



Navigating K-12 Educational Challenges During the COVID-19 Pandemic: New York State Office of Children and Family Services and the NYS Education Department Joint Guidance for Educators and Child Welfare Workers

The 2019 Novel Coronavirus (COVID-19) has presented unprecedented challenges for educators, child welfare personnel, and the children and families both systems serve. Now, more than ever, communication and collaboration between education and child welfare systems are needed to keep the children of New York State safe and their families supported.

The necessity of school closures in March 2020 exacerbated student attendance issues for the remainder of the 2019-2020 school year and these issues continue into the 2020-2021 school year. For a multitude of reasons specific to each school, family, and student, remote instruction did not work for everyone.

Unfortunately, in many schools and districts, numbers of students have not logged on or otherwise participated in online learning opportunities. The reasons for this are complex and numerous – difficulty in understanding or accessing technology; caregivers caring for multiple children while working one or more jobs; older youth assisting or caring for younger siblings in the home during their own school day; communication challenges such as language barriers; and children residing or sheltering in locations other than their known addresses, resulting in missed school or missed correspondence with their school.

Additionally, some may have disengaged from their school communities entirely due to the additional stressors caused by the pandemic, including fear of contagion, job loss, food insecurity, sickness, or the loss of a loved one. In this time of collective trauma, we are all concerned with the potential adverse consequences for families, children, and communities resulting from lack of participation in remote instruction, whether by choice or by circumstances.

These unprecedented challenges and barriers to remote learning have highlighted the need to re-examine the necessity of making educational neglect calls to the New York [Statewide Central Register of Child Abuse and Maltreatment](#) (SCR), commonly known as the Child Abuse Hotline.

For the 2020–2021 academic year, schools were required to adapt and develop a mechanism to collect and report daily teacher student engagement or attendance in remote or hybrid modalities that must include the following:

- Providing clear opportunities for equitable instruction for all students;
- Ensuring continuity of learning regardless of the instructional model used;
- Ensuring substantive daily interaction between teachers and students; and
- Clearly communicating information about instructional plans with parents and guardians.

When schools re-opened last fall, there was a rising volume of reports alleging parent or guardian [Educational Neglect](#) submitted by school personnel to the SCR due to student absence from online instruction. As one avenue to address attendance issues, OCFS and the State Education Department (SED) would like to emphasize the need for continued partnership among local departments of social services (LDSSs) and schools and school districts. This collaboration will allow for more effective responses to student absenteeism, thereby increasing services provided to students and families to address the barriers to student attendance and reducing the need for involving families with child protective services.

This document is intended to provide guidance on processes both school and child welfare personnel should undertake in response to concerns regarding educational neglect whether in remote, in-person, or hybrid instructional settings. Please note that information and examples contained in this document are not exhaustive and questions should be directed to the respective education and child welfare emails provided at the end of this guidance document.

As we examine educational neglect reports to the SCR during COVID-19, it is important to know current New York State law regarding school attendance, understand issues regarding technology and lack of resources as barriers to attendance during remote learning, and identify resources and supports to assist children and families during this crisis.

REMINDER: If there is an imminent threat of danger to a child's health or safety, or a child requires immediate medical attention, contact 911 immediately.

If you suspect child abuse or maltreatment report it! In cases of suspected child abuse or maltreatment, reports should be made immediately to the SCR at **1-800-635-1522 (this is the dedicated line for mandated reporters only)**. The hotline operates 24 hours a day, seven days a week, 365 days a year.

Attendance:

New York State Education Law §3205(1)(c) indicates that the following age requirements for attendance apply:

- A child must attend full-time school instruction in September if he/she turns six years old on or before the first day of December of that school year. The school year begins on July 1st and runs through June 30th.
- A child who turns six years old after the first of December must attend full-time school instruction from the first day of session in the following September.

However, Education Law §3205(2)(c) (amended on December 20, 2019) authorizes every school district's board of education to require minors who are five years old on or before December 1st to attend kindergarten instruction **if they have been enrolled**. These provisions do not apply to children whose parents choose not to enroll them in school until the following September, to children who are enrolled in non-public schools, or to children who receive home-instruction. The spirit of Education Law §3205 is that, once

parents enroll their children in kindergarten, schools and child welfare systems are provided accountability tools to use with parents if student attendance becomes problematic. Once a student is enrolled, poor attendance in kindergarten should be addressed as soon as issues arise, as is the requirement in any other grade.

- Generally, a child must attend full-time school instruction until the last day of the school year in which the minor becomes 16 years of age.

However, the Board of Education in a school district may require minors from 16 to 17 years of age, who are not employed, to attend full-time day instruction until the last day of the session in the school year in which the student becomes 17 years old (Education Law §3205[3]). For example, New York City and several school districts in Erie County and Chemung County require students to attend until the last day of the school year in which they turn 17 years of age.

Note: A caller alleging educational neglect for a 16- or 17-year-old need only state that the school district requires the student to finish out the school year; SCR staff will include this information in the Miscellaneous section of the narrative when documenting the call.

Excessive Absenteeism:

Since 2016, SED has urged schools to pay attention to students who are chronically absent as part of a statewide initiative to promote student engagement and increase student achievement by encouraging school personnel to monitor student absenteeism and develop intervention strategies to reduce chronic absence from school. Through guidance, and now under the State's approved Every Student Succeeds Act (ESSA) plan as an accountability measure, SED has emphasized the importance of monitoring student attendance and the adverse effects of chronic absenteeism on student achievement.

Chronic absenteeism takes into account both excused and unexcused absences, as it is the missed instructional time that impacts student achievement. There is no legal definition for excessive absenteeism. Each school district sets local parameters for defining and determining excessive absenteeism in addition to determining the need for follow up and support with the student and family. School districts determine school-based policies and community-based collaborations in developing procedures for responding to universal and individual student attendance matters.

We note that two days missed per month can be considered chronically absent. Recognizing these patterns as soon as they begin to occur can help to draw the family's attention to the issues and impacts of continuing absence.

It is important to note that a report of suspected educational neglect is not a remedy for excessive absences. A call to the SCR with an allegation of educational neglect should only be made when a parent or other person legally responsible for the child has failed to meet the minimum degree of care in providing education for the child and that failure has

caused impairment or imminent risk of impairment to the child. As it relates to excessive absences, a call to the SCR is an option of **last resort**.

Schools should collaborate with the following professionals to identify needs and resources and exhaust all other possible strategies and supports to help families resolve any barriers to school attendance before making an educational neglect or Person in Need of Supervision (PINS) referral:

- Local Department of Social Services (LDSS) Point of Contact (POC)
- Community agencies and service providers
- PINS diversion services (work with lead agency: either LDSS or Department of Probation)

Strategies and Resources to Assist and Support Students and Families:

- Ensure each student and family has equitable access to technology, internet, and troubleshooting support;
- Assign each student an “ally” – an adult responsible for checking in on the student every day at home and in school;
- Collaborate with community partners (e.g., LDSS POC) to conduct virtual and in-person meetings/events to identify student and family needs;
- Student wake-up calls, texts and social media;
- Call, U.S. mail, email, text, personal message on social media with/to students, parents, family members, relatives, friends and identified emergency contacts;
- Offer and provide translation and interpretation services to families who speak a language other than English at home;
- Use existing positive relationships with school social workers, athletic coaches, and community liaisons to make sidewalk, porch, or driveway visits.

Resources:

- [Every Student Present](#) is a public awareness campaign of the New York State Council on Children and Families that promotes awareness of excessive student absenteeism and offers prevention and intervention resources and strategies to build capacity among schools, families, and communities.
- [Attendance Works: Advancing Student Success by Reducing Chronic Absence](#) is a national non-profit initiative that supports improved policy and practices around school attendance. Its mission is to advance student success and help close equity gaps by reducing chronic absence. Attendance Works has updated its latest 2019 guidance specifically for the COVID pandemic. Resources include:
 - [Attendance Playbook: Smart Strategies for Reducing Chronic Absenteeism in the COVID Era](#);
 - Ideas for how to encourage and track attendance during distance learning;
 - 25+ effective and readily scalable approaches to reducing chronic absenteeism; and
 - Implementation guide for schools and districts.

Supporting Children and Youth in Foster Care with Educational Needs During COVID-19:

Students in foster care already face unique educational challenges that have been exacerbated by the pandemic. Working together, schools and child welfare workers can support caregivers through frequent outreach to understand the needs and challenges they are facing to support their children's education.

Progress monitoring, as well as additional academic support such as tutoring, are important ways to support students who are struggling. This is especially important for students with disabilities who are in foster care. Progress toward curriculum requirements and Individualized Education Program (IEP) annual goals, as well as regression, must be tracked, monitored, and used to inform the Committee on Special Education or Committee on Preschool Special Education (CSE/CPSE) when recommending special education programs and services, and as appropriate, compensatory educational services, for these students. It is important that service providers working with these students refer them to the CSE/CPSE for review when a lack of educational progress and/or regression is identified.

Additionally, local education agencies (LEAs) and child welfare agencies have continued joint responsibility to ensure educational stability under Every *Student Succeeds Act* (ESSA) and *Fostering Connections*, including ensuring students have appropriate school placements, are making academic progress, and have access to materials and technology.

For more information, the [American Bar Association's Center on Children and the Law](#) provides several [resources to assist local jurisdictions with education for youth in foster care](#) during the COVID-19 pandemic.

Educational Neglect:

Educational neglect is when a child's "physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired" due to the parent's failure to exercise a minimum degree of care in providing the child with an adequate education (Family Ct Act §1012[f][i][A]).

Educational Neglect Reports by Schools to the New York Statewide Central Register for Child Abuse and Maltreatment (SCR):

For an educational neglect report to be registered by the SCR for investigation, **ALL** of the following information is required to be provided to the SCR at the time of the call:

- Child of compulsory school age
- Excessive absences recorded
- Information on how the parent has been made aware of excessive absences
- Information on the efforts the school has made to contact, and problem solve with, the child/family
- Measurable harm/impairment to the child's educational progress
- Identifying and locating information for the child/family

Note: A report will not be accepted without this information. This list varies slightly from the list below under the Preparing to Make an Educational Neglect Call in that the above is what is required to make a report, while the second list below are items the caller should have ready before they call.

It is important to understand families are facing barriers to remote learning during COVID-19; some examples of these barriers include, but are not limited to:

- WIFI/Hotspot/connectivity issues;
- Device/tablet/computer issues;
- Language barriers; and
- Parents/guardians who are not computer literate.

Preparing to Make an Educational Neglect Call to the SCR:

Once the school has exhausted all efforts and strategies to help families resolve any barriers to school attendance, and a call to the SCR is deemed necessary, the following information should be collected and presented by the caller to the SCR:

- Student demographics, including address
- Number of absences and when
- Efforts made to contact the family (e.g., phone, mail, text)
- Whether contact with the parent was made
- If contact was made, what was the parents' response
- Challenges faced by the family
- Actions school has taken to assist family
- Harm to the child
- Whether the student has an IEP and/or other interventions and/or special needs

What to Expect:

Once a call to the SCR is made, there are two possible outcomes:

- Report is not registered by the SCR. There will be no child protective services (CPS) investigation.
- Report is registered by the SCR and assigned to a local CPS for investigation.

Once a report is assigned to a local CPS, the CPS will complete an investigation or convert the case to a [Family Assessment Response \(FAR\)](#).

FAR is a differential response that may be used for CPS reports that have been accepted by the SCR where there is no safety concern that rises to the level of immediate or impending danger for the child and/or family. FAR is a particularly strong tool to provide needed supports to families when a school has exhausted efforts to engage the family and the local CPS determines that the family needs community-based services following an allegation of educational neglect only.

Recognizing that FAR is an existing important resource to address educational neglect and challenges resulting from the COVID-19 pandemic, OCFS developed a streamlined application for LDSSs that presently do not use FAR, allowing them to opt into this

program for cases where the only allegation of abuse or maltreatment is educational neglect.

Emerging Transformed

The U.S. Department of Health and Human Services, Administration for Children and Families has called upon all child, family, and youth services to emerge from the COVID-19 pandemic with “dramatically improved human services delivery systems . . .” With this goal in mind, both the child welfare and education systems must work across disciplines to create conditions where children are safe, and families thrive. Examining causes and concerns of excessive absenteeism, exacerbated by the pandemic, provides us the opportunity to make positive changes to our systems.

Strengthening families and communities through primary prevention is one such way LDSSs and local schools and districts can work together to identify community resources and supports. Specifically, as noted above, LEAs and LDSSs must have a POC. Knowing and sharing information with your respective POC is even more vital during COVID-19. An updated list can be found on the [Office of Children and Family Services website](#) under “Educational Points of Contact” and on NYSED’s [Student Support Services website](#).

Although an LDSS POC’s responsibility has previously centered on youth in foster care, the pandemic has required us to utilize existing staffing resources in new and creative ways. POCs can serve as navigators for their education partners, providing information for community-based services and resources that can help school districts support families in resolving school attendance barriers, as well as additional stressors and challenges, such as food insecurity, rental or utility assistance, child care, technology supports, mental and behavioral health services, employment opportunities, and language assistance services.

The New York State Multiple Systems Navigator is a tool both child welfare and education personnel can use to find resources, definitions of terms and acronyms for various programs or agencies and organizations that provide a range of services and supports.

You can find more information on how to use the Multiple Systems Navigator here:

[How to Use the Multiple Systems Navigator Website](#)

Conclusion

An increase in educational neglect calls during the COVID-19 pandemic has highlighted the need to think about new ways education and child welfare systems can work together to create integrated approaches to support families that promote equity and ensure child and family well-being. This shared responsibility takes a public health approach to preventing child abuse and maltreatment. It focuses on improving the health and wellness of individuals and communities before child maltreatment happens and requires engagement with the entire community, ensuring parents have the support and services they need before abuse or maltreatment occurs. Through improved collaboration, communication, and sharing of community resources, New York State education and

child welfare systems can begin to create lasting systems change to keep children safe and ensure child and family health and well-being.

Questions for NYSED:

Outstanding questions from education personnel should be directed to StudentSupportServices@nysed.gov

Questions for OCFS:

Outstanding questions from child welfare personnel should be directed to: CWCS.Ed.Neglect@ocfs.ny.gov