

Educational Neglect: An Advocate's Perspective **By Erica Palmer**

A growing body of research is confirming what we've always intuitively known: regular school attendance is critical for students to master the academic and social skills they need to be successful. Chronic attendance problems in the early school years are a strong predictor of low reading and math scores later on,ⁱ and middle school students with poor attendance are very likely to drop out without earning a high school diploma.ⁱⁱ Nationally, one in ten kindergarten and first grade students miss one month or more of school,ⁱⁱⁱ and in New York City, the numbers are even higher. About 20% of elementary school aged students in the city – over 90,000 children a year —miss one month or more of school, and in some elementary schools, over 30% of students are chronically absent.^{iv} In my own work advocating on behalf of students, many of whom have disabilities, I see plenty of families and students for whom regular school attendance is a daily struggle.

An Overview of the Problem

State education law requires students to attend school full-time between the ages of 6 and 16.^v In New York City and Buffalo, students must attend school through the age of 17.^{vi} When children do not attend school regularly, parents can be brought to Family Court on charges of educational neglect: the failure to provide a basic level of care to their child with respect to his or her educational needs. Schools must report families to the state when there is:

- reasonable cause to suspect that parents are aware, or should have been aware, of illegal absenteeism;
- reasonable cause to suspect that the parents contributed to the problem or are failing to take steps to address the problem; and
- reasonable cause to suspect educational harm or imminent danger of harm to the child.^{vii}

In recent years, New York has received an increasing number of calls from schools alleging educational neglect against parents. In 2008, the State Central Register, which runs the hotline that receives allegations of child abuse or maltreatment in New York, received over 28,000 reports of suspected educational neglect.^{viii} About 10% of calls from New York City, over 8,700 in a given year, involve allegations of educational neglect alone.^{ix} Over 60% of educational neglect cases involve teenagers, the majority of whom are 15 or 16 years old,^x and here in the city, schools are much more likely to call the state central register about chronically absent teens than about younger students with chronic absenteeism.^{xi}

Once a report is taken, the local department of social services must send a child protective worker to the family's home to investigate the allegations. The primary purpose of this investigation is to ensure the child's safety, even though in most cases where educational neglect

is the only issue, the child's safety is not a concern; schools simply do not know what else to do to address the problem. During their investigation, caseworkers are advised to distinguish educational neglect from truancy, where a student is refusing to attend school despite the parent or caretaker's reasonable attempts to ensure the child's attendance.^{xii} Although a truant student may need substantial interventions to re-engage successfully in school, truancy should not be the sole basis for a finding of educational neglect.

Given the disturbing statistics on absenteeism, what can we deduce about educational neglect and its efficacy for improving attendance among at-risk students? It appears that there are many students with poor attendance, especially younger students, who are not coming to the attention of social services agencies, and whose families may not be getting the help they need.

Conversely, child protective agencies are expending scarce resources investigating families with teenagers whose parents may have little or no control over whether their children attend school, and who certainly do not pose a safety risk to their children. Time and again, I see parents whose children wage a daily battle against getting dressed and out the door because for them, school is a place where they've only experienced failure. Other parents are at their wits' end because their teenager, who may be repeating a grade for the second or third time, refuses to attend school. Often, these parents have been asking for help from the schools for years, only to receive, if they're lucky, a list of local programs or clinics with long waiting lists for services of varying quality. Furthermore, involvement with the child welfare system and the stress that comes with it doesn't necessarily mean getting help; while often well-intentioned, most child protective and preventive caseworkers have little expertise in educational issues.^{xiii}

Causes of Poor School Attendance

There are many factors that, alone or in combination, may contribute to poor school attendance or allegations of educational neglect. Unstable housing or living situations, including time spent in shelters or other temporary housing, often contributes to academic difficulties, as students are forced to change schools frequently, sometimes in the middle of the school year. Children can lose 4-6 months of academic progress every time they experience an unplanned change in schools, and highly mobile students can quickly fall years behind their peers.^{xiv}

In other families, parents may suffer from mental illnesses that make it difficult for them to get their children to school every day, or the students themselves may have untreated mental health issues that make regular school attendance a challenge. Asthma and other medical factors contribute to poor attendance among many young children, and parents or caregivers may have medical problems themselves that impede their ability to transport their child to school or care for other, younger children in the home. Inadequate child care in general sometimes causes older students to miss school to care for younger siblings, and in some neighborhoods, safety concerns in or around the school discourage students from attending regularly. In some cases, parents may be reluctant to send their children to school at all because of safety concerns.

Sometimes, the root of truancy or poor school attendance lies within the school. When students have academic needs that are left unaddressed over a long period of time they often become discouraged. This discouragement may lead to acting out behavior and disciplinary referrals, or the student may simply stop going to school altogether. At Advocates for Children, we commonly see middle school students who have been held over two or three times. A 14-year-

old 6th grader or 17-year-old 8th grader has little in common with his classmates and in many cases is too embarrassed to attend school with children much younger than himself.

In schools or classrooms where behavior management is a struggle, schools may turn to exclusionary discipline practices, such as frequent or lengthy out-of-school suspensions or referrals to hospital emergency rooms, which disrupt attendance and may disconnect students from school. Similarly, schools may report parents for educational neglect if they perceive a parent as unresponsive to challenging or escalating behavior issues. Disagreements about appropriate special education services can also lead to allegations of neglect, particularly if parents withhold consent for services or medication, even though the law clearly gives parents this right.^{xv} Many parents, especially immigrant parents, are not familiar with the school system and may feel too intimidated to ask for help from their child's school or come to a meeting about their child's attendance. Finally, many parents I work with struggled in school themselves and never finished high school. Their own negative experiences make it especially difficult for them to trust the system that failed them.

Proposed Solutions

The underlying causes of poor school attendance, especially when exacerbated by poverty, are complex, and any program aimed at addressing the issue will need to incorporate a multi-faceted approach. Solutions will require resources and funding to pay for them. Forming connections to social service agencies that don't require child protective or Family Court involvement first could go a long way toward helping families with housing, childcare, or other benefits issues. In some schools case management or preventive services are located on site, where workers can directly access parents and serve as a resource to school staff.^{xvi}

For families and students struggling with health or mental health issues, the community school model, which brings medical, mental health, and other services into the school, can improve attendance and parent involvement while offering needed services that families may not be able to access elsewhere.^{xvii} Schools could also offer educational programming, such as ESL classes, GED preparation, literacy tutoring or career counseling to parents to improve employment opportunities, reduce family stress, and enable parents to serve as a positive educational role model for their children.

Schools need to do a better job generally of involving parents proactively in their child's education. Many families, especially immigrant families, face significant obstacles to participating in their children's education. There are concrete steps that schools can take to build stronger and more meaningful partnerships with parents and community leaders. If parents feel welcome in the school building, they are more likely to come to the school for help before a small problem becomes a crisis.^{xviii}

Academically, school attendance will improve if schools provide more targeted, proven intervention services to students who need them at an earlier age. My colleagues and I have worked with literally hundreds of teens who gave up on school because they struggle with the basic skills they should have mastered at the elementary level. If you can't read a paragraph in your textbook, write a complete sentence, or do basic addition and subtraction, what's the point, they ask, of sitting in a class on biology or algebra? Conversely, I have seen other students who

barely knew the alphabet make years of progress in a short period of time when they receive structured instruction specific to their particular needs. Nothing motivates students like success, and nothing would improve school attendance like proving to students it's worth their while to be there. Similarly, extracurricular activities offer the opportunity for students to be successful in areas other than academics and can be a powerful motivator for otherwise disengaged students. For other young people, opportunities to develop employment skills, such as those offered through the New York City Department of Education's Learning to Work Program, may entice them to attend school.

In the discipline realm, schools must develop more positive, structured approaches to addressing difficult behavior, rather than pushing students out of school through lengthy suspensions or restrictive special education placements. In New York City, students with out-of-school suspensions are assigned to alternate learning centers, with notoriously low attendance rates and varying degrees of academic instruction. Rather than focusing on punitive responses to discipline, some schools are implementing Positive Behavioral Interventions and Supports (PBIS), a school-wide approach to behavior management that utilizes data and research-based practices to teach behavioral expectations in the same way you would teach any core subject.^{xix} Others utilize peer mediation, youth courts, and restorative justice, or a combination of these methods. When emotional difficulties are behind discipline concerns or academic difficulties, schools that offer more individualized attention or wrap-around supports may offer a solution.

At Advocates for Children, our child welfare project, called Project Achieve, has been successfully improving education outcomes among students involved with the child welfare system by partnering with local foster care and preventive services agencies. In operation since 2002, Project Achieve staff has collaborated with five New York City agencies, where we establish satellite offices on site, meet with families, consult with staff on cases, and train employees, birth and foster parents, and youth on educational rights and resources. In addition to focusing on the needs of individual children and youth, we also work with agency staff at every level of the organization to develop new and modify existing policies so that agencies can more effectively meet students' educational needs. Overall, Project Achieve has been successful in resolving school-related problems for 89% of students referred for assistance.^{xx}

Many of the cases we have worked on over the years involved truancy or chronic absenteeism, including families referred to social services agencies due to educational neglect and children in care who have simply disengaged from school. Causes of attendance problems have been as diverse and varied as the students themselves, and we have struggled alongside their case planners and families to craft novel solutions for children and youth in the face of what often feels like a dearth of viable options. If I have learned anything doing this work, it is that there is no magic bullet to improve student attendance. Instead, we have to start early to get all students excited about school and help parents encourage their children's enthusiasm; we need to be smart about employing effective strategies to ensure that students make progress; and when students get off track, we need to intervene thoughtfully, working within the family unit to develop a plan that addresses the family's and student's needs, while capitalizing on their strengths and acknowledging their limitations. Struggling families should not be thrust into the morass of the child welfare system unless the professionals to which they are assigned have the time, skill and resources to engage them in this pursuit; they deserve no less.

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ⁱ Chang, H. N. & M. Romero, Present, Engaged and Accounted for: The Critical Importance of Addressing Chronic Absence in the Early Grades, National Center for Children in Poverty, pp. 3, 8 (Sept. 2008).

ⁱⁱ Neild, R. Curran, R. Balfanz, & L. Herzog, An Early Warning System, Educational Leadership, Vol. 65, pp. 28-33 (Oct. 2007).

ⁱⁱⁱ Chang, H. N. & M. Romero, supra note 1, at 4.

^{iv} Nauer, K., A. White & R. Yerneni, Strengthening Schools by Strengthening Families, Center for New York City Affairs, The New School, pp. 1-3 (Oct. 2008).

^v N.Y.S. Educ. Code Article 65, § 3205.

^{vi} New York City Chancellors Regulation A-201(1); Buffalo City School District Board of Education Policy Manual § 7110, p. 3.

^{vii} New York City Chancellors Regulation A-750(1)(E).

^{viii} Gunderson, J., M. Golden & L. Elson, Rethinking Educational Neglect for Teenagers, Vera Institute of Justice, p. 1 (Nov. 2009).

^{ix} Nauer, K., A. White & R. Yerneni, supra note 4, at 24.

^x Gunderson, J., M. Golden & L. Elson, supra note 8, at 6.

^{xi} Id. at 19; see also Nauer, K., A. White & R. Yerneni, supra note 4, at 24.

^{xii} New York City Administration for Children's Services, Memorandum, Joint Policy Statement on the Reporting and Investigation of Educational Neglect, p. 4 (Mar. 1, 2010).

^{xiii} The Vera Institute of Justice issued a report in November 2009 that documents many of these issues in detail and recommends new approaches to dealing with educational neglect, including developing protocols and resources for schools to implement before calling the State Central Register; making education consultants available to child protective staff; developing preventive programs designed to serve chronically absent teens; and creating alternate response tracks for educational neglect cases involving teens. Gunderson, J., M. Golden & L. Elson, supra note 8. In conjunction with the report's release, the Office of Children and Family Services, the agency responsible for overseeing child protective services, foster care, and preventive services in New York state, convened a roundtable with key stakeholders to take a new look at reforming educational neglect responses statewide.

^{xiv} Jofus, S., White Paper, Educating Children in Foster Care: The McKinney-Vento and No Child Left Behind Acts, Casey Family Programs, p. 11 (2007).

^{xv} See, e.g., In the Matter of Jeremy VV, 608 N.Y.S.2d 575 (N.Y. App. Div. 3d Dept. 1994); In the Matter of Terrence P., 2007 NY Slip Op 01945 (N.Y. App. Div. 1st Dept. 2007).

^{xvi} For examples of three promising preventive services programs located within schools, see Nauer, K., A. White & R. Yerneni, supra note 4, at 29-35.

^{xvii} A recent article in the Nation discusses the Children's Aid Society's community schools in New York City. Kirp, D., Cradle to College, The Nation, June 14, 2010, available at <http://www.thenation.com/article/cradle-college>.

^{xviii} For examples of steps schools can take to make parents equal partners in their children's schools, see Advocates for Children, Our Children, Our Schools: A Blueprint for Creating Partnerships Between Immigrant Families and New York City Public Schools (Mar. 2009), available at <http://www.advocatesforchildren.org/reports.php>.

^{xix} For more information on PBIS, visit <http://pbis.org>.

^{xx} Advocates for Children, Project Achieve: A Model Project Providing Education Advocacy for Children in the Child Welfare System, p. 6 (Mar. 2005), available at <http://www.advocatesforchildren.org/reports.php>.