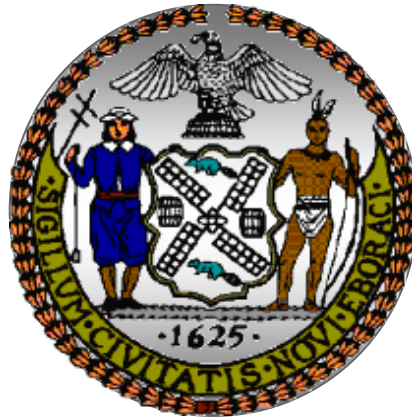


# *Defining Educational Neglect*



*Is this a case for the SCR?*

# *New Educational Neglect and PINS Law (March 2019)*



## **These new laws will require:**

- Further coordination of efforts between ACS and the schools
  - ACS to obtain information from the schools on what the school has done to address the problem and why these efforts have been unsuccessful
  - And/or staff to appear in court
- New definition of Educational Neglect requires schools and ACS to take steps to address and improve the attendance /education issues before a call can be made to SCR
- \*\*Please note that this new law only impacts reports related to educational neglect and does not change the responsibility that school personnel have to report suspicion of other forms of child abuse and maltreatment

# *Educational Neglect*

The new law revises the definition of education neglect and provides as follows ( new language is highlighted in red below)

a neglected child is one whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care in supplying the child with adequate education **notwithstanding the efforts of the school district or local educational agency and child protective agency to ameliorate such alleged failure prior to the filing of the petition;**



DOE kjr 3-19

## *A report must be filed when the following conditions exist:\**

1.

- Reasonable suspicion that the parents are aware or should have been aware of the absences;

2.

- Reasonable suspicion that the parents are contributing to the problem or are failing to take steps to effectively address the problem (i.e., failure to provide a minimum degree of care);

3.

- Reasonable suspicion that the absences are impairing the child's education.

4.

- Interventions by the school have failed to **improve** the attendance issues.\* **NEW EDUCATIONAL NEGLECT LAW**



DOE kjr 3-19

## When ACS goes to file an Educational Neglect Petition in Court,



- the petition must now show the efforts undertaken by ACS and the school to **address and** resolve the educational issue
- the petition must also include the reasons why the educational issue cannot be resolved **absent the filing of a petition**

# DOE School Staff Appearance in Court:



- The Family Court Judge could notify school staff and give them the opportunity to be heard in court whenever an educational neglect petition is filed in court **and the court determines that assistance of the school staff would aid in the resolution of the education-related allegation**
- DOE Staff must inform their Principal/Designee when staff are asked to appear in court . The Principal/designee will reach out to their Borough/Citywide Office's legal point person to determine how to proceed. Legal contacts can be found here: <https://infohub.nyced.org/nyc-doe-topics/legal/office-of-general-counsel-overview-contacts/senior-field-counsel>

DOE kjr 3-19

## Example of Efforts:

- Letters and telephone calls from the school to the parent/guardian
- School conferences regarding attendance and/or performance
- Attempts to change busing or locate alternative transportation
- Home visits by school staff and/or attendance teachers
- Exploration of alternative school placements, guidance transfers or safety transfers
- Coordination with shelter staff or Community Based Organization (if applicable)
- Seeking assistance of other family members
- Referrals to ACS preventative agencies such as the Family Assessment Program (F.A.P.)



# Documentation in ILOG :

- All Interventions must be entered into iLog--\*
- **iLog** is the intervention log screen in ATS
- **The intervention as well as follow up with parent/guardian must be documented** (e.g.: scheduled school meeting with parent – include the outcome of the meeting or indicate if the parent did not show). DOE referrals to ACS preventative services must also be documented.
- **Documentation in iLog must give a clear picture of the educational issues and behavioral issues, the interventions that were attempted, and the reasons WHY these interventions did not work. Please be specific.**
- Please note that not all members of ACS will have access to iLog, and this is an issue that is being addressed. Please provide the ACS staff member documentation when it is requested.

**\*iLog must be the sole record for documenting efforts/interventions**



# PINS Cases and Petitions

- PINS – Person in Need of Supervision - A child under the age of 18 who does not attend school, or behaves in a way that is dangerous or out of control, or often disobeys his or her parents, guardians or other authorities
- Parents are required to receive diversions services through ACS, Family Assessment Program (F.A.P.), before they file for a PINS Petition. F.A.P. website: (<https://www1.nyc.gov/site/acs/justice/family-assessment-program.page>)
- Parents can voluntarily go into any ACS Field Office and request preventive services
- When truancy and/or school misbehavior is alleged in a PINS petition, ACS must review steps taken by the school to improve the youth's attendance/school behavior and attempt to engage the school in further diversion efforts 
- ACS must contact the school to resolve the truancy or school behavioral problems in order to obviate the need to file a petition, or, at minimum remediate the education-related allegations in the proposed petitions. 

DOE kjr 3-19

# PINS Cases and Petitions



- DOE staff members could also be asked to provide documentation on interventions and the reasons why the educational issues cannot be resolved absent the filing of a PINS petition
- The Family Court Judge could notify school staff and give them the opportunity to be heard in court when a PINS petition is filed and the court believes that the assistance of school staff may help to resolve education related matters.
- DOE Staff must inform their Principal/Designee when asked to appear in court. The principal/designee will reach out to their Borough/Citywide Office's legal point person to determine how to proceed. Legal contacts can be found here:  
<https://infohub.nyced.org/nyc-doe-topics/legal/office-of-general-counsel-overview-contacts/senior-field-counsel>

***NYC SCR Educational Neglect Reports***  
***2015 to 2018 update***

<i>School Year</i>	<i># of Ed. Neglect Reports</i>	<i>% of Ed. Neglect Reports of all Reports to SCR</i>	<i>Indication Rate Ed. Neglect Reports</i>
2015-16	6,697	22.90%	38.56%
2016-17	7,369	23.92%	44.99%
2017-18	8,977	22.15%	30.58%

**Note: School Year 2017-18 covers SCR Reports from 9/2017 thru 5/31/2018. Total calls to SCR - 24,264 resulting in 40,257 allegations**

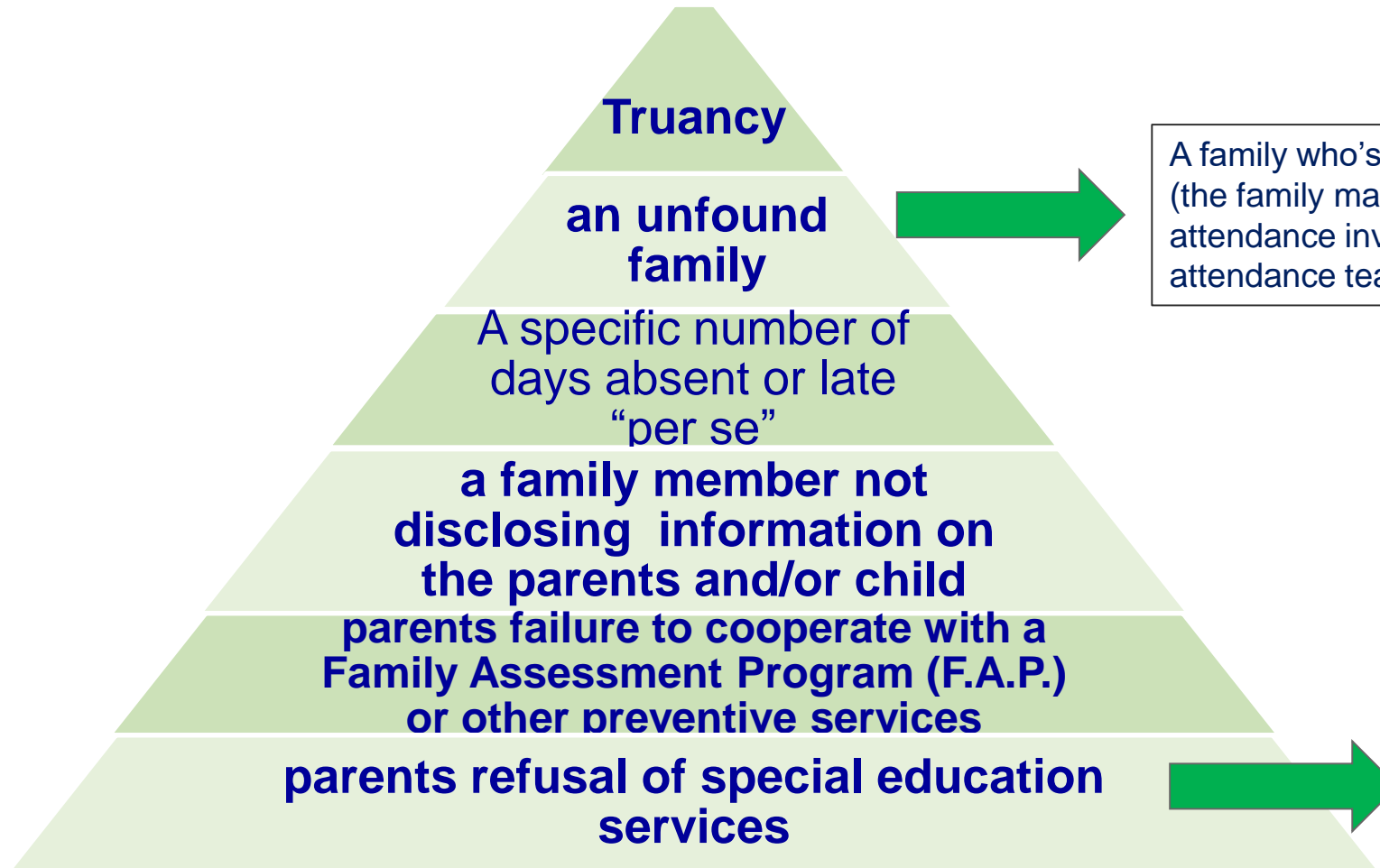
*Source: SCR - May 31, 2018*

# *Educational Neglect*

## **Main issues:**

- **Calls made to SCR (**May to June 27**) for students who were absent or late for most of the school year. (**90-158 days**)**
- **Multiple calls made to SCR on the same day by the same member of school staff with no direct knowledge of the cases.**
- **Multiple calls made within a few days by various members of the school staff regarding the same student.**
- **Calls made to the SCR the last week or day before school recess on students with 30 or more days of absence.**

# *Educational Neglect - Is not:*



A family who's address is no longer known by the school, (the family may have moved, went into a shelter, etc.). An attendance investigation must be completed by the attendance teacher

There may be other presenting issues that should be addressed by parents that may indicate other types of neglect (e.g. medical neglect, etc.)

DOE kjr 3-19

## Family Assessment Program (F.A.P.)

### Manhattan

Manhattan Family Court  
60 Lafayette St., 2nd Floor  
New York, NY 10013  
[\(212\) 341-0012](tel:(212)341-0012)

### Brooklyn

345 Adams St., 8th Floor  
Brooklyn, NY 11201  
[\(718\) 260-8550](tel:(718)260-8550)

### Queens

Queens Family Court, 4th Floor  
151-20 Jamaica Ave.  
Jamaica, NY 11433  
[\(718\) 725-3244](tel:(718)725-3244)

### Bronx

220 E. 161st St., 2nd Floor  
Bronx, NY 10451  
[\(718\) 590-6700](tel:(718)590-6700) or [\(718\) 590-7987](tel:(718)590-7987)

### Staten Island

350 St. Mark's Place, 5th Floor  
Staten Island, NY 10301  
[\(718\) 720-0418](tel:(718)720-0418)