their attendance rates diminished. It also found that younger children consistently had better sustained improved attendance, while older children had less improvement and less likelihood of sustaining their improvement. Anita Larson, Timothy Zuel, and Mira Swanson, *Are Attendance Gains Sustained? A Follow-up on the Educational and Child Welfare Outcomes of Students with Child Welfare Involvement for Educational Neglect*, (Minnesota: Center for Advanced Studies in Child Welfare, Minn-Link Child Welfare Special Topic Report No. 8, 2009), 15. These studies are limited by their lack of comparison or control groups and because they did not differentiate cases handled by the non-adversarial differential response process.

- Preventive services generally are not designed to serve older youth with school attendance problems.
- The family court does not have special tools to get teenagers to go to school.

Each of these factors is discussed below.

Educational neglect reports involving teenagers generally do not involve risks of future abuse or neglect or safety concerns. Some child welfare stakeholders have described educational neglect as “the tip of the iceberg:” a child’s absence from school, they say, can signal an unnoticed risk to his or her safety that an educational neglect investigation can expose. However, the Orange County case file review found that educational neglect reports involving older youth rarely reveal safety threats.

In reviewing the Orange County files, Vera staff found many cases in which school absences were the only basis for an SCR report, but the allegation of educational neglect occurred alongside an allegation of inadequate guardianship. Inadequate guardianship is defined as when a parent or guardian “fails to meet a reasonable minimum standard of care for the child within commonly accepted societal norms,” which can apply to almost any parental failure.²⁷ As cases that had an inadequate guardianship allegation and an educational neglect allegation (but no other allegations) did not appear to be qualitatively different from those in which educational neglect was the only allegation, Vera staff separated the entire sample of Orange County cases into three categories:

- cases in which educational neglect was the only allegation (28 percent),
- cases that combined educational neglect with allegations of inadequate guardianship (34 percent), and
- cases that combined educational neglect with any other allegations (38 percent).²⁸

The subsequent analysis focused on the first two categories, which do not have another accompanying allegation that might suggest there is more serious abuse or neglect. Many of the descriptions of cases within these two categories had similar characteristics, and the cases in these two categories had similar average risk assessment profiles (RAP). The RAP is a statewide assessment tool designed to measure the likelihood of a child being abused or neglected in the future. RAP scores range from -1 to 19. According to OCFS and a child protective official in Orange County, a score of two or less indicates a low level of risk. Figure 6 shows the average and median RAP scores of cases involving educational neglect and educational neglect and inadequate guardianship. In both categories the average scores are low, compared to cases in

²⁷ Office of Children and Family Services, “State Central Register Policy on Inadequate Guardianship,” *OCFS Statewide Central Register (SCR) Intake Procedure Manual* (New York).

²⁸ According to data provided by OCFS (August 5, 2009), inadequate guardianship is the most common type of allegation reported for every county by a considerable margin.

which educational neglect is accompanied by another type of allegation. Moreover, the median scores show that the majority of cases where educational neglect and inadequate guardianship were the only allegations had scores of 0 or less (six cases had a score of 0 and five cases had a score of -1). Thus, according to the statewide empirical risk assessment, educational neglect cases involving teenagers were especially low.

Figure 6

Orange County Case File Review: Risk score, by group (N=61)		
	Average	Median
Educational neglect + other allegations	3.666667	2
Educational neglect + inadequate guardianship	1.714286	0
Educational neglect only	1.846154	1
Total	2.490909	1

Source: Orange County case file review (Children ages 13-17).

None of the case notes in the educational neglect only sample mention an immediate safety concern. Of cases with both educational neglect and inadequate guardianship allegations, two cases presented possible safety issues: 1) one parent was verbally abusive, and there was a history of domestic violence; and 2) the family had a significant CPS history (children had recently been in foster care) and the report focused on other, more serious suspected neglect and not on educational neglect.²⁹

Fewer than 10 percent (5 out of 61) of investigations in all three categories resulted in new allegations for either the subject child or a sibling. When investigations did lead to new allegations, they were not for abuse, but for educational neglect of siblings and other neglect issues, as presented in figure 7.

Figure 7

Orange County Case File Review: Description of charges added	
For educational neglect only reports (4)	
For subject child	Inadequate guardianship (1) Other neglect (1) (related to maternal mental illness)
For other children in home	Educational neglect (2)
For reports with other allegations (1)	
For subject child and other children	Other neglect (1) (related to unstable housing and paternal substance abuse)

²⁹ These potential safety concerns were identified by Vera investigator's review of the case notes.

Thus, in Orange County, investigations of educational neglect generally did not uncover more serious kinds of abuse and neglect than were included in the initial report. It would be useful to conduct similar analyses in New York City and other counties.

Parental responsibility for teen absences is often murky, and a child protective investigation to determine it can be counterproductive. Even if there is no safety concern uncovered in the educational neglect investigation, the law provides that the child protective system has jurisdiction if a teenager has excessive school absences and the parent is responsible. Child welfare officials and workers said that it is harder for them to determine parental responsibility for teenagers than for younger children. When an 8-year-old does not come to school, it is clear that the parent is responsible. A 15-year-old, however, often makes his or her own decisions about going to school and may be in conflict with his or her parents about many things, including school. During interviews, child protective workers and parents told numerous stories about parents who dropped their children off at the school door only to find out later that they did not go to school.

Child protective investigations may also have unintended consequences for children, families, and community perception of child welfare workers. Caseworkers and supervisors who focus on educational neglect cases in New York City stated that school personnel often do not understand the consequences of calling the SCR. By law, resulting investigations must follow a prescribed protocol that can be very intrusive for a family. This protocol includes interviews with all children in the household, a physical search of the house, background checks, and other investigative methods.³⁰ Being investigated by child welfare can also stigmatize a family.³¹

Several stakeholders who have tried to engage parents and their children while concurrently investigating educational neglect allegations told Vera staff that the investigation process can cause those parents to want to avoid the system, including voluntary community supports or resources that may benefit the family. This assertion seems to be corroborated by a randomized evaluation of differential response, a non-adversarial and non-investigative response, discussed in a later section of this report. The evaluation showed that families who are approached in this alternative way are more likely to participate in services than their counterparts receiving a traditional child protective investigative response.³² Similarly, caseworkers in Yonkers reported that parents are both more receptive to services and more honest about the supports they need when a non-investigative approach is used.

Preventive services generally are not designed to serve older youth with school attendance problems. Stakeholders from across the state described a lack of effective services for older

³⁰ New York Social Services Law, section 424(6)-(6-b).

³¹ The concern over the impact of an unfounded educational neglect report has recently been the source of a bill introduced in the New York State Senate by Senator Velmanette Montgomery from Brooklyn. See S05974.

³² L.A. Loman and G.L. Siegel, *Minnesota Alternative Response Evaluation: Final Report*. (Saint Louis, MO: Institute of Applied Research, 2004b), 54. This study used a randomized evaluation design and showed that the non-adversarial approach resulted in more families using services.

youth and their families who end up in the child protective system after an educational neglect report.

Preventive services funded by the child protective system and referrals to other community-based services are a common response to educational neglect allegations. In New York City, 71 percent of educational neglect cases were met with a connection to services.³³ Stakeholders from all jurisdictions also reported that a connection to preventive or other services was a common result of these allegations. Yet seven out of 10 jurisdictions studied had no preventive services programs provided by the child welfare system specifically focused on engaging teenagers in school.

An exception, Buffalo, has a program that focuses on educational issues for teens who end up in family court for educational neglect, PINS, or juvenile delinquency (see the box on Erie County stakeholders address chronic absenteeism using a strengths-based approach, below). Child welfare officials in New York City pointed to Good Shepherd Services as a preventive services provider that effectively handles teenagers' education issues. These programs, though, are the exception rather than the rule.

Erie County stakeholders: Target and address the needs of teens with educational neglect reports

Under the leadership of Family Court Judge Paul G. Buchanan, the Erie County Family Court in Buffalo has developed a specialized courtroom to address cases involving persons in need of supervision (PINS), juvenile delinquency (JD), juvenile substance abuse, and educational neglect. Erie County government and family court staff developed a comprehensive services delivery program that brings together the Erie County Departments of Probation, Mental Health, and Social Services with the juvenile justice court. A team comprised of workers from the three departments and outside agencies such as the Buffalo Public Schools, BOCES, and treatment providers works with the family to develop a service plan. BPS has two educational liaisons with offices in family court to assist in education matters such as records, transfers, transportation, and Committee on Special Education referrals.

In August 2008, the court, in partnership with the Joan A. Male Family Support Center, launched a pilot program for students in educational neglect cases. The program focuses on improving school attendance and grades, increasing parents' involvement with their children's education, and reducing or deterring juvenile justice system involvement. The program is currently being piloted for young people in grades 6 through 8 who have significant school absences, at least one prior CPS indicated report, behavioral and/or mental health needs, and parent support needs. Case managers, who have a case load of six to eight families, spend the first 60 to 90 days working closely with a family to assess its service needs and the barriers to better school attendance. This is followed by three to six months of support services including educational counseling and family support to maintain participant success.

The process is facilitated by the two resource officers with the Buffalo Public Schools and a specialized unit of the Erie County Legal Aid Bureau that focuses on educational neglect cases

³³ Data provided by ACS for 2008 show that out of 21,456 indicated educational neglect cases, 10,005 received preventive services and 5,224 were referred to community-based services.

and advocates in the education system for the children. Of the initial cohort of students (31), seven of the eleven successfully discharged from the program improved their attendance and grades. Based upon these preliminary results the program is being continued and reviewed for expansion.

Program models that address chronic absenteeism are being developed in the PINS system around the state, but access to these programs for educational neglect cases varies from county to county. In Orange County, educational neglect cases are referred to Court Related Youth Preventive Services (CRYPS), a program within McQuade Children's Services, although it is primarily intended for adjudicated children who have committed crimes and PINS youth who are at risk of out-of-home placement. CRYPS serves children ages 11 to 18 who are acting out and who are chronically absent. According to its 2008 annual report, 90 of the 166 children CRYPS served were referred for school attendance issues, and 47 of those 90 youth (52 percent) improved their school attendance while participating in the program. CRYPS is a six-month long program that involves intensive counseling and case management, including meeting with the youth multiple times per week and meeting with the school regularly.

Caseworkers and supervisors Vera staff interviewed in Orange County, Yonkers, and Manhattan indicated that they felt unprepared to help teens meet their educational needs. Navigating the education system requires relationships with school staff, knowledge of existing programs and services, an ability to diagnose learning needs, and understanding of the educational rights of youth and their families. Preventive services providers and caseworkers often do not have these specialized skills, they said. Some social services officials expressed a desire to have more expertise in education issues among child protective services staff so they can more effectively serve these youth.

The family court does not have special tools to get teenagers to go to school. Although few educational neglect charges result in foster care placement, a significant number of allegations make it to family court. Vera's case file review of Orange County records found that 13 percent of the cases involving allegations of educational neglect and allegations of educational neglect and inadequate guardianship resulted in a petition being filed in family court. (Only 6 percent of cases with educational neglect only (1 case) resulted in a petition.) As illustrated in figure 8, approximately 26.5 percent of all petitions filed in New York City in 2008 included an allegation of educational neglect.

Figure 8

Court Filings for New York City (CY 2008)	Total number of filings	Percentage of total filings
Ed neglect only	445	4.4%
Ed neglect with other allegations	2,222	22.1%
All other allegations	7,389	73.4%
Total	10,056	100.0%

Source: Administration of Children Services, Family Court Legal Services.

Vera staff were unable to speak to a significant number of judges, but lawyers who practice in family court, child protective workers, and parents reported hearing judges express frustration with educational neglect cases for older youth, which reach them only after other efforts to re-engage the youth in the education system have failed. This frustration may be due in part to the fact that judges do not have any access to additional services or tools to get teens to go to school beyond those available before the case went to court. Their main additional leverage is the threat of placing a child in foster care. Although there was one example in which removing a child resulted in improved attendance, Vera staff found no research on the effectiveness of foster care in improving school attendance for chronically truant teens. Instead, a substantial body of research shows that foster youth have poor educational outcomes, and most of the stakeholders interviewed agreed that foster care is not an appropriate outcome for teens who are not attending school but who are not otherwise being maltreated.³⁴

It was also reported that because filing the petition and going through the hearing process can take a significant amount of time, older youth sometimes age out of the education system while going through the court process. In Vera’s Orange County file review, the average age of teens with a petition filed was almost 16 years old (15.8) at intake of the CPS investigation. In fact, more educational neglect reports are made for 16-year-olds than for any other age group; this is the last year of mandatory schooling for all children in New York schools except those in New York City and Erie County.

Court intervention: A frustrating example

A New York City high school called the SCR to report educational neglect of a 16-year-old. After investigating the case, a caseworker with the Administration for Children’s Services (ACS) worked with the family. When the child’s attendance did not improve, the case was taken to family court. The judge placed the family under court-ordered supervision, but the child still would not go to school. The judge closed the case. The next day, the school called in a second report of educational neglect because the child’s attendance still had not improved, and ACS was required to start a new investigation.

³⁴ National Governor’s Association, *Factsheet: Educational Outcomes for Children and Youth in Foster and Out-of-home Care* (Washington DC: National Working Group on Foster Care and Education, 2007).

I-4. Families and teenagers reported for educational neglect have needs that might be more appropriately addressed by other systems.

A wide range of underlying situations leads to educational neglect reports. Vera staff examined the 49 out of 61 Orange County cases that had no safety concerns to get a sense of whether some cases could more effectively be served by another system.

Vera's rough categorization (not a quantitative analysis) showed³⁵

- language issues (1 case),
- false reports (2 cases),
- medical issues of the parent or child (5 cases),
- mental health issues of the parent or child (4 cases),
- educational administrative issue (1 case), and
- educational placement or engagement issues (18 cases).

The last category encompasses a wide range of issues that presented no safety concerns, where the parent was engaging with CPS or the school, and where the education system would most appropriately serve the student's needs. These cases included parental conflicts with the school, homeschooling (10 percent of the sample were being homeschooled), and, most commonly, inappropriate school placement and/or disengagement by the student.³⁶ With appropriate educational or social services, some of these families might have avoided entanglement with the child protective system.

However, this does not mean that these families' issues can be easily addressed. When Vera staff looked at the entire sample many of the cases included multiple challenges faced by families struggling with poverty. Unstable housing and homelessness was an issue in 25 percent of cases. In 29 percent of cases, parents had mental health and/or medical issues. Twenty percent of the children had mental health issues. Seventeen percent of the female students in the sample were pregnant.

Orange County case file review: Complex circumstances underlying educational neglect

The following example was drawn from case notes (any identifying details have been changed to protect the privacy of youth and their families).

³⁵ The sample size of the Orange County case file review was 61 cases. Vera staff identified 12 out of 61 cases that presented safety concerns that warranted child protective oversight.

³⁶ Vera's file review was unable to fully capture the scope of the children's educational needs because Vera staff did not have access to their educational files. They attempted to review school files in Orange County, but because the project was conducted during the summer, they were unable to coordinate.

The child was suspended from school due to violent behavior, so it was arranged for him to participate in home tutoring. The child is in special education so the school is required to provide special services to meet the child's needs. The home tutoring sessions were canceled on multiple occasions because the tutor could not conduct the sessions without a parent present at the home. The child lived with his father who was in the process of getting evicted. The father agreed that the child would return to school when the suspension was complete and would attend every day (which happened). The father was evicted and is now homeless. The child is currently living with his mother until the situation improves.

I-5. There are many more teens who miss a lot of school than are reported to the SCR; Vera staff suspect that large numbers of them need help and are not being served by another system.

There is no single definition of chronic absenteeism. Leading researchers define chronic absence as a student missing at least 10 percent of the school year, roughly a month of school.³⁷ In New York State, school districts determine their own attendance policies based on guidelines developed by the state. Every district is required to define what constitutes an unexcused absence, designate the person(s) responsible for monitoring attendance, specify the type of notification that will be provided to parents of chronically absent students, and outline interventions that school personnel will follow in cases of excessive absence.³⁸ In New York City, an automated attendance report is generated when a student misses 10 consecutive days or 20 days over four months.³⁹ In Yonkers, a student is considered chronically absent after missing 20 days.⁴⁰

Although precise definitions may vary, it is clear that a significant number of New York State children qualify as chronically absent. In New York City, almost 40 percent of teenagers in 9th to 12th grades (139,874) missed more than 20 days of school during the 2007-2008 school year.⁴¹ Even in school systems that show average attendance rates over 90 percent, a substantial portion of students may be chronically absent. Attendance rates that use average daily attendance

³⁷ Hedy Cheng and Mariajose Romero, *Present, Engaged and Accounted For: The Critical Importance of Addressing Chronic Absence in the Early Grades* (New York: National Center for Children in Poverty: Mailman School of Public Health, Columbia University, 2008), 11.

³⁸ New York State Education Department Commissioner's regulations, section 104.1(i).

³⁹ New York City Department of Education, Chancellor's regulation A-210. June 29, 2009. New York City's Department of Education has recently prioritized addressing chronic absenteeism and has developed a mechanism to track it. According to the chancellor's regulation on attendance, the DOE generates an electronic report called a 407 if a student misses 10 consecutive days or 20 days over four months. It provides these lists to principals to flag students with excessive absences and possible safety concerns, and they are expected to address these reports and "close" the cases. Lilan Garelick and Josh Marquez, New York City Department of Education, interview by Megan Golden, Jessica Gunderson, and Lizzie Elston, New York City, June 29, 2009.

⁴⁰ Meeting with the Yonkers Truancy Reduction Strategy Group, July 2009.

⁴¹ Kim Nauer, Andrew White, and Rajeev Yerneni, *Strengthening Schools by Strengthening Families: Community Strategies to Reverse Chronic Absenteeism in the Early Grades and Improve Supports for Children and Families* (New York City: Center for New York City Affairs The New School, 2008), 14-15.

mask the number of chronic absences because they only show the percentage of students present on a given day, not how many students miss multiple days.⁴²

Vera’s analysis compared the number of children who were reported to the SCR for allegations of educational neglect to the number of students who were chronically absent from school. There is a considerable gap between chronic absenteeism rates and the number of educational neglect reports. As figure 9 illustrates, for example, only about 6 percent of all New York City students who are chronically absent are reported for educational neglect.⁴³ In Yonkers, where a truancy task force tracks chronic absences, approximately 23 percent of all students (ages 6 to 17) who have at least 20 absences are reported to the SCR, as illustrated in figure 10. The disparities that exist in both jurisdictions suggest that the number of educational neglect reports could increase significantly if schools are encouraged to call the SCR as a response to chronic absences.

Figure 9: Approximate Proportion of Chronic Absences Reported for Educational Neglect in New York City by Grade

Grade	Number of students with 20 or more absences in the 2007-2008 school year	Number of children with at least 1 allegation of educational neglect in (CY 2008)	Approximate percentage of chronic absences accepted as educational neglect reports
K-5th (ages 5-10)	90,128	4,038	4.48%
6th to 8th (ages 11-13)	53,789	3,340	6.21%
9th to 12th (ages 14-18)	139,874	9,850	7.04%
NYC citywide totals	283,791	17,228	6.07%

Source: Kim Nauer, Andrew White, and Rajeev Yerneni, *Strengthening Schools by Strengthening Families: Community Strategies to Reverse Chronic Absenteeism in the Early Grades and Improve Supports for Children and Families*, Data from New York City Department of Education for July 2008, 2007-08 school year, and OCFS data warehouse as of July 29, 2009 for CY 2008.

Data from New York City and Yonkers also show that teenagers missing significant portions of school are reported to the SCR at a higher rate than younger children. In New York City, roughly 4.5 percent of chronically absent children from kindergarten through fifth grade were subjects of educational neglect allegations, compared to 7 percent of teenagers in grades 9 through 12. In Yonkers, as figure 10 indicates, the difference in the ratio of educational neglect

⁴² Kim Nauer, Andrew White, and Rajeev Yerneni, *Strengthening Schools by Strengthening Families: Community Strategies to Reverse Chronic Absenteeism in the Early Grades and Improve Supports for Children and Families* (New York City: Center for New York City Affairs The New School, 2008), 7.

⁴³ Note that these numbers are only an approximation because the chronic absenteeism numbers are for the 2007-2008 school year, and the number of children with educational neglect allegations is for calendar year 2008. Data retrieved from OCFS data warehouse as of July 29, 2009.

reports to chronically absent students is even starker: approximately 17 percent of chronically absent children ages 6 to 10 were reported, whereas 29 percent of chronically absent teens (ages 14 to 17) were reported.

Figure 10: Proportion of Chronic Absences Reported for Educational Neglect in Yonkers by Age in 2008-2009 School Year

Ages	Number of students with 20 or more absences	Number of educational neglect reports	Percentage of chronic absences accepted as educational neglect reports
Children ages 6-10	729	123	17%
Children ages 11-13	426	94	22%
Children ages 14-17	771	227	29%
Yonkers Citywide totals	1926	444	23%

Source: Yonkers School District and Yonkers Department of Social Services (September 2009).

What happens to the chronically absent students who are not reported? Although this population was not a part of this study, Vera staff encountered little evidence suggesting that they are being served by other systems, leading staff to suspect that some of them are not getting help.⁴⁴

A portion of these youth are likely being served by their schools or education departments. Some principals have made attendance a priority and garnered extra resources to address the issue. (See, P.S. 055 Benjamin Franklin: Improving attendance against the odds, below.) However, in an era of budget cuts, many schools have cut back on supplemental services like this. In New York City, school guidance counselors, attendance officers, and similar staff are stretched thin: Only 405 attendance officers and 3,004 guidance counselors serve more than 1 million school children in the city.⁴⁵ Vera’s interviews, the resource constraints in education, and the fact that chronic absence remains a significant problem suggest that a significant portion of chronically absent youth—including teens—are not being served.

P.S. 055 Benjamin Franklin: Improving attendance against the odds

Luis Torres, the principal of P.S. 55 in the Morrissania section of the Bronx, has a strong commitment to improving attendance. According to Mr. Torres, P.S. 55 is an elementary school with middle school problems such as gang violence, pregnancy, and drugs. The school serves a population of 630 children from four housing projects and three or four homeless shelters in the

⁴⁴ Vera’s analysis did not directly reveal why teenagers missing a significant amount of school appear to be reported at a higher rate than younger children in some jurisdictions. It is worth further analysis in other jurisdictions to see if this finding is consistent across the state.

⁴⁵ Maise McAdoo, United Federation of Teachers, interview by Jessica Gunderson, New York City, October 13, 2009. Data as of October 2009.

neighborhood. When Torres began working at P.S. 55 in 2005, the attendance rates at his school were at 88 percent and have since improved to almost 94 percent. This year, P.S. 55 received an “A” grade in its progress reports, an achievement Mr. Torres attributes to the improvement in attendance and the impact attendance has on all other aspects of school achievement. Since Torres took over P.S. 55, he does not think there has been a call to the SCR for educational neglect.

Mr. Torres is committed to improving attendance in his school and has taken several steps to improve attendance:

- At the end of each day, the school contacts the parent of every child who is absent.
- Teachers are held accountable by the principal for making sure that the parent of the absent child has been contacted.
- There is a family worker in the school who conducts home visits, and follows up with a family whose child continues to miss school. The family worker finds out what the underlying cause of the absence is and resolves it.
- Awards are given out for good attendance.
- There is a health clinic in the school to facilitate the resolution of medical issues like asthma that might prevent a child from attending school.
- There is a significant Muslim population in P.S. 55 who missed school during Muslim holidays. Torres has worked with the local mosques to determine when children can be excused for religious reasons and has arranged a separate location for children who are fasting during holidays to sit during lunch.
- There are preventive services workers in the school, whom Torres brought in. If families are having issues, the school can refer them to the preventive services workers right in the school. Torres made this connection with the preventive services workers to address the high levels of abuse and neglect in the Morrissania community.
- In addition to these efforts, Torres has used the attendance resources that the Department of Education provides, such as the integrated service centers, substance abuse workers, and attendance officers.

As described earlier, some of these chronically absent teens are likely receiving services as status offenders or persons in need of supervision (PINS)—youth who have not broken the law but who have come to the attention of authorities for behaviors unique to their status as minors, such as truancy or running away. Since 2004, New York State’s PINS system has undergone significant reforms aimed at increasing diversion interventions and reducing detention.⁴⁶ In 2008, there were 1,424 PINS petitions filed in New York City and 4,511 statewide.⁴⁷ Many more families are getting help through these diversion programs (Vera staff do not have data on how many), but the number is still likely to be only a small fraction of the state’s chronically absent teens.

⁴⁶ Annie Salsich, Paragini Amin, and Ben Estep, *Widening the Lens 2008: A Panoramic View of Juvenile Justice in New York State* (New York: Vera Institute of Justice, 2008), 23.

⁴⁷ Reports provided by the New York State Office of Court Administration, Office of Court Research..

Although there are some alternatives, such as programs for disconnected youth, there is likely a large number of teens in need whom no system is accountable for or serving.⁴⁸ If the government's goal is to promote teens' welfare and specifically to ensure that they get a good education, there are likely many more teens who need to be served.

I-6. There are promising practices for addressing chronic absenteeism among teenagers.

Several stakeholders suggested that early intervention for chronically absent children in elementary school is the most effective way to prevent chronic absenteeism in high school. Research indicates schools that can reduce chronic absenteeism for young children by using strategies such as communicating with families and designating specific personnel to address chronic absenteeism.⁴⁹ However, consistent with the focus of this report, Vera's literature review focused on strategies for reducing chronic absences for teenagers. Staff found one child protection practice that holds promise for better outcomes for educational neglect: differential response. There are also a small number of evidence-based programs outside of the realm of child protection that successfully address teenagers' school attendance and performance.⁵⁰

Differential response shows positive outcomes for families. Differential response is an alternative child protective response that does not involve an investigation beyond an immediate safety check and that focuses on engaging families in support services that meet their needs and build their ability to care for their children. Eighteen states are piloting differential response, statewide or in select counties.⁵¹ Six states are planning to implement differential response soon.⁵²

⁴⁸ Disconnected youth programs are funded by the federal government or the Department of Youth and Community Development and are targeted at youth who are not in school and are not working.

⁴⁹ J.L. Epstein and S.B. Sheldon, "Present and Accounted for: Improving Student Attendance through Family and Community Involvement," *Journal of Educational Research* 95, no. 5 (2002): 308-318; and S.B. Sheldon and J.L. Epstein, "Getting Students to School: Using Family and Community Involvement to Reduce Chronic Absenteeism," *School and Community Journal* 4 no. 2 (2004): 39-56, as cited in Hedy Cheng and Mariajose Romero, *Present, Engaged and Accounted For: The Critical Importance of Addressing Chronic Absence in the Early Grades* (New York: National Center for Children in Poverty: Mailman School of Public Health, Columbia University, 2008), 11.

⁵⁰ Vera staff interviewed and learned about a significant number of preventive services providers, advocacy programs, and school-based partnership services in New York City and around the state that are developing innovations and implementing programs engaging chronically absent children and related populations. This report focuses on those programs that have been evaluated. For more information on these additional programs and organizations, please contact the Vera Institute.

⁵¹ National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 10.

⁵² C. Kaplan and P. Schene, *Primer on Differential Response: Take Two!* (presentation at the American Humane Association conference on differential response, Columbus, OH 2008). Cited in National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 10.

In early 2009, six counties in New York State began piloting differential response for specific types of abuse or neglect reports as allowed for under law.⁵³ New York State's model, known as family assessment response (FAR), offers a non-investigatory intervention with a focus on child safety and a family led assessment of needs and supports. As of October 2009, over 2,500 reports have been addressed through this alternative track.⁵⁴ Eight additional districts will begin implementing FAR by early 2010, and the state is working with a third group of local districts interested in implementing FAR later in 2010.⁵⁵

Although no differential response program has been evaluated specifically for its impact on school attendance, there are 13 completed and five ongoing evaluations of differential response that show promising outcomes for youth.⁵⁶ A meta-analysis of differential response programs by the National Quality Improvement Center on Differential Response in Child Protective Services revealed the following key findings:

- All of the evaluations included in the meta-analysis measured rates of abuse and neglect reports, and all found that differential response reduced the number of new child welfare reports on families, indicating that it does not compromise child safety.⁵⁷ For example, a follow-up study on a randomized controlled evaluation of differential response in Minnesota found that families that participated in a traditional investigative approach were 1.28 times more likely to be subsequently reported for child abuse and neglect over a 3.6 year period, on average, than families that participated in differential response.⁵⁸ This study also found that during the 3.6 year follow-up period, families who participated in the traditional CPS investigative response were twice as likely to have a child removed as families who participated in differential response.⁵⁹
- Most of the studies that measured how quickly families received services found that those in the differential response pathway received services sooner than families in

⁵³ New York Social Services Law, section 427-A.

⁵⁴ Sheila Poole, OCFS, Telephone interview by Jessica Gunderson, October 28, 2009.

⁵⁵ Sheila Poole, OCFS, Telephone interview by Jessica Gunderson, September 11, 2009.

⁵⁶ Of the thirteen evaluations, two used an experimental design methodology (but only one is completed), five used a quasi-experimental design, eleven used a natural experiment design, and two used a pre-post data comparison design. National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 21.

⁵⁷ Additional abuse and neglect reports are accepted as an indication of safety concerns. See G.L. Siegel, and L.A. Loman, *Missouri Family Assessment and Response Demonstration: Final Evaluation Report* (St Louis, MO: Institute of Applied Research, 1997), 88; National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 31.

⁵⁸ G.L. Siegel and T. Loman, *Extended Follow-up Study of Minnesota's Family Assessment Response: Final Report* (Saint Louis, MO: Institute of Applied Research, 2006), 31.

⁵⁹ *Ibid.*, 44.

the investigative system.⁶⁰ For example, in Missouri, families in differential response received services in 17.2 days on average, and the comparison group received services in 34.8 days on average.⁶¹

- Client satisfaction surveys indicate that clients who participated in the non-investigative pathway were happier with the experience and service outcomes of differential response than those in the investigative approach.⁶² In Missouri differential response pilot areas, 88 percent of families who participated in the differential response were satisfied with the way they were treated by case workers, compared to 57 percent of families who participated in an investigative response.⁶³
- Worker satisfaction surveys showed that workers thought the differential response improved engagement with and cooperation of families.⁶⁴ Surveys also showed that workers liked the less confrontational and more service-oriented approach of differential response and believed it did not harm child safety.⁶⁵
- More community agencies cooperate with child welfare when differential response is implemented than when an investigative response is used.⁶⁶ In Missouri, differential response workers were involved in linking families to community resources in 83 percent of cases, compared to 61 percent in comparison groups.⁶⁷ In addition, relationships and communication between child welfare caseworkers and other agencies and community groups reportedly improved in pilot counties.⁶⁸
- One study in Minnesota included a cost analysis of differential response. Although initially more expensive than a traditional child welfare response (in the period between when a report is made and last child welfare contact), over time differential response led to reduced costs for participating families.⁶⁹ The difference between the

⁶⁰ *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 31.

⁶¹ G.L. Siegel, and L.A. Loman, *Missouri Family Assessment and Response Demonstration: Final Evaluation Report*. (St Louis, MO: Institute of Applied Research, 1997), 108.

⁶² National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 27.

⁶³ G.L. Siegel, and L.A. Loman, *Missouri Family Assessment and Response Demonstration: Final Evaluation Report*. (St Louis, MO: Institute of Applied Research, 1997), 140.

⁶⁴ National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 27.

⁶⁵ *Ibid.*, 32.

⁶⁶ National Quality Improvement Center on Differential Response in CPS, *Differential Response in CPS: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 28.

⁶⁷ G.L. Siegel, and L.A. Loman, *Missouri Family Assessment and Response Demonstration: Final Evaluation Report*. (St Louis, MO: Institute of Applied Research, 1997), 156.

⁶⁸ *Ibid.*, 160.

⁶⁹ L.A. Loman and G.L. Siegel, *Minnesota Alternative Response Evaluation: Final Report*. (Saint Louis, MO: Institute of Applied Research, 2004b), 162.

overall costs of cases in differential response systems and those in a traditional child welfare approach is explained by the costs of services. The long-term cost of services for differential response is significantly lower than for a traditional approach.⁷⁰ While the Minnesota study does not explain what type of services families received, this cost reduction may be connected to the finding by the Washington Institute for Public Policy that differential response reduces the number of youth placed in foster care.⁷¹

There are some evidence-based practices for chronically absent teenagers. The Washington State Institute for Public Policy, a non-partisan organization overseen by the Washington Legislature that combines rigorous research methods with applicable policy analysis, conducted a meta-analysis of chronic absenteeism and drop-out programs for teenagers, focusing on programs based in schools, law enforcement, and courts. The analysis looked at all evaluations of programs addressing these issues but only included those that met specific criteria in the meta-analysis.⁷² The finding was that there is relatively little high-quality research in this area.⁷³ Only 22 of the 200 evaluations of programs of this type had rigorous evaluation designs.⁷⁴

The evaluated programs offered tutoring, career development, case management, attendance monitoring, contingency management (rewards and punishments), counseling, mentoring, advocacy, parent outreach, youth development, and other services such as parenting classes and school-based health centers. The Washington Institute grouped these service types into six practice categories (academic remediation, alternative educational programs, alternative schools, behavioral programs, mentoring, and youth development, represented in figure 11) because of the small number of evaluations. The evaluations showed that three of the six practice categories have a positive, albeit small, impact on school attendance: alternative educational programs, behavioral programs, and school-based mentoring. Figure 10, below, shows that alternative

⁷⁰ Ibid., 162.

⁷¹ Stephanie Lee, Steve Aos, and Marna Miller, *Evidence-based Programs to Prevent Children from Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington* (Olympia: Washington State Institute for Public Policy, 2008, document No. 08-07-3901), 7.

⁷² The programs considered had to be implemented by schools, courts, or law enforcement. Programs not included in the meta-analysis are those carried out by nonprofit, social services, or mental health agencies, unless they work closely with schools, courts, or law enforcement; early childhood and elementary school programs; programs for populations identified as at risk for negative school outcomes because of general characteristics, like minority status; school reform programs; character or social-emotional learning programs; programs that focus after high school graduation or dropping out; and delinquency and behavior improvement programs for youth who engage in criminal activities. In addition, the evaluations had to have a rigorous design that used comparison groups, and the outcomes measured had to include school attendance, high school graduation, or drop-out status. They also included evaluations that measured academic achievement. See T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 2-3.

⁷³ The Washington State Institute for Public Policy is widely respected for producing rigorous analyses that are useful to policymakers. T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 1.

⁷⁴ It is notable that while court-based interventions in truancy are widespread around the country, there is only one rigorously evaluated court-based program. Ibid., 1.

educational programs had a positive impact in the four outcomes measured (drop-out rates, presence at school, achievement, and graduation rates), behavioral programs had a positive impact on attendance, and mentoring programs had a positive impact on attendance and drop-out rates.

ALTERNATIVE EDUCATIONAL PROGRAMS.⁷⁵ These programs provide specialized instruction to students within a school. The meta-analysis showed that alternative educational programs decreased drop-out rates, increased school enrollment and attendance, and improved school performance and graduation rates.⁷⁶

BEHAVIORAL PROGRAMS.⁷⁷ Behavioral programs establish rewards and punishments to encourage positive behavior and problem solving. Behavioral programs have a positive impact on school enrollment and attendance but no statistically significant impact on achievement.⁷⁸ Drop-out and graduation rates were not measured for behavioral programs because of insufficient data.⁷⁹

MENTORING PROGRAMS.⁸⁰ In mentoring programs, each student is paired with an adult who plays a supportive role in school achievement. Mentoring programs improve school attendance a small amount and decrease drop-out rates.⁸¹ There were no statistically significant outcomes on school achievement and graduation rates.⁸²

⁷⁵ Career Academies is an example of an alternative educational program that creates small learning communities within a larger school environment. This program includes both struggling, at-risk students and high achieving students. See J.J. Kemple and J.L. Rock, *Career Academies: Early Implementation Lessons from a 10-site Evaluation*, (New York: Manpower Demonstration Research Corporation), <http://www.mdrc.org/publications/162/execsum.html>.

⁷⁶ T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy 2009, Document No. 09-06-2201), 7.

⁷⁷ Achievement for Latinos through Academic Success (ALAS) is a behavioral program in which students are assigned counselors who monitor attendance, behavior, and academic achievement and provide feedback. Students learn problem-solving skills, and parents are trained in parent-child problem solving and how to communicate effectively with schools. This program was evaluated and showed a small positive change in school attendance. See K.A. Larson and R.W. Rumberger, "Alas: Achievement for Latinos through Academic Success: Project Evaluation 1990-1995," in *Staying in School: A Technical Report of Three Dropout Prevention Projects for Middle School Students with Learning and Emotional Disabilities*, edited by H. Thorton (Minneapolis: University of Minnesota, Institute on Community Integration, 1995).

⁷⁸ T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 7.

⁷⁹ *Ibid.*, 6.

⁸⁰ Check and Connect is a mentoring program that has been implemented in some parts of New York State, including Orange County. In Check and Connect, mentors seek to engage students in school through attendance monitoring, problem solving, advocacy, family outreach, and counseling. Check and Connect has only been evaluated once to show small positive effects on reducing the number of drop outs and improving attendance. See M.F. Sinclair, S.L. Christenson, and M.L. Thurlow, "Promoting School Completion of Urban Secondary Youth with Emotional or Behavioral Disabilities," *Exceptional Children* 71, no. 4 (2005): 465-482.

⁸¹ T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 7.

⁸² *Ibid.*, 7.

An important negative finding is that at-risk students who are placed in alternative schools in separate facilities are more likely to drop out than similar at-risk students in traditional school settings.⁸³

Figure 11

TABLE 4
Effects of Truancy and Dropout Programs for Middle and High School Students on School Outcomes

Program Class	Dropout	Presence at School (Enrollment & Attendance)	Achievement (Test Scores & Grades)	Graduation
Academic remediation: Providing students with additional or intensive instruction to improve academic skills, usually in core subject areas (e.g., reading, math).	0	0	0	N/A [*]
Alternative educational programs: Programs involving a group of students in a traditional school (e.g., school-within-a-school) that usually offer small class size, more individualized instruction, and/or different instructional methods and material (e.g., vocational curriculum).	+	+	+	+
Alternative schools: Schools with separate facilities and services for students who struggle in traditional school settings. Schools usually incorporate an alternative curriculum (often academic remediation) and psychosocial services (e.g., counseling, case management).	-	0	0	0
Behavioral programs: Targeting students' school behaviors by helping them analyze and problem-solve negative behaviors, and/or by establishing a system of contingencies (rewards, punishments) for desirable and undesirable behaviors.	N/A [*]	+	0	N/A [*]
Mentoring: Providing students with positive role models, who help with specific academic issues (e.g., homework), advocate for the student in the school system, and connect them to other services (e.g., social services).	+	+	0	0
Youth development: Preventing negative school outcomes by promoting bonding with positive figures and school environment, fostering competence and skill building, and supporting resilience. Rather than focusing on remediation of youth's weaknesses, programs target healthy development and build on youth's strengths. [^]	N/A [*]	0	0	N/A [*]

^{*} This table summarizes the results of multiple evaluations per program class. Results are not shown when fewer than two studies or two outcomes were identified for a particular program class. Complete results are provided in Appendix C.

[^]Roth & Brooks-Gunn, 2003.

Source: T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 7.

Evidence-based practices for youth behavior problems also have a positive impact on school attendance. There are evidence-based intensive mental health and behavioral interventions that reduce risky and delinquent behavior among young people. These programs have also been evaluated, although not extensively, and, with the exception of Functional Family Therapy, have shown positive impacts on school attendance.

⁸³ Ibid., 8.

MULTISYSTEMIC THERAPY (MST). MST is a treatment and rehabilitation program for youth exhibiting chronic delinquent and violent behavior. MST uses strengths-based family therapy and parent management training to address personal and systemic factors associated with delinquent and violent behaviors. MST has been extensively evaluated and has shown positive effects on teenage delinquent behavior.⁸⁴ Vera staff found only one evaluation that examined MST's impact on school attendance.⁸⁵ The study measured school attendance outcomes for a teenage population in MST who had committed crimes and who had substance use or dependency as well as additional mental health diagnoses (such as conduct disorder and depression), compared to a population who participated in outpatient services (such as 12-step programs). This study found that teenagers who participated in MST improved their school attendance at six months after treatment, while the comparison group showed a decline in attendance.⁸⁶

MULTIDIMENSIONAL TREATMENT FOSTER CARE (MTFC). MTFC targets youth in therapeutic foster homes who have behavioral problems. MTFC recruits, trains, and supervises foster families to provide participating youth with close supervision, fair and consistent limits and consequences, and a supportive relationship with an adult. MTFC reduces re-arrest rates among adolescents.⁸⁷ It has also shown significant positive impacts on school attendance and homework completion for girls who have been involved in the juvenile justice system.⁸⁸

FUNCTIONAL FAMILY THERAPY (FFT). FFT is a short-term behavioral change program that has been applied to troubled youth ages 10 to 18, whose problems range from conduct

⁸⁴ S.W. Henggeler and C.M. Borduin, *Family Therapy and Beyond: A Multisystemic Approach to Treating the Behavior Problems of Children and Adolescents* (Pacific Grove, CA: Brooks/Cole, 1990); C.M. Borduin, B.J. Mann, L.T. Cone, S.W. Henggeler, B.R. Fucci, D.M. Blaske, and R.A. Williams, "Multisystemic Treatment of Serious Juvenile Offenders: Long-term Prevention of Criminality and Violence," *Journal of Consulting and Clinical Psychology* 63 (1995): 569-578; S.W. Henggeler, G.B. Melton, and L.A. Smith, "Family Preservation Using Multisystemic Therapy: An Effective Alternative to Incarcerating Serious Juvenile Offenders," *Journal of Consulting and Clinical Psychology* 60 (1992): 953-961; S.W. Henggeler, W.G. Clingempeel, M.J. Brondino, and S.G. Pickrel, "Four-year Follow-up of Multisystemic Therapy with Substance Abusing and Dependent Juvenile Offenders," *Journal of the American Academy of Child & Adolescent Psychiatry* 41 (2002): 868-874; C.M. Borduin, S.W. Henggeler, D.M. Blaske, and R. Stein, "Multisystemic Treatment of Adolescent Sexual Offenders," *International Journal of Offender Therapy and Comparative Criminology* 35 (1990):105-114; and S.W. Henggeler, G.B. Melton, L.A. Smith, S.K. Schoenwald, and J.H. Hanley, "Family Preservation Using Multisystemic Treatment: Long-term Follow-up to a Clinical Trial with Serious Juvenile Offenders," *Journal of Child and Family Studies* 2 (1993): 283-293.

⁸⁵ T.L. Brown, S.W. Henggeler, S.K. Schoenwald, M.J. Brondino, and S.G. Pickrel, "Multisystemic Treatment of Substance Abusing and Dependent Juvenile Delinquents: Effects on School Attendance at Post Treatment and 6-month Follow-up," *Children's Services: Social Policy, Research, and Practice* 2 (1999): 81-93.

⁸⁶ *Ibid.*, 89.

⁸⁷ Patricia Chamberlain, *Family Connections: A Treatment Foster Care Model for Adolescents with Delinquency* (Eugene, Oregon: Castalia Publishing Company, 1994).

⁸⁸ L.D. Leve and P. Chamberlain, "A Randomized Evaluation of Multidimensional Treatment Foster Care: Effects on School Attendance and Homework Completion in Juvenile Justice Girls," *Research on Social Work Practice* (July 2006): 1-7.

disorder to alcohol and substance abuse. It has been rigorously evaluated and shown to reduce delinquent and risky behavior in young people.⁸⁹ Vera staff were unable to find any evaluations of FFT that measured school attendance, but have included it because of its success as a behavior-change model.

WRAPAROUND SERVICES. Wraparound services is a service planning model. The wraparound process connects families with services, resources, and supports that are needed to create a treatment plan. It is an alternative to residential care. The plan that emerges out of the wraparound process is developed by a child and family team of four to 10 people who know the child very well. Wraparound services have been shown through randomized controlled trials to improve behavior and decrease delinquency.⁹⁰ In addition, one quasi-experimental evaluation showed improvement in school attendance.⁹¹ However, more evaluation for impact on school attendance is needed to establish wraparound services as an evidence-based practice in school attendance.

There is not nearly as much research on programs that address school attendance as one would hope, and there is no established best practice. There are, however, several programs and practices to draw upon.

I-7. New York can build on counties' interest and efforts to improve the system.

Interviews with officials from nine counties and New York City revealed that counties are concerned about chronic absenteeism and are launching a variety of local innovations to improve the system's response.⁹² Some examples of these efforts include

1. **Orange County:** Implemented the family assessment response (FAR) and a multi-agency truancy and drop-out prevention task force aimed at increasing student attendance and academic achievement by helping youth and families.

⁸⁹ J.F. Alexander, M.S. Robbins, and T. Sexton, "Family-based Interventions with Older, At-risk Youth: From Promise to Proof to Practice," *The Journal of Primary Prevention* 42 (2000): 185-205; C. Barton, J.F. Alexander, H. Waldron, C.W. Turner; and J. Warburton, "Generalizing Treatment Effects of Functional Family Therapy: Three Replications," *The American Journal of Family Therapy* 13, no. 3 (1985): 16-26; and J.F. Alexander and B.V. Parsons, "Short Term Behavior Intervention with Delinquent Families: Impact on Family Process and Recidivism," *Journal of Abnormal Psychology* 81, No. 3 (1973): 219-225.

⁹⁰ M. Evans, M. Armstrong, M. Kuppinger, S.M. Huz, and S. Johnson, *A Randomized Trial of Family-centered Intensive Case Management and Family-based Treatment: Outcomes of Two Community-based Programs for Children with Serious Emotional Disturbance* (Tampa, FL: College of Nursing, 1998); H. Clark, M. Prang, B. Lee, E. Stewart, B. McDonald, and L. Boyd, "An Individualized Wraparound Process for Children in Foster Care with Emotional/behavioral Disturbances: Follow-up Findings and Implications from a Controlled Study," in *Outcomes for Children and Youth with Behavioral and Emotional Disorders and Their Families Programs and Evaluation Best Practices*, edited by M.E. Epstein, K. Kutash, and A. Duchnowski (Austin, TX: Pro-Ed Publishing, 1998): 513-54.

⁹¹ K. Hyde, J. Burchard, and K. Woodworth, "Wrapping Services in an Urban Setting," *Journal of Child and Family Studies* 5 (1996): 67-82.

⁹² Counties interviewed: Broome, Delaware, Erie, Monroe, Nassau, Orange, Oswego, Tompkins, and Westchester.

2. **Erie County:** Developed a program overseen by the court that connects older youth with educational needs to specialized services.
3. **Yonkers, Westchester County:** Created an interagency task force that shares and monitors data to reduce chronic absenteeism rates. Implemented FAR targeted at reports of educational neglect.
4. **Delaware County:** Department of Social Services (DSS) has written protocol agreements with all school districts regarding policy and procedural issues for PINS and child protective reports. DSS case workers are placed in the largest school districts and made available to smaller districts. Each caseworker acts as a point person for educational neglect and PINS, serves as a resource for school staff, and conducts annual trainings about policies and procedures for reporting abuse and neglect.
5. **New York City:** Implemented an automated reporting system that allows Department of Education (DOE) staff to track and follow up with principals about youth who are chronically absent. In borough child protective offices, the Administration for Children's Services and DOE staff meet regularly to review sample cases, solve problems, and share information.

All of these initiatives involve collaboration between the child protective system and the education system and many involve other agencies as well.

While these efforts and others are beginning to address the challenging issues of educational neglect in several counties, much more can be done to implement promising practices statewide. In both urban and rural counties, stakeholders said addressing educational neglect allegations for older youth was especially complex and challenging, warranting statewide consideration. These issues affect the state and counties, and they touch multiple government agencies. The state, therefore, would be an appropriate leader in formulating an effective response that will get at the root causes of chronic school absence and meet the needs of New York teenagers.

II. Strategies to Improve Outcomes for Chronically Absent Teenagers

Having identified that teenagers comprise a dominant and growing share of educational neglect cases and that some of their cases are ill-suited to traditional child protective system interventions. The proposed strategies for addressing educational neglect discussed in this section are informed by the following three goals:

1. Focus child welfare resources on cases in which there is neglect or a child safety concern.
2. Develop more effective responses for families of teenagers who end up in the child protective system.
3. Improve government responses to chronically absent teenagers.

Some of these strategies can be implemented as a matter of state law or policy; others would need to be implemented at the county or local level. Child welfare services in New York State are monitored by the Office of Children and Family Services and administered by counties, and the issue of chronic school absences touches multiple government systems. Implementing these recommendations, therefore, will require state and county stakeholders to work together with investment and leadership across levels of government and agencies.

II-1. Focus child welfare resources on cases in which there is neglect or a child safety concern.

When SCR staff receive a report of educational neglect, they ask the caller questions designed to elicit the parent's role. More might be done, however, to ensure that there is reasonable cause to suspect parental responsibility for the child's absences. The following strategies would ensure that schools have satisfactorily considered the parent's responsibility before calling the SCR:

1. Amend the law to clearly state the actions schools must take before calling the SCR.
2. Require SCR staff to get specific information about a parent's responsibility for school absences.
3. Develop a resource within the child welfare system for schools to consult when there is concern about a child's absence.

The goals of these strategies are to

- set a clear standard for when a parent's behavior warrants attention from the child protective system,
- provide clear guidance to schools on what actions are expected before a case can be reported, allowing schools to plan and organize their resources, and

- reduce the number of unfounded cases, thereby conserving child protective resources for cases where child safety is threatened.

These strategies are elaborated below.

1. Amend the law to clearly state the actions schools must take before calling the SCR. As discussed in an earlier section, schools sometimes report cases to the SCR without first adequately exploring a parent’s responsibility for a teenager’s absences or whether the parent is making a good faith effort to get the teenager to go to school. Specifying in law the steps schools must take to determine parental responsibility before making a report and allowing SCR staff to refuse any report for a child 13 or over unless these requirements are met would provide both reporters and the SCR clarification that is missing from current law.⁹³ This does not mean that all allegations for children younger than 13 must be accepted; it simply mandates specific steps for allegations involving teenagers.⁹⁴

The legally mandated requirements, which would apply only when there was no evidence of other abuse or neglect, could include the following:

- At least two instances of verbal communication between the school and the parent in a language the parent understands—including at least two successful home visits if the parent is unreachable by phone. The date, time, location, and school staff person involved in the communications must be documented. The school must be able to document when and how it made the parent aware of the child’s absences.
- Documentation of what the school has learned about why the student has been absent. This could be recorded in a supplemental form kept by the school prior to filing a SCR report.⁹⁵
- A record of steps the school has taken to address these issues, including at least one attempt to resolve the underlying issue.
- A record of actions the parent has taken to get the child to school or advocate for the child. If the parent has written notes to the school, participated in child conferences, or tried to get the child enrolled in a new educational program, the allegation would not be accepted.
- Evidence that the school has checked all education databases to ensure that the child is not registered at another school or being home-schooled.
- Proof that there is no open PINS case or child protective case or another educational neglect report within the last year (or six months) for the same child.

⁹⁴Although the focus of this report is educational neglect for teenagers, policymakers and child welfare officials may want to consider making such requirements for schools applicable to all children.

⁹⁵ According to stakeholder interviews, both Nassau County and Yonkers have developed such forms.

Clarifying in law what schools must do before they call the SCR to report allegations of educational neglect may place additional requirements on some schools. If schools are not already conducting a sufficient level of due diligence before placing a call to the SCR, this option would increase the amount of resources a school would need to allocate toward contacting the student's family and making a determination regarding the child's absence.⁹⁶ This may include hiring additional school staff such as attendance teachers and social workers.

2. Require SCR staff to get specific information about a parent's responsibility for school absences. In interviews, caseworkers and child welfare administrators agreed that the screening process at the SCR could be improved upon by requiring callers to answer more detailed questions about steps schools have taken to determine the underlying causes of a child's absences and parental responsibility. Local officials believe that the SCR sometimes accepts reports from schools where there is little or no information about parental responsibility. The file review in Orange County supports this belief because many of the call descriptions provided minimal information about attendance or contact with the parents. To facilitate efficient investigations by CPS staff, the SCR should be required to include all relevant information in the call description.

According to the SCR, the current criteria for accepting an educational neglect report include⁹⁷

- reasonable cause to suspect that the parent or guardian is aware or should have been aware of the excessive absenteeism;
- reasonable cause to suspect that the parent has contributed to the problem or is failing to take steps to effectively address the problem (in other words, failure to provide a minimum degree of care); and
- reasonable cause to suspect educational impairment or harm to the child or imminent danger of impairment or harm.

The Office of Children and Family Services (OCFS) could bring together a working group of state and local child welfare administrators, SCR staff, frontline workers, and education officials to develop a specific set of questions for SCR staff to ask during an educational call to ensure that these criteria (particularly parental contribution) are met.

Possible questions to be added to the SCR screening for children 13 and older based on stakeholder interviews so far include the following:

⁹⁶ It is not known how many schools this option would impact. Vera staff heard anecdotes of schools that already meet all of these requirements before making a call and some that do not.

⁹⁷Office of Children and Family Services, "State Central Register Policy on Educational Neglect," *OCFS Statewide Central Register (SCR) Intake Procedure Manual* (New York).

1. What attempts has the school made to contact the parent or guardian about the child's absences?
2. Did the school succeed in contacting the parent or guardian? Did the school speak to the parent in his or her language? *If no, do not accept educational neglect allegation unless there is a specific concern for child safety.*
3. How many times did the school communicate with the parent or guardian and when?
4. What was the parent's response?
5. What actions has the parent taken to try to get the child to go to school? *If some actions were taken, do not accept educational neglect allegation.*
6. Does the child have any special needs (educational, physical, mental, developmental, medical) that would explain his or her absence?
7. What steps has the school taken to address the issues contributing to excessive absences?
8. Has the school checked the education databases to be sure there are no administrative issues such as a school transfer or relocation? *If no, do not accept educational neglect allegation.*
9. Does the school have any reason to believe that the child is in danger? *(This may be asked already.)*
10. Is the school aware if the child is in the juvenile justice or PINS system for similar issues? *If yes, do not accept educational neglect allegation.*

Detailed information about the circumstances of the child's absence may often be collected by SCR staff but it should be required to accept a report. OCFS should also explore whether the SCR can refuse to accept reports for children who are already the subject of an open educational neglect case. Some caseworker interviews revealed that schools make reports for educational neglect of children who were recently reported for the same thing and with whom CPS is already working. CPS then starts a new case, unnecessarily spending more resources on investigation and administration. It is not known how frequently this happens. It may be worth analyzing the data and, if it is a problem, developing new protocols.

Expanding the requirements at the SCR will require additional resources (staff time and training) but Vera staff estimate that these costs will be far exceeded by savings from reducing the number of unfounded cases brought into the system.

3. Develop a resource within the child welfare system for schools to consult when there is concern about a child's absence. Direct consultation between education and child welfare staff at the local level regarding concerns over a child's excessive absence could prevent inappropriate cases from entering the child protective system. The purpose of this consultation would be to provide clarification and communication between schools and CPS around the diagnosis of educational neglect; it is not meant to replace a call to the SCR when a mandated reporter suspects abuse or neglect. It would also facilitate the effective identification and treatment of the

problems of chronically absent teens. Some child protective and education officials reported that an opportunity for early consultation could be useful.⁹⁸

There are two potential consultation models. One model for such a conferencing capacity is New York City's Safety First hotline (see box below on Safety First: An important resource for reporters, below). New York City's child welfare agency created Safety First as a resource for mandated reporters. It provides information and addresses reporters' concerns about ongoing CPS investigations.⁹⁹ Over half of the calls to Safety First come from schools, many relating to educational neglect.¹⁰⁰ Safety First educates schools about the role of the child protective system and how to determine whether an absent student might be the subject of educational neglect.

Safety First: An important resource for reporters

Safety First was developed in January 2006 in New York City as part of the safety initiative following a highly publicized death. It was intended as a way for reporters to follow up on an abuse or neglect report that they were concerned about. Safety First has evolved to become a resource center for reporters to call before and after a call is made to the SCR to ask questions and get advice about particular cases. Safety First can help the reporter determine the issues underlying the absences and can recommend whether a case should be called into the SCR or could be dealt with in another way. Safety First staff advise callers from schools to take steps like visiting a home to determine a parent's role before calling the SCR. If a call to the SCR does not seem appropriate, Safety First may recommend that callers refer families to specific services in their community. Safety First also makes presentations to mandated reporters on how to identify abuse and neglect, the child protective system, and how Safety First can help. Over time this unit has developed relationships with certain schools. Safety First staff believe these relationships make educational neglect reporting more efficient.

The second model is to station preventive services workers in schools with high numbers of educational neglect calls (see the box on P.S. 055 Benjamin Franklin: Improving attendance against the odds, in the previous section). This model would serve a similar function to the Safety First model but would enable a child welfare worker to become specialized in the issues and resources in a specific school and spend more time helping specific teens and families. These workers could be a resource to prevent educational neglect as well as other types of abuse and neglect. This is a targeted approach for high reporting schools; resources would not allow it to be implemented in all schools.

⁹⁸ Of course, in cases where there is a safety concern or where there are other allegations in addition to educational neglect, the school should call the SCR directly. But in cases involving school absences of teens only, school officials could be instructed to call a local educational neglect resource center.

⁹⁹ Administration for Children's Services, Safety First brochure.

¹⁰⁰ Safety First staff, Administration for Children's Services, interview by Jessica Gunderson and Lizzie Elston, New York City, September 1, 2009.

How it would work. The model could be expanded to play a larger role in screening and information sharing between the education staff and the local child welfare system. School officials could be required to call a hotline or contact their school preventive services worker for consultation before calling the SCR to report educational neglect. Key functions could include the following:

- Accurate identification of educational neglect
 - > Provide school personnel and other reporters a child protective expert to help identify whether a situation is neglect.
 - > Educate schools on child welfare policies and expectations related to making a report.
 - > Try to ensure that schools have attempted to engage the family before making a report.
- Facilitating communication between schools and child welfare
 - > Provide trainings for educators on child protective policies and for child protective workers on education issues and resources.
 - > Identify trends in educational neglect reports and address issues at high reporting schools.
- Ensuring that a child's safety is protected
 - > Connect reporters directly to the SCR when a safety issue is identified.
 - > Follow up with CPS staff on cases that reporters are particularly concerned about after a report has been made.
 - > Follow up with reporters to make sure they report to the SCR cases where neglect is taking place.
- Connection to services
 - > Connect families and youth to local community-based services for cases that do not warrant a report but that would benefit from additional services and support (e.g., mental health, special education school services).

Protocols for an educational neglect consultation resource would have to be developed to ensure that it complies with state law regarding mandatory reporting to the SCR.

Developing educational neglect consultation resources for schools would require an investment of funds and staff. Given the number of unfounded educational neglect reports for teenagers with underlying issues outside of parental neglect and the high rate of educational neglect reported by some schools, this option could significantly reduce the number of cases that come into the system. Additionally, these child welfare workers would develop an expertise in education-related issues that may improve the effectiveness of services for other families and youth in the child welfare system.

II-2. Develop effective government responses for teenagers who end up in the child protective system

After more rigorous screening, the following strategies could help improve the child protective system response to the educational neglect cases it receives:

4. Expand the use of the family assessment response (FAR) for educational neglect cases involving teens.
5. Make experts in educational issues, including special education, available to CPS staff.
6. Develop preventive services models for chronically absent teens and fund preventive services providers to implement these models.
7. Coordinate the responses of the child protective system and the state's persons in need of supervision (PINS) system to improve services for families and conserve resources.

These strategies are elaborated below.

4. Expand the use of the family assessment response (FAR) for educational neglect cases involving teens. The majority of counties in New York State are not currently involved in piloting the family assessment response, but an increasing number of counties are submitting plans to pilot FAR. Caseworkers consistently say they wish they could have a more flexible approach to educational neglect cases, and they fear that conducting traditional educational neglect investigations harms their perception in the community, making it harder to get cooperation in cases where there is a serious safety concern.

Some FAR workers from Yonkers and in Orange County who were interviewed feel this approach has enabled them to handle educational neglect cases more effectively for some of the following reasons:

- Parents are more likely to effectively engage in services when they are not threatened by an investigation and when they do not feel stigmatized.
- Parents are more honest and open to sharing information that allows collaborative problem solving and a more effective match of services and supports.
- Workers feel better able to work with and advocate for parents regarding the child's educational needs.

These interview findings are consistent with the research on FAR discussed earlier, which found that workers believed this response improved engagement and cooperation of the family without compromising safety.¹⁰¹

In counties implementing FAR, all reports received by the SCR still go through an initial safety assessment. If the case is determined to be low risk, it can be referred into the FAR track. All FAR cases can be referred back to the CPS investigative track if the level of safety and/or risk of the case increases. Some counties screen all cases for the FAR track, and others target specific allegations such as educational neglect, inadequate guardianship, and lack of supervision (based on the assumption that they are lower-risk allegations).¹⁰² Regardless of the specifics of the county process, FAR counties interviewed report that a significant portion of their educational neglect reports end up going through the FAR track.¹⁰³

No changes in state law would need to be made to increase the number of counties participating in the pilot (except for New York City), but resources would need to be increased to support expansion.¹⁰⁴ Until FAR is evaluated, the impact of this practice on child welfare resources will not be known. It is promising that one study has demonstrated that this model reduces overall costs.¹⁰⁵

5. Make experts in educational issues, including special education, available to CPS staff. Stakeholder interviews repeatedly emphasized that child protective workers often lack the educational expertise to address cases of chronic absenteeism. CPS offices should consider creating an educational specialist position that provides support to CPS workers handling educational neglect cases. The objective of this position would be to provide support to help child protection workers more effectively handle educational neglect reports.¹⁰⁶

¹⁰¹ National Quality Improvement Center on Differential Response in Child Protective Services, *Differential Response in Child Protective Services: A Literature Review*, (a project of the Children's Bureau, US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, 2009), 27.

¹⁰² According to the family assessment response plans of the initial six approved counties, Chautauqua and Westchester are targeting these types of cases. Of the eight counties approved in 2009—Allegany, Cattaraugus, Chemung, Columbia, Essex, Monroe, St. Regis, and Washington counties—all specifically refer to educational neglect allegations in their list of criteria. See county plans, <http://www.ocfs.state.ny.us/main/prevention/assessmentResponse.asp>.

¹⁰³ In New York State, FAR has not been qualitatively evaluated yet, although an evaluation is required by the enacting legislation by January 2011. (An internal evaluation conducted by OCFS is currently underway.)

¹⁰⁴ In New York City, there is concern that FAR requires an upfront risk determination that is not possible without a more comprehensive investigation. New York City also wants to ensure that the traditional child protective investigations are carried out at a high standard before moving on to new practice. New York City may want to consider piloting FAR in the educational neglect units only, as some other counties have done. To do this, New York City would have to develop procedures to create confidence that the initial safety assessment truly identifies all cases where there are safety issues.

¹⁰⁵ Gary Siegel and Tony Loman, *Extended Follow-up Study of Minnesota's Family Assessment Response* (Saint Louis, Missouri: Institute of Applied Research, 2006).

¹⁰⁶ In addition to focusing on improving the outcomes of educational neglect reports, this position could serve the child welfare agency on other education related issues. With the passage of recent federal legislation (Fostering Connections to Success and Increasing Adoptions Act), local and state child welfare systems have significant

The preferred background for this position would include an understanding of the legal educational requirements and rights of children and parents, expertise in learning issues and special education, and experience working with the education system to secure appropriate services for children.

The primary duties of this position could include

- helping caseworkers identify the underlying causes of a child’s absenteeism,
- supporting caseworkers in advocating for a child’s school placement,
- conducting case file reviews to ensure the system is effectively managing education-related reports,
- arranging training for CPS staff on handling education issues, and
- developing relationships with community-based education and drop-out prevention programs and compiling an updated list of community-based education resources to refer children to when appropriate.

The size and density of the county would determine the specifics and scope of this position. New York City already has a centralized education unit that is universally praised by those who have had the opportunity to work with it.¹⁰⁷ But in New York City, educational consultants in local CPS offices could provide more assistance on individual cases. In smaller jurisdictions, a single centralized unit may be able to assist with individual cases and also work on larger policy issues.

6. Develop preventive services models for chronically absent teens and fund preventive services providers to implement these models. As discussed in the first section, only a few preventive services providers have specific expertise and success in addressing chronic school absences. Yet 10 percent of the child protective cases statewide include educational neglect.¹⁰⁸ A review of research literature revealed that there is no proven model preventive services program that effectively serves teens who are chronically absent from school. But there are some examples of programs that are thought to work well with schools and address the needs of chronically absent teenagers (see the box on Good Shepherd Services: Working with schools to support families, below). Other program models that do not target educational neglect cases have evaluations

additional requirements that demand the development of internal education specialists, (Public Law 110-351, 122 Stat. 3949-3981). This legislation requires states to ensure educational stability for children in foster care, specifically that children placed in foster care can stay in the same school, if possible, or be transferred promptly to a new school.

¹⁰⁷ The education unit was developed in 2005. The primary role of this unit is to have attorneys and educational advocates at field offices to provide technical assistance on special education issues for children in foster care. Regina Schaefer, Administration for Children’s Services, interview by Claire Shubik and Lizzie Elston, New York City, December 16, 2008.

¹⁰⁸ OCFS data warehouse as of July 29, 2009, and August 5, 2009.

showing positive impacts on school attendance (such as Multisystemic Therapy).¹⁰⁹ Because child protective systems in many states have responsibility for families with teens who are not attending school, they should develop evidence-based program models that improve school attendance for teenagers.

To do this, OCFS and local social services departments could

- a. provide funding for services specifically aimed at this population. Rather than have existing preventive services providers make marginal changes (like adding an education expert), it may be preferable to fund a separate program specifically geared toward this issue.
- b. require the provider to specify the program model and how it builds on research on what works (e.g., mentoring). It should also require the provider to track school attendance and other key educational performance indicators.
- c. provide funding for evaluation of programs with positive performance indicators and use the results of those evaluations to inform future RFPs.

This undertaking will require more resources than typical preventive services contracts because model development, performance tracking, and evaluation research all cost extra money. Over time, though, the child protective system will have a proven response to a problem that is now frustrating to many in the field.

Good Shepherd Services: Working with schools to support families¹¹⁰

Good Shepherd Services is one of the few preventive services providers in New York City with specific expertise in addressing educational issues. Educational advocacy and support is a key component of the preventive services offered and is facilitated by Good Shepherd's strong relationships with local schools. Good Shepherd is very involved in New York City public schools, providing a range of educational support services including attendance improvement/drop-out prevention programs and 13 high school programs (within the Department of Education's Multiple Pathways to Graduation portfolio) for over-age and under-credited students. Good Shepherd Services works throughout New York City, but in the Red Hook neighborhood in Brooklyn, the agency offers a cluster of educational support programs in elementary, middle, and high schools that it has developed over the last 20 years. Approximately 80 percent of the Red Hook cases that Good Shepherd's preventative services program receives are community referrals, and most of these referrals come from local schools. In addition to traditional preventive services, Good Shepherd supports schools in Red Hook by providing

¹⁰⁹ T.L. Brown, S.W. Henggeler, S.K. Schoenwald, M.J. Brondino, and S.G. Pickrel, "Multisystemic Treatment of Substance Abusing and Dependent Juvenile Delinquents: Effects on School Attendance at Post Treatment and 6-month Follow-up," *Children's Services: Social Policy, Research, and Practice* 2 (1999): 81-93.

¹¹⁰ Charles Barrios, Good Shepherd Services, telephone interview by Lizzie Elston, August 27, 2009.

- a resource for schools to get assistance on chronic absenteeism and other issues before making a call to the SCR,
- in-school services, workshops for parents and teachers on behavior management, and information about managing children with psychotropic medication and other special needs,
- educational advocacy by partnering with South Brooklyn Legal Services to get students appropriate educational placement.

Good Shepherd leaders believe this positive relationship prevents calls to the SCR and entry into the foster care system.

7. *Coordinate the responses of the child protective system and the state's persons in need of supervision (PINS) system to improve services for families and conserve resources.* Stakeholder interviews revealed that there is a need for better coordination between the child protective and PINS systems on cases involving chronic absenteeism.¹¹¹ It is not known how often these problems occur, but the case file review and stakeholder interviews suggest that sometimes both systems serve the same family to address the same issue and that other times families get bounced between the two systems.

Counties, with support from the state, should consider developing plans outlining how teens who come in contact with the PINS system and the child protective system for truancy should be most appropriately served. The goal of this protocol would be to reduce the duplication of resources and serve families in the most effective way.

Some ideas for addressing this issue include the following:

- Create new procedures for collaboration and information sharing between the two systems for older youth who do not want to engage in school. For example, when a PINS or educational neglect case is opened, case workers could be required to check whether the family is currently involved in the other system. A data-sharing mechanism would have to be developed to do this.
- Enable the child protective system or the PINS system to close a new case if the other system is already involved.
- Child welfare systems that oversee both programs (like New York City's system) should think about how to better integrate how they provide educational neglect and PINS services. Counties should consider having a single unit address both educational neglect and PINS truancy cases.
- Local stakeholders should develop a set of criteria for determining which system would most effectively meet the needs of the teen and family.

PINS operates differently in different counties: in some counties, child welfare oversees both programs, and in others probation is the lead agency. Regardless of the structure of the PINS

¹¹¹ Some stakeholders speculated that the PINS reforms, by discouraging the filing of PINS petitions, may have increased the calls to the SCR for educational neglect of teens. It is not known whether this is true empirically.

system and the child welfare system, attention to resolving this overlap should reduce costs by eliminating the duplication of services and administration.

II-3. Improve government responses to chronically absent teenagers

The following are suggestions for steps that can be taken to create incentives and develop resources to address chronic absence in a timely way for children whose needs are currently not being met.

8. Encourage data-driven interagency approaches with clear goals of identifying problems underlying chronic truancy without increasing SCR reports for teenagers.
9. Create a model program for re-engaging chronically absent teens in school, and test it in schools with large numbers of educational neglect reports.
10. Explore amending the child protective statutes to eliminate educational neglect as a ground for child protective proceedings for children 13 and older while also funding and authorizing programs specifically designed to address chronic school absences among this population.

These strategies are elaborated below.

8. Encourage data-driven interagency approaches with clear goals of identifying problems underlying chronic absenteeism and addressing them without increasing SCR reports for teenagers. Truancy is a well-established risk factor for dropping out of school, unemployment, and criminality.¹¹² The issue ultimately involves many government agencies, so a multi-agency approach is needed. A few counties have task forces that convene stakeholders from an array of backgrounds (education, mental health, preventive services providers, justice systems, and child welfare) with the goal of collaboratively reducing truancy. The Yonkers Truancy Reduction Workgroup (see the box on Yonkers: Collaboration around chronic absenteeism, below) demonstrates that this interagency approach can efficiently achieve dramatic results. With minimal resources and a high level of commitment from a wide range of agencies, Yonkers has reduced chronic absenteeism across the school district by 18 percent in only two years.¹¹³

Key components of an interagency approach include

¹¹² K.L. Alexander, D.R. Endwise, and C.S. Horsy, "From First Grade Forward: Early Foundations of High School Dropout," *Sociology of Education* 70, no. 2 (1997):107-127; L.N. Robins and K.S. Ratcliff, "The Long-term Outcome of Truancy," in *Out of School*, edited by I. Berg and L. Herzog (Chi Chester, UK: John Wiley & Sons, 1980), 94-111; A. Hobbit, K. Fogelman, and O. Manor, "Occupational Outcomes of Truancy," *British Journal of Educational Psychology* 60, no. 1 (1990): 23-36; C.E. Rouse, "Consequences for the Labor Market," in *The Price We Pay: Economic and Social Consequences of Inadequate Education*, edited by C.R. Belfield and H.M. Levin (Washington, DC: Brookings Institute Press, 2007): 99-124.

¹¹³ During the 2006-2007 school year, 2,988 students (PreK-12) in Yonkers missed 20 or more days of school, and during the 2008-2009 school year, that number decreased to 2,450, according to the Yonkers School District.

- compiling data on school absences, the number of SCR reports, and other indicators such as criminal justice statistics, graduation rates, and child welfare report substantiation rates on a monthly or bi-monthly basis and using it to drive the group's agenda;
- regular stakeholder meetings;
- commitment by multiple agencies to remove bureaucratic barriers, align policies, and close gaps in services;
- strong leadership and flexible funding to support committee efforts; and
- involvement of services providers, advocates, and community organizations as full partners.

It is important to have clear, agreed upon, measurable goals. It is also crucial that chronic absence cases not simply be transferred to the child protective system but rather that the effort address the underlying issues. Thus, the goal could be to decrease the number of students who are chronically absent while not increasing the number of calls to the SCR for educational neglect.

Yonkers, Westchester County: Collaboration around chronic absenteeism

The Yonkers Public Schools, the Westchester County Departments of Social Services and Probation, Yonkers Police Department, Yonkers Family Court, County Attorney's Office, District Attorney's Office, and a variety of community-based service providers formed the Yonkers Truancy Reduction Strategy Group in 2006. This group meets monthly with the goal of reducing chronic absenteeism in elementary and middle schools. At these meetings the group reviews school attendance data and child protective system data (number of reports and indication rates). The number of students in grades 1 through 8 who are chronically absent in Yonkers Schools has decreased by approximately 20 percent since the founding of this group. In the 2006-2007 school year, 1,534 students (grades 1 through 8) in Yonkers missed 20 or more days of school, and in the 2008-2009 school year, the number of chronically absent students (grades 1 through 8) decreased to 1,221.

9. Create a model program for re-engaging chronically absent teens in school, and test it in schools with large numbers of educational neglect reports. There is a need for a program that is specifically accountable for locating chronically absent teens and re-engaging them in school. This program could partner with the government agencies with an interest in this problem: education, child welfare, probation, and law enforcement. Unlike these agencies, though, addressing absenteeism would be the program's primary mission. It could measure its performance by the proportion of chronically absent youth it succeeds in re-engaging in the educational system. It could also measure how many youth were diverted from the child protective and juvenile justice systems.

The program could draw from evidence-based practices in related fields. It could be managed by a nonprofit organization in partnership with the education system, the child welfare system, and other interested agencies.

Specific components might include the following:

- Mentoring, which has been shown to improve school outcomes and engagement.¹¹⁴ (Interviews with parents revealed that they felt their children would benefit from mentors.)
- Focus on strengths. A strengths-based approach is a key characteristic of Multisystemic Therapy, shown to have positive effects on school attendance.¹¹⁵
- Behavioral programs that teach problem solving and establish rewards and punishments for positive and negative behaviors, which have shown positive impacts on school attendance.¹¹⁶
- Educational advocacy.
- Educating parents and youth about what their obligations are and resources to support them.¹¹⁷

TARGET POPULATION. The program might target youth undergoing educational transitions from elementary school to middle school or from middle school to high school.. Research has shown that absenteeism increases dramatically at these transition points.¹¹⁸

New York could test this model through a demonstration program operating in one or more schools with a large number of educational neglect reports. The demonstration project would enable New York State to

- develop a model for addressing chronic absenteeism directly;
- determine whether early intervention can prevent involvement in the child protective, PINS, and juvenile justice systems; and

¹¹⁴ T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 7.

¹¹⁵ S.W. Henggeler, S.K. Schoenwald, C.M. Borduin, D.M. Rowland, and P.B. Cunningham, *Multisystemic Treatment of Antisocial Behavior in Youth*, (New York: Guilford, 1998); T.L. Brown, S.W. Henggeler, S.K. Schoenwald, M.J. Brondino, and S.G. Pickrel, "Multisystemic Treatment of Substance Abusing and Dependent Juvenile Delinquents: Effects on School Attendance at Post Treatment and 6-month Follow-up," *Children's Services: Social Policy, Research, and Practice* 2 (1999): 81-93.

¹¹⁶ See T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School*, (Olympia: Washington State Institute for Public Policy, 2009, Document No. 09-06-2201), 7.

¹¹⁷ Broome County stakeholders spoke of a successful preventative service program that provides parent partners who help parents navigate various government systems and provide clear guidance on what is required of them.

¹¹⁸ Absenteeism has been shown to increase substantially at these transition points. Kim Nauer, Andrew White, and Rajeev Yerneni, *Strengthening Schools by Strengthening Families: Community Strategies to Reverse Chronic Absenteeism in the Early Grades and Improve Supports for Children and Families*, (New York City: Center for New York City Affairs The New School, 2008), 9.

procedures by school personnel or any other reporters who call in for suspicion of other abuse and neglect. Chronic absenteeism may and should continue to be a consideration contributing to suspected abuse and neglect only where there are additional reasons to suspect neglect or abuse. Amending this law will shift the limited resources and attention of the child welfare system away from absenteeism to child safety.

Changing this statute could reduce the number children reported for educational neglect by up to 30 percent.¹¹⁹ (The statutory change would have to make clear that educational neglect cases cannot simply be labeled inadequate guardianship.) Money saved by this change could be reinvested in programs that can more effectively address the needs of chronically absent teens. This would represent a fundamental change in the way government handles the issue of teenagers who miss school often, addressing and creating accountability for the problem directly rather than handling a small portion of chronically absent students in the child protective, PINS, or juvenile justice systems and leaving many without assistance.

¹¹⁹ According to data provided by OCFS, July 29, 2009, there were 28,401 children 13 and older with at least one allegation of educational neglect in 2008. Of those, 8,547 had allegations of educational neglect only.

III. Next Steps

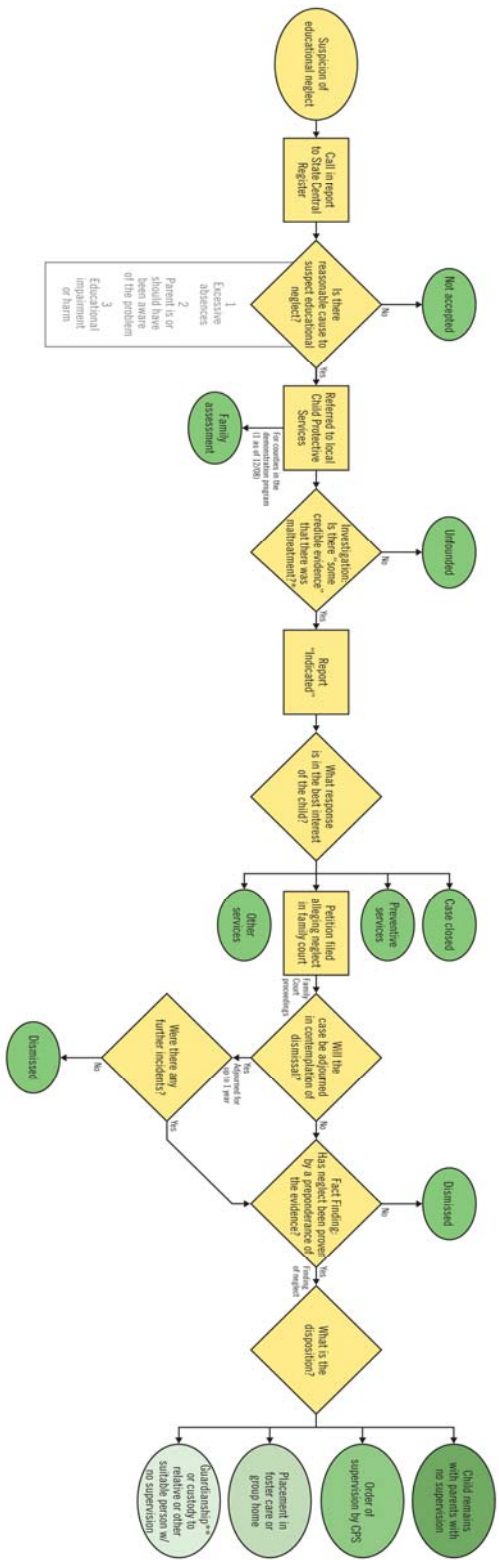
As outlined above, New York State and local agencies can implement specific strategies to better address chronic truancy and educational neglect. This section describes what steps OCFS could take to effect these changes.

1. Have forums with counties and education officials to get support and develop work plans for specific strategies.
2. Plan and implement enhanced SCR screening.
 - a. SCR staff should meet with county social services and education representatives to discuss what an enhanced set of questions would look like (starting with a draft based on conversations thus far) and agree on a process for piloting and implementing them.
 - b. Monitor how the new screening works, problems encountered, and the number of calls sent back for more information or rejected.
 - c. Revise new procedures to address lessons from pilot.
3. Incentivize and work with counties to develop and test pre-SCR conferencing.
 - a. OCFS could ask counties to propose new conferencing models for educational neglect complaints (such as the Safety First model discussed earlier). It could support testing of those models by agreeing that counties will receive a portion of the state savings from decreased child protective investigations to use for services to address education issues.
4. Incentivize and encourage use of FAR for educational neglect.
 - a. Study how FAR is working in educational neglect cases specifically in the counties that are currently piloting it.
 - b. Arrange for counties not using FAR to visit counties that are using it for educational neglect.
 - c. Work with one or more counties to develop a model for pilots of FAR for educational neglect only, including how it fits into the statutory framework.
5. Fund development and evaluation of an effective preventive services model to address chronic teen absence.
 - a. Develop a request for proposals with specific criteria for model development and performance measurement.
 - b. Fund innovative services, provide support for model development, and monitor school attendance and other performance measures.
 - c. Fund or co-fund an evaluation of promising models.
6. Explore changing the child protective law to exclude youth age 13 and over in conjunction with authorizing more appropriate services for chronically truant teens.
 - a. Develop concept for services to replace child protection for chronically truant teens.

- b. Work with stakeholders and legislators to get feedback and develop a strategy for amending the law.
- 7. Support demonstrations of a program accountable for addressing chronic school absences for teenagers.
 - a. Work with the Vera Institute and others to develop a program plan based on input from multiple stakeholders.
 - b. Support the launch of a demonstration program to test the new approach.
- 8. Promote the work of truancy reduction committees and encourage and fund them in other counties.
 - a. Highlight Yonkers and Orange County truancy reduction committees to counties across the state. Gather information about efforts in other counties that could be promoted.
 - b. Provide a small amount of funding to counties to implement truancy reduction committees that use data to problem-solve. Specify goals for the committees of reducing chronic truancy without simply increasing referrals to the child protective or PINS systems.
- 9. Work with counties to address interaction with PINS and develop a model for coordination without duplication.
 - a. Identify a handful of counties that are interested in working on the issue of overlap between the PINS and child protective systems for cases involving truancy.
 - b. Support counties to develop ways to avoid duplication of resources (including mechanisms to check whether there are existing cases; criteria for determining which system should handle cases; and the ability to consolidate PINS and child protective cases).
 - c. Test procedures for a small number of cases.
 - d. Share results with counties across the state.
- 10. Further study the following areas.
 - a. Review child protective case files in New York City and possibly in other counties to compare to the Orange County findings about safety concerns and whether cases can be easily triaged. Review education files for teens in the sample to determine educational needs and steps schools have taken to address them. Examine the overlap with the PINS system by matching to PINS database.
 - b. For a few schools, systematically study the roster of chronically absent students in partnership with school staff. For each student, conduct interviews to identify the issues underlying absences, assess needs, and develop and perhaps test theories about what could be done to re-engage students. Such a study would generate more informed proposals for addressing the problem of chronic school absence.
 - c. Conduct case studies of a small number of schools with low chronic absence rates and low rates of educational neglect reports to identify strategies that other

schools can learn from. Conduct case studies of a few schools with high rates of educational neglect reports to understand the context for those reports and generate ideas for decreasing the number of reports without compromising teen safety.

Appendix I: Educational Neglect Flow Chart



*If investigation reveals imminent risk to the child's life or health, child can be removed from home and petition filed expeditiously.
 **Not effective until 3/2009

New York State Legal Process for Educational Neglect (as of December 2008)

Appendix II: Educational Neglect Stakeholders Interviewed, June – September, 2009

This appendix lists organizations and agencies we interviewed as part of this study.

The New York State Office of Children and Family Services

- Deputy Commissioner, Child Welfare and Community Services
- Assistant Commissioner, Regional Operations, Child Welfare and Community Services
- Special Advisor

State Education Department

- Student Support Services

Orange County

- Commissioner, Department of Social Services
- Director of Services, Department of Social Services
- Caseworkers, Department of Social Services
- Chief Clerk, Family Court
- Coordinator of Mental Health, Orange: Ulster Board of Cooperative Education Services
- Acting Director of Probation
- Probation Supervisor
- Newburgh Director of Family Services, Family Keys
- Director of Programs, Youth Advocate Program
- Program Supervisor, Court Related Youth Preventive Services, McQuade Children's Services

Oswego County

- Commissioner, Department of Social Services

Broome County

- Commissioner, Department of Social Services

Erie County

- Lead Judge, Juvenile Justice Model Court, Erie County Family Court
- Executive Director, Joan A. Male Family Support Center

Delaware County

- Commissioner, Department of Social Services

Nassau County

- Deputy Commissioner, Department of Social Services

Monroe County

- Commissioner, Department of Social Services

Tompkins County

- Commissioner, Department of Social Services

Westchester

- Director of Child Welfare, Westchester County Department of Social Services
- Yonkers Family Assessment Response Caseworkers
- Yonkers Truancy Reduction Strategy Group
 - Westchester County Department of Social Services
 - Yonkers Public Schools
 - Westchester County Department of Probation
 - Yonkers Police Department,
 - Yonkers Family Court
 - County Attorney's Office
 - District Attorney's Office
 - Community-based service providers

NYC Administration for Children's Services

- Commissioner
- Executive Deputy Commissioner for Operations
- Deputy Commissioner, Division of Child Protection
- Director, Education Unit
- Deputy Commissioner, Division of Family Support Services
- Deputy Commissioner, Division of Family Court Legal Services
- Assistant Commissioner and Special Counsel
- Chief of Staff, Division of Family Court Legal Services
- Assistant Commissioner, Division of Policy and Planning
- Assistant Commissioner, Division of Financial Services
- Budget Director, Division of Financial Services
- Safety First Staff
- Manhattan Borough Office, Director, Supervisors, and Caseworkers
- Bronx Borough Office, Director and Caseworkers
- Brooklyn Borough Office, Deputy Director

NYC Preventive Service Providers

- Division Director, Brooklyn Community-Based Programs, Good Shepherd Services
- Division Director, Bronx Community-Based Programs, Good Shepherd Services

NYC Office of Management and Budget

- Unit Head, Social Service Task Force

NYC District Attorney's Office

- Confidential Assistant District Attorney

NYC Mayor's Office

- Family Services Coordinator
- Deputy Family Services Coordinator
- Senior Advisor for Children and Family Services, Office of the Deputy Mayor for Health and Human Services

NYC Department of Education

- Citywide Coordinator, Office of Child Abuse and Neglect Prevention and Intervention
- Director of Mandated Responsibilities, Office of School and Youth Development
- Deputy Director, Office of School and Youth Development
- Principals
- Senior Director of Operations Support, Bronx Integrated Services Center (ISC)

Advocacy Groups

- Editor, Rise Magazine, Child Welfare Organizing Project
- Executive Director, Child Welfare Organizing Project
- Parent Advocates, Child Welfare Organizing Project
- Director of Educational Advocacy Program, New York City Legal Aid
- Staff Attorney, Brooklyn Family Defense Project
- Senior Project Director, Advocates for Children
- Skadden Fellow/ Staff Attorney, Center for Family Representation
- Project Director, Center for Courts and the Community, Center for Court Innovation
- Deputy Director, Children's Defense Fund
- Project Director, Legal Center for Education and Foster Care
- Executive Director, Citizens Committee for Children
- Associate Executive Director for Policy and Public Affairs, Citizens Committee for Children

Casey Family Programs

- Education Specialist
- Director, New York City Office
- Managing Director, New York City Office

Parents who have been involved in the child welfare system for Neglect

Research Groups

- Consultant for Annie E. Casey Foundation
- Education Project Director, Center for New York City Affairs, Milano The New School For Management and Urban Policy
- Associate Director, Washington State Institute for Public Policy
- Minn-LinK Coordinator, Center for Advanced Studies in Child Welfare, University of Minnesota School of Social Work
- Ph.D. IV E Scholar, Center for Advanced Studies in Child Welfare, University of Minnesota School of Social Work

Appendix III: Orange County Case File Review

Background

The purpose of the case file review is to develop an empirical understanding of the underlying situations that lead to educational neglect reports, the characteristics of the families involved, the systems and services that come into contact with the families, and the outcomes of the cases. A case-file review in Orange County was selected because significant innovation in the child welfare system is taking place there, and because Orange County expressed an interest in learning more about their population of children reported for educational neglect. Below we have provided additional findings that are not included in the report.

Methodology

OCFS generated a list of all reports to the State Central Register involving youth ages 13 to 17 with at least one educational neglect report in 2008 in Orange County. From this list of 161 we requested the Orange County child protective files of a random sample, stratified by month, of 80 children. Using a data collection instrument, we gathered information about the youth and family circumstances that led to the 2008 education neglect report(s), information about previous reports filed against the parents (if any) and about the outcomes of the child protection investigation. Our sample included 61 cases. The discrepancy in the sample number is a result of our decision to exclude cases in which educational neglect was not an initial allegation in the report, and cases where the educational neglect allegation related to a sibling of the child for whom the report was made, who was younger than 13 years old. In addition, some cases were not able to be retrieved.

All information below is only for teenagers, ages 13-17, with at least one allegation of educational neglect in 2008 in Orange County.

Chart Key

UTD = Unable to Determine

IG = Inadequate Guardianship

Ed Neg = Educational Neglect

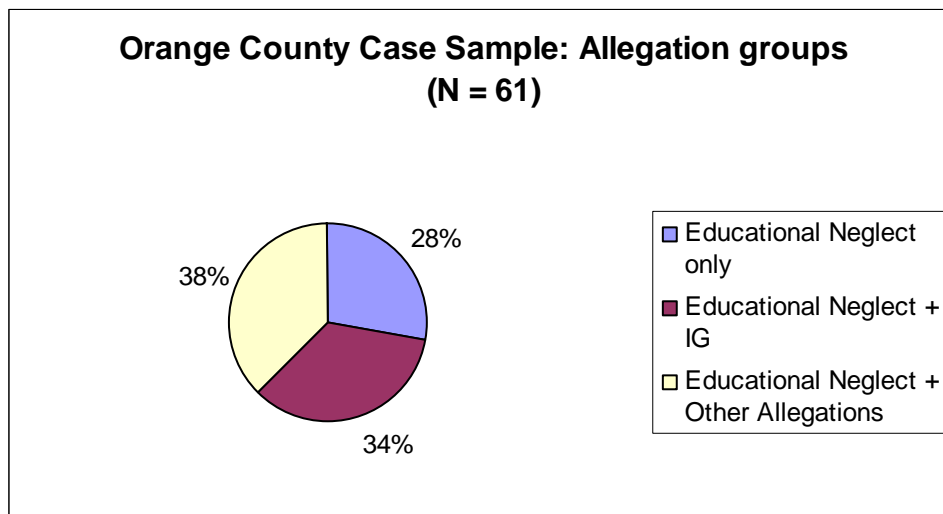
Other allegations = Reports that included both educational neglect and all other additional allegations (except for inadequate guardianship).

Allegations

In reviewing the Orange County files, we found many cases in which school absences were the only basis for an SCR report, but the allegation of educational neglect occurred alongside an allegation of inadequate guardianship. Inadequate guardianship is defined as when a parent or guardian “fails to meet a reasonable minimum standard of care for the child within commonly

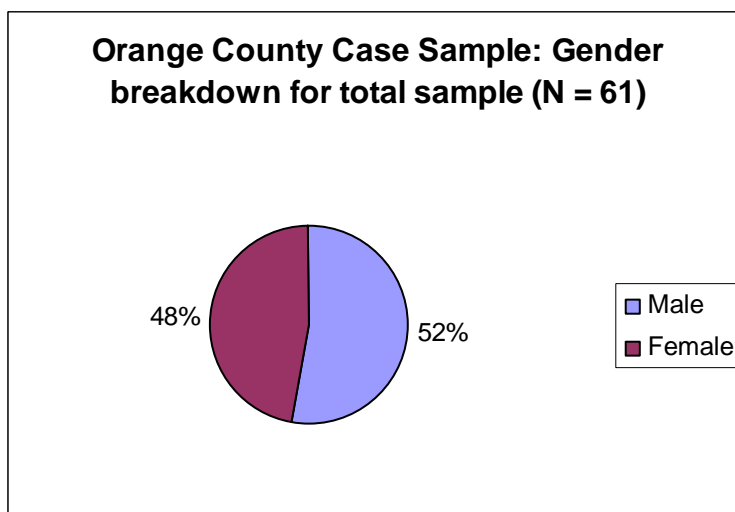
accepted societal norms,” which can apply to almost any parental failure.¹²¹ As cases that had an inadequate guardianship allegation and an educational neglect allegation (but no other allegations) did not appear to be qualitatively different from those in which educational neglect was the only allegation, we separated the entire sample of Orange County cases into three categories:

- Cases in which educational neglect is the only allegation (28 percent)
- Cases that combined educational neglect with allegations of inadequate guardianship (34 percent)
- Cases that combined educational neglect with any other allegations (38 percent)



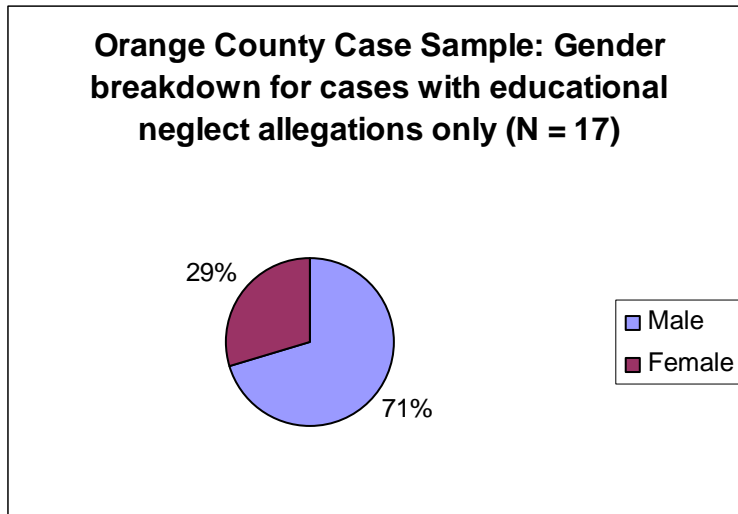
Demographics

The sample was evenly distributed by gender.

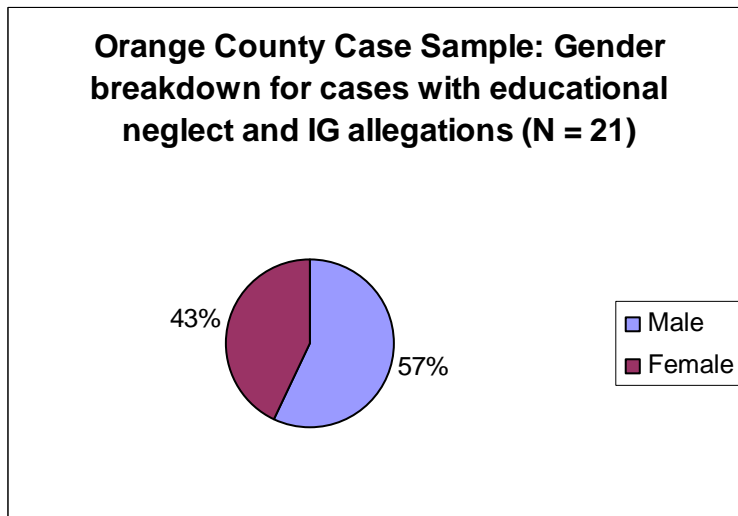


¹²¹ Office of Children and Family Services, “State Central Register Policy on Inadequate Guardianship,” *OCFS Statewide Central Register (SCR) Intake Procedure Manual* (New York), 1.

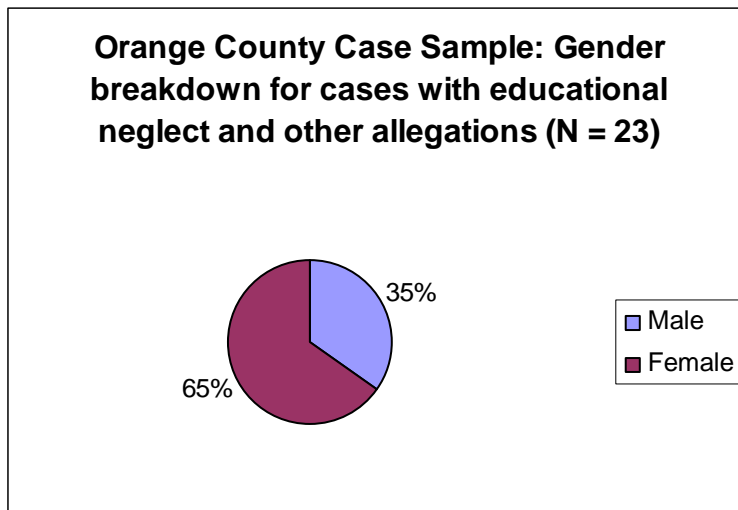
The majority of cases with only educational neglect allegations involved males.



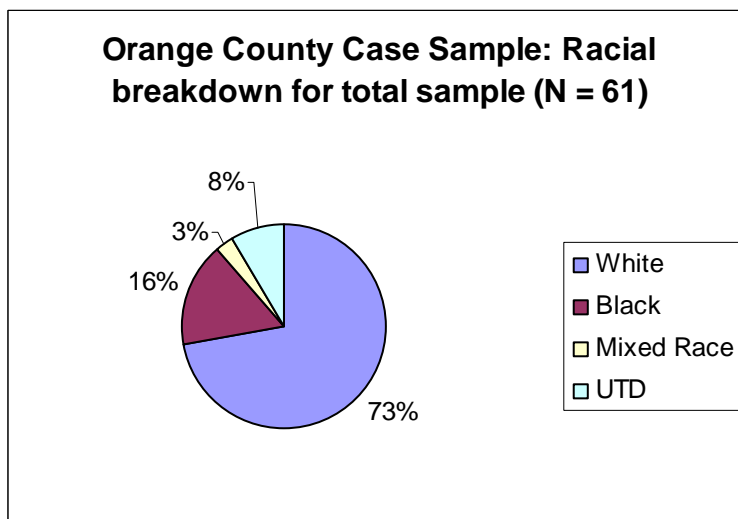
The majority of cases with educational neglect and inadequate guardianship allegations involved male children, though the difference between males and females was not as great as in cases with only educational neglect allegations.



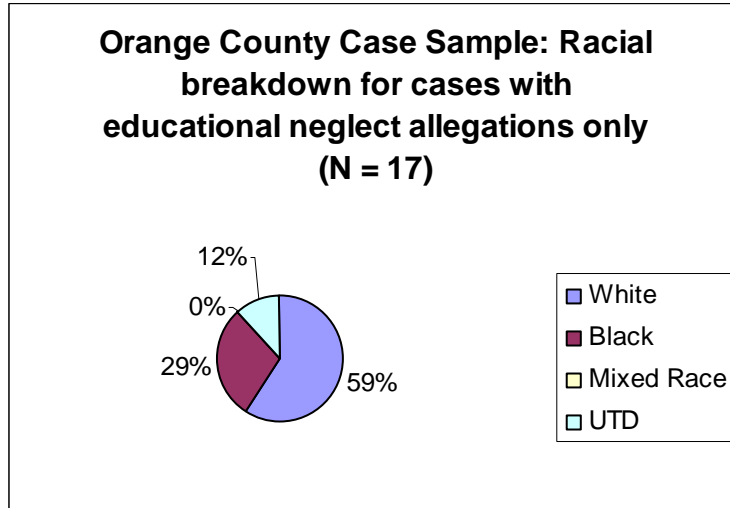
The majority of cases with educational neglect and other allegations involved female children.



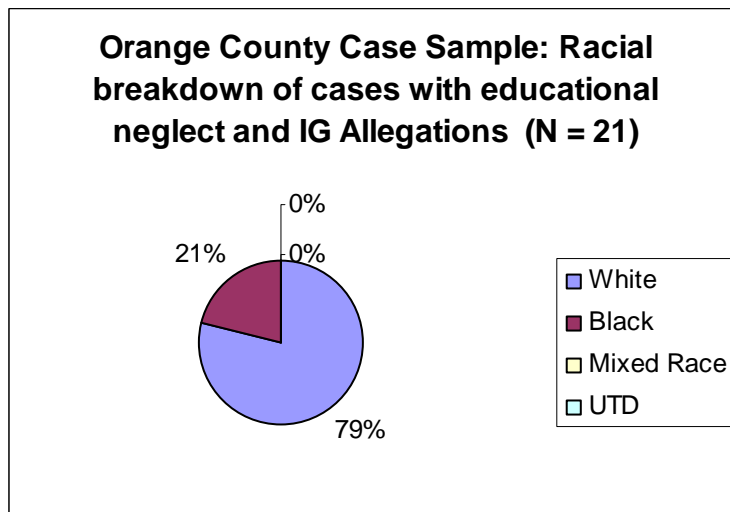
White children represented 73 percent of the total case sample. Black children represented 16 percent. Mixed race children represented three percent, and we were unable to determine the race of eight percent of children.



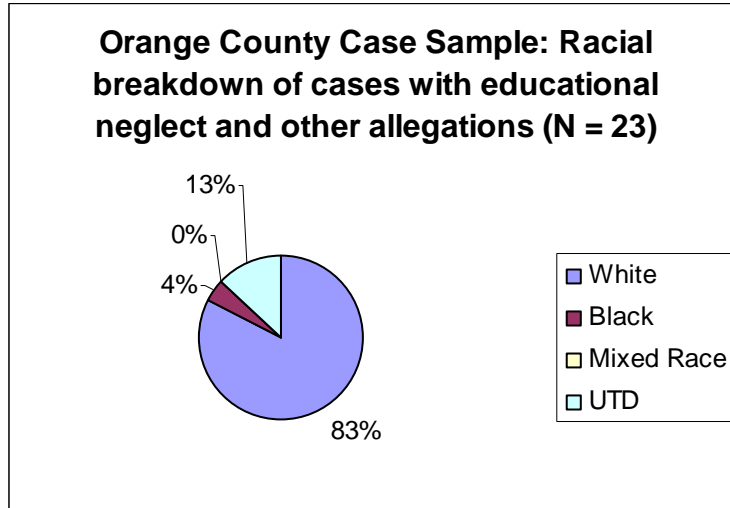
Though black children comprised 16 percent of the total sample, they accounted for 29 percent of the cases with only educational neglect allegations.



Black children represented 21 percent of cases with educational neglect and inadequate guardianship allegations, and white children represented 79 percent.



Black children were represented less in cases of educational neglect and other allegations than in the total sample.

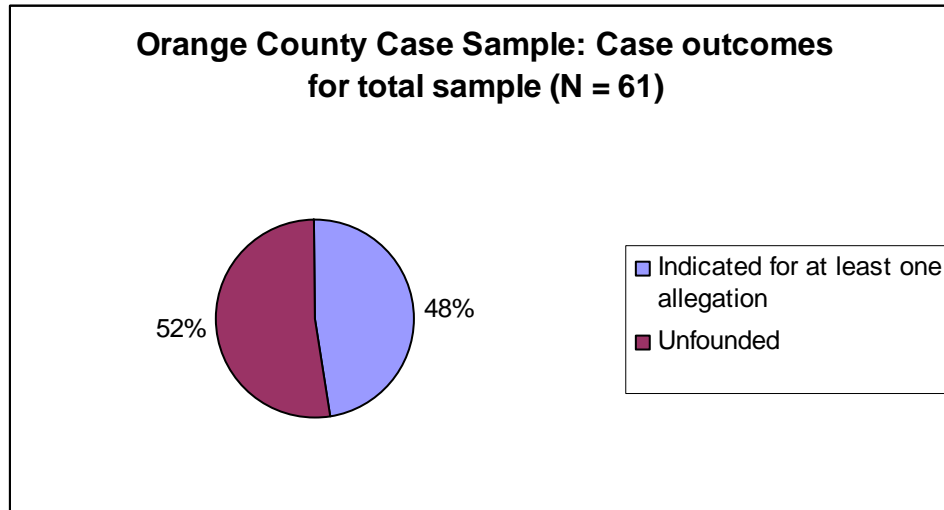


The average age of children in the sample was 15.25 years. Children for whom an abuse or neglect petition was filed in family court were, on average, 15.79 years old.

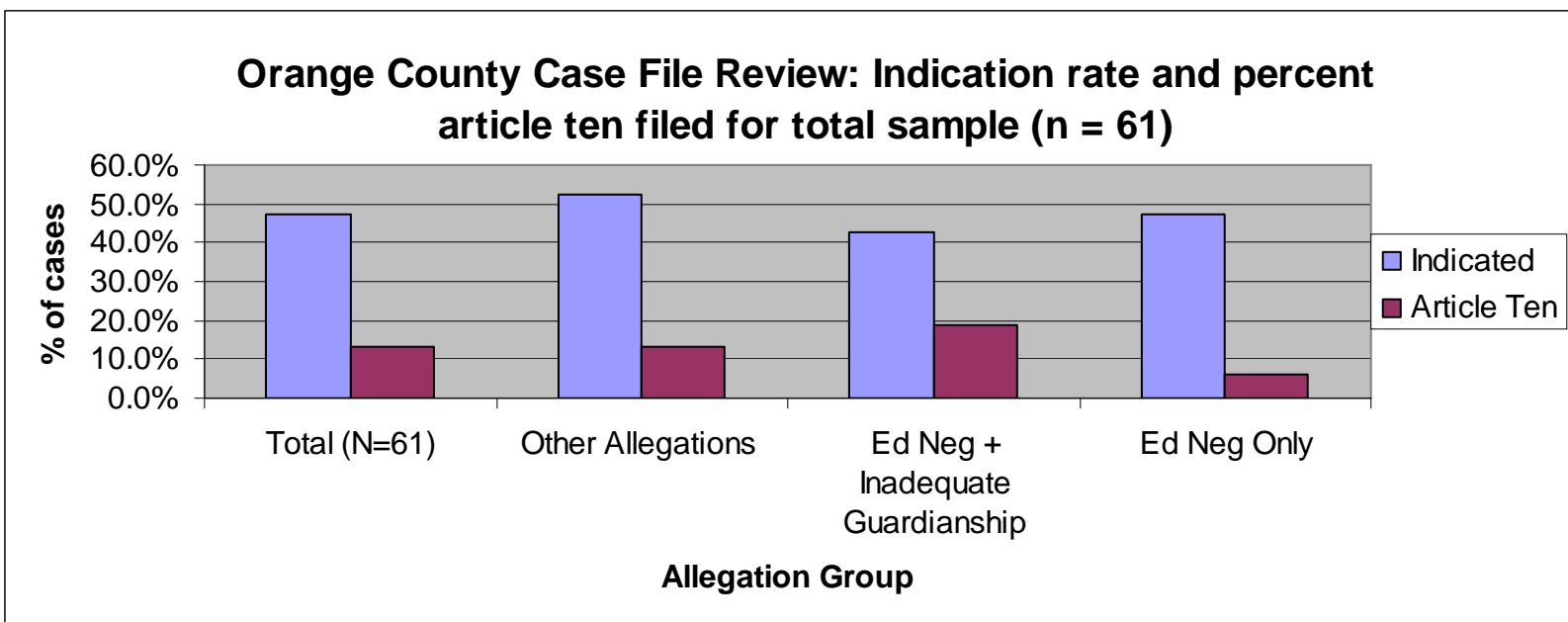
Orange County Case Sample: Average age of children, by case outcome group (N = 61)	
Unfounded	15.15
Indicated but no Article Ten filed	15.32
Article Ten filed	15.79
Total sample	15.25

Outcomes

The overall indication rate was 48 percent.

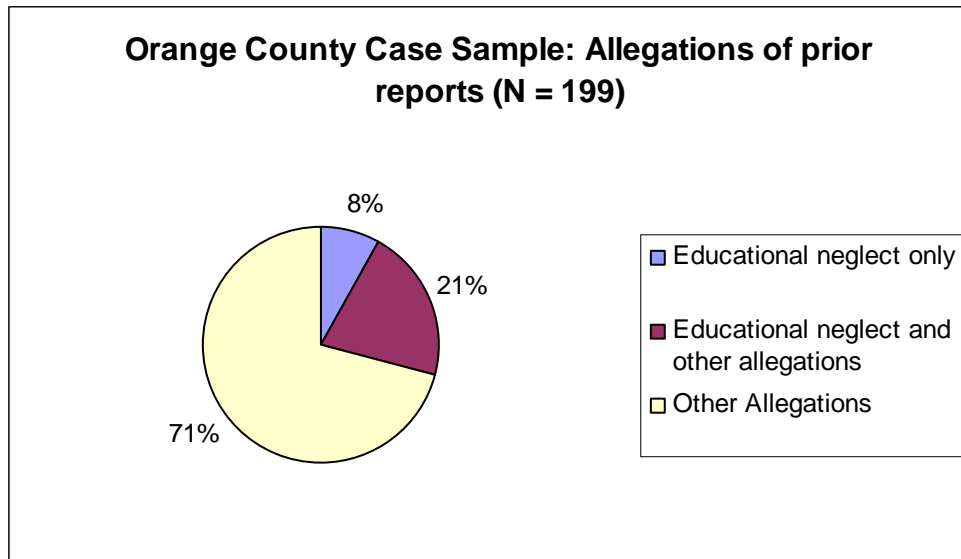


A smaller portion of the cases alleging educational neglect only than of the cases where educational neglect was accompanied by another allegation resulted in an abuse or neglect petition being filed in family court.

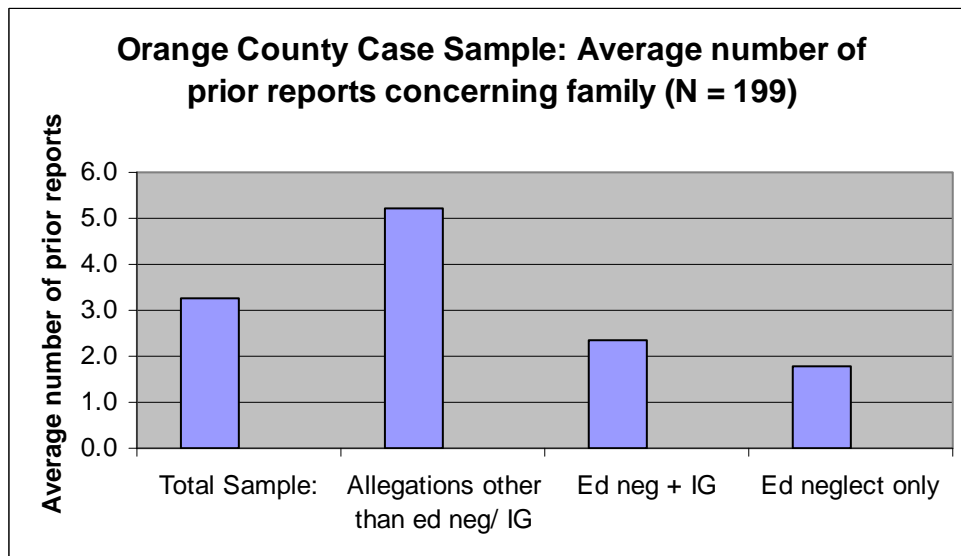


Child Welfare History

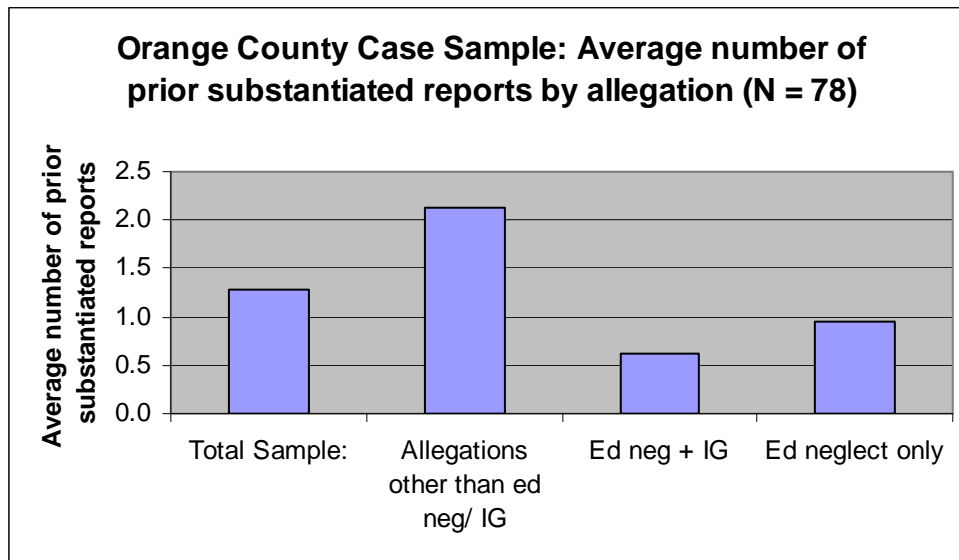
Of the children in our sample, 70 percent had been the subject of an SCR report before the current report. Of the allegations in prior reports, 71 percent were not educational neglect.



On average, the families of children with allegations in addition to educational neglect and inadequate guardianship had twice the number of prior reports.



Of prior reports for families, 39 percent were substantiated. Cases with allegations in addition to educational neglect had a higher average number of prior substantiated reports than cases with only educational neglect, or educational neglect and inadequate guardianship allegations.



Education

There was wide variation in the number of days a child had been absent before a report of educational neglect was called into the SCR. For the case files that contained the number of days missed, 37% of the teenagers had missed 2 months or more of school (over 40 days). In almost one quarter of the cases, we were unable to determine the number of absences from the case file.

Orange County Case Sample: Number of Absences Reported for Child (N = 61)	
1-9 days	3
10-20 days	9
21-40 days	17
41-60 days	6
61-100 days	8
over 100 days	3
Unable to Determine:	15
Total	61

Appendix IV: Educational Neglect by County, 2004-2008

County	Children with at least 1 educational neglect allegation					% Change 2004-2008
	2004	2005	2006	2007	2008	
Schoharie	10	35	25	43	31	210.00%
Lewis	8	16	15	23	24	200.00%
Montgomery	29	53	100	135	80	175.86%
Rockland	74	113	121	154	162	118.92%
Greene	39	59	70	97	77	97.44%
Allegany	32	31	46	46	59	84.38%
Rensselaer	130	131	218	199	232	78.46%
Wyoming	12	24	31	21	21	75.00%
Westchester	678	700	836	856	1175	73.30%
Sullivan	116	168	136	177	200	72.41%
Saratoga	109	120	153	167	187	71.56%
Cattaraugus	69	69	110	125	113	63.77%
Schenectady	194	193	228	236	313	61.34%
Putnam	31	24	38	35	50	61.29%
Schuyler	15	13	18	15	24	60.00%
Broome	136	166	157	200	217	59.56%
Tompkins	39	47	59	53	61	56.41%
Seneca	34	45	37	34	52	52.94%
Nassau	527	569	762	690	751	42.50%
Niagara	217	253	293	239	308	41.94%
NYC	12414	12767	19967	17854	17299	39.35%
Madison	44	46	58	55	61	38.64%
Jefferson	95	109	111	120	131	37.89%
Ulster	181	187	235	235	248	37.02%
Columbia	59	75	80	72	79	33.90%
Albany	360	367	454	483	465	29.17%
Clinton	81	65	84	82	103	27.16%
Dutchess	241	211	301	258	300	24.48%
Genesee	50	44	63	79	62	24.00%
Fulton	78	85	72	109	95	21.79%
Suffolk	878	826	1115	1086	1062	20.96%
Monroe	431	412	474	463	520	20.65%
Livingston	34	55	43	31	41	20.59%
Steuben	98	99	121	130	118	20.41%
Ontario	85	87	87	106	99	16.47%
Erie	952	1083	1031	1051	1096	15.13%
Essex	46	51	37	54	52	13.04%
Chautauqua	127	159	178	135	142	11.81%

Wayne	87	95	91	106	97	11.49%
Oneida	238	195	281	236	249	4.62%
Cayuga	71	63	74	87	73	2.82%
Onondaga	486	554	451	506	498	2.47%
Chemung	152	164	127	159	152	0.00%
Orange	358	385	428	366	351	-1.96%
Oswego	187	155	170	229	182	-2.67%
Otsego	57	23	41	40	55	-3.51%
St. Lawrence	126	96	151	125	120	-4.76%
Chenango	72	66	68	76	67	-6.94%
Yates	25	22	30	32	23	-8.00%
Cortland	53	48	55	41	47	-11.32%
Herkimer	39	41	48	50	33	-15.38%
Franklin	96	92	85	68	81	-15.63%
Tioga	47	51	47	37	39	-17.02%
Orleans	48	56	38	43	38	-20.83%
Delaware	51	58	38	38	39	-23.53%
Warren	101	85	85	67	77	-23.76%
Washington	84	94	108	106	53	-36.90%
Hamilton	0	2	1	1	3X	
St. Regis	0	4	13	8	14X	

Statewide 21,131 21904 30,396 28369 28401 34.40%

Source: OCFS data warehouse, for 2004 as of August 12, 2009, for 2008 as of July 29, 2009

