

**Strengthening School Attendance Policies/Practices to Address
Educational Neglect and Truancy
Prepared by Student Advocacy¹
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Research shows that the three building blocks for school success are attendance, attachment and achievement (National Center for School Engagement). Students should want to come to school, and they are more likely to become engaged when 1) they have positive relationships with school personnel, 2) welcoming school climates exist, 3) school-based supports and resources are available, and 4) they feel safe because issues of bullying and student harassment are effectively addressed. Strong attendance and attachment are essential prerequisites for achievement.

The importance of attachment and achievement can not be overstated and all school districts are urged to take steps to strengthen them. This statement, however, focuses on poor school attendance and recognizes how it can be a tremendous challenge, particularly regarding students who are chronically absent. These efforts tend to be more difficult as the student ages, suggesting that early intervention is a more productive strategy. In fact, studies of dropouts show that leaving school is “merely the culminating act of a long withdrawal process from school, forecast by absenteeism in the early grades” (Sheldon and Epstein, Chang and Romero). Chang and Romero, in the recent report from the National Center for Children in Poverty, Present, Engaged, and Accounted For: The Critical Importance of Addressing Chronic Absence in the Early Grades state:

We intentionally use the term “chronic absence,” because the more frequently used term, “truancy,” only refers to unexcused absences and connotes inappropriate student behavior requiring a punitive response. Rather than blaming children, we want to broaden awareness that missing extended periods of school could be an early sign of distress in school, community or home that could respond to appropriate early intervention. Moreover, when children are 5, 6 or 7 years of age, they are not likely to be absent from school without their parents’ knowledge.

The 2006 New York State law (Chapter 543) http://www.opdv.state.ny.us/law/summ_year/sum06.html concerning reporting and investigation of educational neglect provides school districts with an excellent opportunity to review and revise attendance policies by strengthening attendance-focused activities which can impact on chronic absenteeism and better utilizing stepped up support from the New York State Office of Children and Family Services. Two basic principles underpin the literature relating to improving school attendance: 1) family involvement activities can improve school attendance (Epstein and Sheldon, Sheldon and Epstein, Chang and Romero, Virginia Department of Education) and 2) intervention as early and as quickly as feasible after attendance problems are noted makes a difference (Chang and Romero, Center for Mental Health in Schools, Colorado Foundation for Families and

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Children, National Center for School Engagement, OJJDP Model Programs Guide, Virginia Department of Education). Two model truancy programs that focused on students in elementary school, the Chronic Truancy Initiative and Abolish Chronic Truancy, found that attendance improved significantly after families received a letter from the principal describing the attendance problem (Colorado Foundation for Families and Children, National Center for School Engagement).

Attendance policies and practices that effectively deal with chronic truancy share five key components:

1. Education of parents regarding school attendance requirements;
2. Effective policies and practices to monitor attendance;
3. Clear definition of excessive absenteeism and a two-stage response to excessive absences;
4. A Stage One response in which schools investigate underlying problems and respond with changes in school services or linkages to community services; and
5. A Stage Two response in which additional help is sought through Child Protective Services or Probation.

In the remainder of this memo, we provide information on each of these components from current research literature.

I Educating Parents Regarding School Attendance Requirements

The literature on improving school attendance emphasizes the importance of having effective attendance policies and ensuring that families are aware of them (Chang and Romero, Kopperud and Weaver, Railsback, Sheldon and Epstein, Virginia Department of Education). Due to the increasing immigrant population in local school districts, notification of compulsory school attendance laws is an essential first step. Many families come from countries where the compulsory school age laws are different; mandatory education may start later and end earlier. In light of that, information should be provided to all families, in languages other than English, in a low-literacy format and in multiple ways (letters, pamphlets, posters, community presentations).

There are several ways in which school districts can insure that parents know the importance of regular school attendance. These include:

- Sending a summary of the attendance policy by mail at the start of the school year, and asking parents to sign and return a statement indicating that the attendance policy has been read and is understood.
- Encouraging families to seek clarification from a specified school official of any aspect of the school's attendance policy when anything is unclear, including the difference between excused and unexcused absences.
- Holding small meetings as school begins, especially for families new to the district or those whose children have already had attendance problems, reviewing why regular school attendance is so important.

- Encouraging families to discuss the attendance policy with their children, reinforcing the school's expectations for excellent attendance.
- Highlighting that it is the family's responsibility to ensure that their children arrive at school each day on time, remain in school for the full day and attend school consistently throughout the year.
- Clarifying that families should notify the appropriate school official by phone on the morning of the student's absence and provide a written excuse when the student returns to school.
- Emphasizing that families need to respond immediately to any call or letter from their child's school regarding absenteeism.

Schools should not inadvertently create attendance problems by asking parents to pick up from school a child who is having a behavior problem before the school day ends or prohibiting a misbehaving child from going on a class trip so that the child stays home from school. Situations like these send the wrong message to parents and students. Some parents start to proactively keep their child home from school if they fear that the child will just be sent home. In these situations, other steps should be taken, such as involving the Child Study Team and the Committee on Special Education, and making community referrals, rather than encouraging irregular attendance (See Section IVb).

II Effective Policies and Practices to Monitor Attendance

The literature on improving school attendance emphasizes the importance of paying prompt attention to any unexcused absences (Chang and Romero, California Department of Education, Kopperud and Weaver, Metropolitan Child Advocacy Coalition, Railsback, Sheldon and Epstein, Virginia Department of Education). Does your attendance policy

- Ensure that families provide all phone numbers where they can be reached during the day, to be kept on file at the student's school?
- Indicate that a specific school staff member will attempt to reach the family whenever the parent has failed to contact the school first when the student is absent?
- Describe the steps, including actions and time frames, that will next be taken by school personnel if the family fails to respond to the phone calls (for example, a letter from the principal is sent after 3 unexcused absences or a home visit is scheduled)?
- Indicate what will be done if no family member responds to these efforts (for example, providing information on community-based organizations to the family or the local police to verify if the family is still residing at the same address)?
- Establish a system for timely notification to the family of middle and high school students when poor attendance jeopardizes the loss of course credit or the ability to attend summer school?
- Discuss how all efforts to contact families are to be documented (Kopperud and Weaver)?

III Defining and responding to excessive absenteeism

The new law suggests that all school districts need to a) define excessive or chronic absenteeism and b) establish clear procedures for intervention. When schools try too hard to develop a cooperative relationship with the family of a child with attendance problems, the situation can often drift along through repeated school interventions. Meanwhile, the number of unexcused absences continues to accumulate.

To avoid this problem, districts have found it critical to use a two-stage approach to intervention. The stages of intervention are tightly linked to a district's definition of excessive absenteeism. In the first stage, when a student is on his/her way to becoming excessively absent, the district conducts additional investigations to learn of problems underlying school absence and then provides other school services or community linkages. In the second stage, when the student's unexcused absences reach the level of excessive absences, the district generally involves either Child Protective Services for younger students or Probation for older students. Of course, a report should be made to the State Central Registry at any time in this process if abuse or neglect is suspected.

While there are no hard and fast rules and school districts must set a standard that is right for them, other efforts to define excessive absenteeism by school systems could be instructive:

- Chronic absence means missing 10% or more of the school year (equivalent to 18 days out of a 180 day school year) regardless of whether absences are excused or unexcused. (Chang and Romero)
- The number of absences in the policy shall not exceed five days per quarter. (Metropolitan Child Advocacy Coalition)
- A cumulative absence rate of twenty percent is the guideline in the determination of excessive absence: total of 3-4 days absent at the end of September, total of 7-8 days absent at the end of October, total of 10-11 days absent at the end of November, etc. (Pocantico Hills)
- Elementary Student Cumulative Days Absent Guide (Greenburgh Central School District No. 7):

September	4
October	9
November	13
December	18
January	22
February	27
March	31
April	36
May	40
June	45

Selecting a cumulative number on a monthly basis as a criterion for excessive absenteeism, as opposed to waiting until a larger number (e.g., 20) of absences occurs over the course of the school year, encourages a school district to be more proactive and provide early intervention

services for families. This system also makes it possible to avoid scenarios where students cannot secure course credit or attend summer school because of poor attendance.

IV Stage One: Investigating Chronic Absenteeism

a. Understanding the reasons for chronic absenteeism

In order for schools to attempt to intervene effectively at the earliest point that excessive absences are evident, it is important to determine the reasons for the student's absences. The causes are often divided into four broad categories: family factors, school factors, economic influences and student variables (Chang and Romero, Center for Mental Health in Schools, Children's Law Office, Kopperud and Weaver).

Family factors include:

- Lack of familiarity with school attendance laws
- Lack of parent supervision and/or guidance
- Ambivalent attitudes about the importance of education
- Domestic violence
- Drug or alcohol abuse in the home
- Serious mental health or medical issues
- Involvement in the criminal justice system

School factors include:

- School safety issues (e.g., bullying)
- School climate issues
- Flexibility in meeting the diverse cultural and learning styles of students
- Failure to successfully notify families about each absence
- Lack of consistency and uniformity to attendance and attendance policy within schools and districts

Economic influences include:

- Single-parent households and teenage motherhood
- Poverty
- High rate of mobility or relocation
- Parents who work multiple jobs
- Families that lack affordable transportation and/or child care
- Severely distressed neighborhoods

Student variables include:

- Academic problems and learning difficulties
- Limited social and emotional competence/behavior problems
- Poor physical health/chronic medical issues
- Serious social or emotional issues
- Lack of understanding of attendance laws
- Substance use

Only after understanding the reasons for the excessive absences is it possible for school personnel to take steps to appropriately address the problem.

b. School Interventions

As soon as a school recognizes that a student is accumulating excessive unexcused absences, a school-level meeting should be held with the family and possibly the student (depending on age) to discuss why the absences are occurring and to select strategies that try to resolve the attendance problem. It is also advisable to convene such a meeting when there are an excessive number of excused absences for medical reasons so that the situation can be clearly understood by the school and meaningful planning for the provision of services can occur. The school nurse should participate in these meetings, since physical health issues like asthma and Lyme's disease may often be at the root of the problem (California Department of Education). Other school participants would include the school attendance officer, school social worker, guidance counselor or psychologist, and any other person designated by the school administration, such as the CSE chair or the Pupil Personnel director. A family's refusal to participate in such a meeting must be documented in the student's record.

Potential interventions might be school-based, especially if it is determined that student factors are at the root of the absenteeism problem. These could include (California Department of Education, Children's Law Office, Kopperud and Weaver, Sutton Public School):

- Providing the necessary evaluations for possible placement in a special education program or for the development of a 504 plan.
- Using the services of the school nurse in conjunction with the family's physician to investigate any physical reasons that might be a barrier to the student's education.
- Referring the student for counseling with the school social worker or psychologist.
- Using a school-based conflict resolution program.

Schools will be unable to resolve all problems that contribute to excessive absenteeism. The best way to resolve an attendance problem could be a referral to a community-based organization. Among the many resources to consider are (California Department of Education):

- Community service agencies and their specific areas of services, such as grief counseling, charitable interventions (utilities, donations of food and clothing), parenting skills classes, Social Security, busing, food stamps, single-parent groups and drug or alcohol counseling.
- Health referrals to agencies that offer techniques for dealing with head lice and clinics that offer low-income services.
- Legal services by lawyers and consumer credit counselors.
- Agencies that offer shelter, counseling, mental health services, and suicide or other hot lines.
- Youth organizations, which offer mentoring, tutoring, boys and girls clubs, youth centers, and after-school programs.

If a family becomes involved with a variety of community service providers, it may be helpful to have a case manager who can oversee the provision of services and work very closely with school personnel. Some families may be appropriate for referral to a Westchester County Department of Community Mental Health's network. At a network meeting, family strengths are identified and supports that are needed are discussed. This is the basis for planning with community providers to ensure that families have access to the supports that they need.

Schools must take systematic steps to reach out to the student and family to encourage regular school attendance when dealing with an older student who is willfully truanting. School intervention at the counselor level, administrative level and pupil support team level should occur before involving the child welfare or juvenile justice systems. Every effort should be made to keep youth in school by providing services in a collaborative, multi-agency fashion, in an attempt to minimize reliance on the juvenile justice system. Some additional strategies to consider for older students include (Kopperud and Weaver):

- A flexible class schedule in which students can take early and late classes.
- Using vocational placement or enrichment at a work site as a school alternative to regular classroom instruction.
- Changing the student's schedule and/or instructors to best match student needs with available course offerings.
- Requesting an intra- or inter-district transfer for the student to give the student a fresh start.
- Arranging for a student transfer to an alternative educational program that will better meet a range of needs.

V Stage two: Responding to Chronic Absenteeism

By setting a clear policy for your district regarding excessive, unexcused absences, the implication is that when a student reaches this threshold, the pattern of excessive, unexcused absences constitutes evidence of educational neglect among younger students or the need for court supervision among older students.

If efforts to work with the family have no impact on the student's excessive absences, and the school has reasonable cause to suspect educational impairment or harm to the student or imminent danger of such impairment or harm, a report should be made to the State Central Registry (SCR) by calling 1-800-635-1522. Educational impairment or harm may be reflected in the following ways:

- Student has an IEP and is missing mandated services.
- Required homework assignments are incomplete.
- There is a regression in academic skills or minimal progress which may lead to retention in grade.
- There is a regression in social, emotional or behavioral areas.

When students are in elementary school, a school district is more likely to call in an allegation of educational neglect to the State Central Registry, involving Child Protective Services

(CPS). When students are in high school, a school district is more likely to allege that the student is a Person in Need of Supervision (PINS) because of truancy. When students are in middle school, the facts of the case will dictate which is more appropriate.

a. Involving CPS

The Westchester County Department of Social Services has developed an Educational Neglect Supplemental Form (attached) that school districts should use when reporting educational neglect. This form can be used to collect needed information that should be reported when the SCR is called. Providing all of the information on this form will help to ensure that your report is acted on. Mandated reporters include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

The Child Abuse specialist at the SCR will ask the mandated reporter for information, including number of absences from school, whether the absences are excused or unexcused, the suspected effect on the child’s educational progress, whether parents are aware of the absenteeism, and efforts taken by the school to provide notification of the excessive absences.

Once the report has been made, the mandated reporter who made the report must advise the person in charge of the school or that person’s designee that the report was made and of the information that was reported to SCR. The person in charge or designee then becomes responsible for all subsequent administration involving the report, including completing and submitting the written report (form LDSS 2221A). <http://ocfs.state.ny.us/main/Forms/cps/LDSS-2221A%20Report%20of%20Suspected%20Child%20Abuse%20or%20Maltreatment.doc>

b. Cooperating with a CPS investigation

For a report to be “indicated”, CPS must investigate and gather information to determine if there is evidence that the student has been harmed or is in imminent danger of being harmed as a result of the parent’s failure to exercise a minimum degree of care. The school must provide the CPS worker with all documentation (attendance records, report cards, the IEP or 504 plan if applicable, evaluations and nurse’s records) that will assist the CPS worker in completing the investigation and making the determination of “unfounded” or “indicated.”

When allegations or circumstances make it advisable to interview the student apart from the family, the school is to cooperate. A school official should be present during the interview of the student, unless there is agreement that the absence of the school official may increase the likelihood that the caseworker can accomplish the purpose of the interview. Future work with the family will likely involve a combination of school and community resources.

Whether the situation is “indicated” or “unfounded”, CPS can continue to work to assist the family. One way would be to refer the case to DSS Preventive Services, if they are not already involved. When a case is “indicated”, a family’s refusal to cooperate could result in a referral to the county attorney’s office to draft a petition that goes to Family Court. If a case is “unfounded”, the family is not obligated to accept services.

c. Involving probation through a PINS petition

When parents are trying to resolve chronic absenteeism but the child is not responding to the authority of parents or the school, a PINS petition would be more appropriate than a report of educational neglect. Truancy is defined as the “willful violation by a student of Section 3230 of the Education Law which requires minors from 6 – 16 years of age to attend school for full-time instruction.” (New York State Office of Children and Family Services). Habitual behavior contrary to this law is grounds for a PINS petition under Section 712(a) of the Family Court Act; thus an excessively absent student could be referred in order to prevent continuation of the truancy and prevent inappropriate activities which frequently accompany truant behavior. The student who is typically referred because of truancy is between 13 and 16 years of age, does not yet have a criminal or delinquency record, and does not respond well to the authority of his/her parents or school.

For students with a disability or suspected of having a disability, a school district must hold a Manifestation Determination hearing prior to filing a PINS petition. According to 2008 regulations issued by the Department of Probation, school districts may no longer file a PINS petition on a child with a disability unless a Manifestation Determination hearing has been held by the CSE and the school has provided such documentation to the probation department and the court that the student’s behaviors are not related to the student’s disability, thereby warranting court action. In order to forward the documentation, the school district will need to secure parental consent. If the parent refuses to cooperate with services in a school-referred PINS matter, an educational neglect report may be made regarding the parent where there has been a pattern of unexcused absences.

Pursuant to the NYS Family Court Act, a PINS case is first referred to the Office of Probation for PINS diversion. At this stage, Probation is required to determine what services could help resolve the truancy issue (e.g., counseling, substance abuse, educational advocacy) and refer the student to those services. Probation could continue to supervise the situation if progress is being made. If there appears to be no improvement and more intervention is necessary, Probation can refer a PINS petition to Court. If the Court adjudicates the student as a PINS, the youth could be placed away from home. Thus the failure to attend school could seriously impact on a young person’s freedom.

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