

## Educational Neglect: Prevention and Intervention During COVID-19 Pandemic

**The tracking and follow-up of attendance is one of the NYCDOE's most important responsibilities as it relates to the safety, welfare, and educational success of the students of New York City. Schools must continue to follow [Chancellors Regulation A-210](#), Standards for Attendance Programs, during the COVID-19 pandemic. The following provides guidance to schools on Educational Neglect prevention and intervention ONLY. For guidance on reporting other forms of child abuse and maltreatment please review [Chancellor's Regulation A-750](#).**

### If a Student Has Not Attended School

During the COVID-19 pandemic all pedagogical and non-pedagogical school personnel must follow the requirements of Section I.D of [Chancellor's Regulation A-750](#) and Section V of [Chancellor's Regulation A-210](#), with regard to reporting educational neglect. School staff should familiarize themselves with the [Attendance Policy for the 2021-22 School Year](#).

- Before escalating a concern around a student's excessive absences or making a report to the New York Statewide Central Register (SCR) if educational neglect is suspected, as described below, school staff must exhaust all outreach efforts.
- Outreach efforts should include conducting outreach to the family at different times of the day through multiple means, including phone calls, emails, letters and home visits.
- As part of the outreach process, schools should assess what circumstances or barriers are contributing to the student's absence and determine if there are any barriers that the school can help address directly or through a referral to services, such as transportation, guidance interventions, prevention services, help navigating public benefits like food or cash assistance, child care assistance, etc.
- When school outreach is not successful, the concern must be referred to the school's assigned centrally-funded attendance teacher to conduct additional outreach and home visits. Where appropriate, outreach efforts may also include outreach to DOE shelter staff, community-based organizations connected with the school and other partners who may be able to support school efforts to promote attendance.

### Suggested Interventions

Suggested interventions for families who refuse to send their student(s) to school due to fear for student's safety as a result of the COVID-19 pandemic:

- Meet with the family in person or virtually to discuss [Health and Safety Protocols in Our School Communities](#) and check on the welfare of the child. Where possible, the school may give the family a virtual tour of the school's health and safety protocols.
- Have the Parent Coordinator help work with the parent to answer questions and address concerns.
- When feasible, explore adjustments to minimize the parent's concerns and to show a willingness to work with the family to make the transition back to school a positive one.
- Where appropriate, explore [Medically Necessary Instruction \(MNI\)](#) with the family and provide information regarding the criteria for MNI; this type of instruction is for students in 3K through Grade 12 who are unable to attend school due to orthopedic, non-orthopedic/ medical, or psychiatric reasons.

- When a request for MNI is under review, schools should maintain regular contact with the student and family. Absent any other concerns, a student’s failure to attend school pending the determination of MNI does not warrant a report of educational neglect.
- Where a parent has indicated that they intend to home school their child, check with the [Office of Home Schooling](#) to confirm that a letter of intent has been submitted by the parent.
  - If a letter of intent is confirmed, a student’s failure to attend school pending transfer to the Home Schooling DBN does not warrant a report of educational neglect.
  - Schools should use ATS absence code 06, ‘absent under special circumstances,’ until the student is discharged to the Home Schooling DBN.
- Schools can refer the family directly to [community-based services](#), including with DOE partner organizations or [Administration for Children Services \(ACS\)-funded prevention services](#). These services may include: transportation coordination, housing assistance, language access services, case management, behavioral management skills and counseling.) The school should take care to assure the family that such a referral is not itself a report for educational neglect.
  - For additional information on ACS’ prevention services, contact the ACS Office of Preventive Technical Assistance at [opta@acs.nyc.gov](mailto:opta@acs.nyc.gov) or via their helpline at (212) 676-7667 (M-F 9am to 5pm).

### Criteria for Educational Neglect

A report of suspected educational neglect is not a remedy for excessive absences, and is an option of last resort. An initial delay in reaching families or connecting with families is not a cause to report educational neglect, nor is there a set number of days of absence that requires a school to file a report. In accordance with New York State law, a report of suspected educational neglect must be made in response to a student’s absences only if ALL of the following four circumstances are present:

1. The parent is aware or should have been aware of the lack of attendance (i.e., absences); AND,
2. The parent is contributing to the absences, or is failing to take steps to effectively address the problem and return the child to school or providing equivalent alternatives (i.e., failure to provide a minimum degree of care, failure or refusal to enroll the student in Home Schooling, or to engage with organizations in order to remove barriers to learning at home.); AND,
3. The absences are impairing the student's education; AND,
4. The school has exhausted timely outreach efforts and intervention services (phone calls, letters, conferences, counseling services, referrals, prevention services) as set forth above.

Mandated Reporters can reach out to the ACS Office of Safety First as a resource at 718-KID-SAFE (543-7233) and/or [safetyfirst@acs.nyc.gov](mailto:safetyfirst@acs.nyc.gov). Mandated Reporters can also reach out to the ACS Education Unit at [education.unit@acs.nyc.gov](mailto:education.unit@acs.nyc.gov) for further support.

Regardless of whether the conditions set forth above have been met, a report to SCR must be made whenever school officials have reasonable cause to suspect child abuse or maltreatment, in accordance with Chancellor’s Regulation A-750.



## Tiered Response Protocol During COVID-19 Pandemic

Under the Tiered Response Protocol, school principals and their designees have attendance monitoring, outreach, and other obligations related to elementary and middle school students with child welfare involvement. For purposes of this protocol, child welfare-involved students are defined as “DOE students in foster care and DOE students whose parents are or recently were under investigation by ACS as a result of a report of suspected neglect or abuse made by DOE personnel to SCR (referred to in this protocol as “child welfare-involved” students).” If the parent does not provide an adequate explanation of the child’s absences, this must be communicated to the assigned ACS Child Protective Specialist or the ACS agency partner case planning staff, in accordance with the requirements of Chancellor’s Regulation A-750:

- Child welfare-involved students and their ACS contact can be identified by the lists shared by the Borough/Citywide Office (B/CO) point to the school’s principal/designee (Designated Liaison) or through the Foster Home Student Indicator and “ACSLINK” ILOG entries.
- A parent not sending an elementary or middle school student with child welfare involvement to school due to fear for student’s safety as a result of the COVID-19 pandemic is not an adequate explanation for the student’s absence and therefore must be escalated to the assigned child welfare worker.
  - For open child protective cases, schools should contact the assigned Child Protective Specialist before contacting the Office of Safety First.
  - If a Mandated Report or Designated Liaison need to obtain contact information for the assigned child welfare worker, they may reach out to the Office of Safety First at [safetyfirst@acs.nyc.gov](mailto:safetyfirst@acs.nyc.gov).

If a Mandated Report or Designated Liaison needs to obtain contact information for a foster care case planner, or a student’s foster parent, they may reach out to the ACS Education Unit at [education.unit@acs.nyc.gov](mailto:education.unit@acs.nyc.gov).