

**Policy and Procedure for the Reporting and Subsequent Investigation of Educational Neglect
between
Rensselaer County Social Services
and
Ark Community Charter School**

The intent of this policy and procedure is to clarify the roles and expectations of the Rensselaer County Department of Social Services in conjunction with its partnership with Ark Community Charter School (ACCS) with regard to their mutual interest in the educational, and all around, well being of the children of Rensselaer County. Based on the understanding that the reporting and investigation of suspected cases of educational neglect present a range of complex issues and challenges for local social services districts and school districts we agree it to be in the best interest of our inherent partnership, and the children we serve, to collaborate in addressing these concerns through the means developed in this document.

Family Court Act (FCA)(f)(i)(A) identifies a “neglected child” as a child less than eighteen years of age (i) 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 parents or other persons legally responsible for his care to exercise a minimum degree of care (A)in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five (65) of the education law, or mental, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; (emphasis added)

Please note that the term “parent” or other person legally responsible for his care as used in the FCA refers to the parent, custodian, legal guardian or other person legally responsible for the child. References in this document to the “parent” should be understood to also include custodians, legal guardians and other persons legally responsible for a child. (See § 1012 (a) and (g) of the FCA.)

Per Part One of Article 65 of the New York State Education Law, § 3205(1)(c), the following age requirements 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. Please note: The school year begins July 1st and runs through June 30th.
- A child who becomes six years old after the first of December must attend full time school instruction from the first day of session in the following September.
- A child must attend full time school instruction until the last day of session in the school year in which the minor becomes 16 years of age. New York State Education Law, § 3205(3), provides that 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.
- A child who has completed a four year high school course of study is not required to attend school regardless of age.
- A child who has applied and is eligible for a full-time employment certificate may be permitted to attend school part-time not less than 20 hours per week.

Ark Community Charter School Considerations in Reporting

For purposes of this document, Educational Neglect is considered to be **the failure of the parent** to ensure the child's prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons **resulting in an adverse affect on the child's educational progress or imminent danger of such an adverse affect.**

Attendance: There are both excused and unexcused absences from school. Such absences may occur for either a portion of the day or the entire school day. It is the responsibility of the parent to establish the legitimate nature of the absence to the satisfaction of the school. **See attached Ark Community Charter School Attendance Policy.**

Below are the three (3) elements the NY Statewide Central Registry for Child Abuse and Maltreatment (SCR) considers necessary for a report of educational neglect based on absenteeism, as identified in guidance established at the SCR. By no means should these guidelines serve as a rubric limiting, or precluding a Mandated Reporter's "reasonable cause to suspect" a child is being maltreated.

1. Excessive absence from school by the child. Confirmation that the absences are unexcused is an issue for the CPS investigation and a decision on this issue is not required at the point of making a report. However, any information the school has as to whether the absences are excused or unexcused should be provided to the SCR AND
2. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and that the parent has contributed to the problem or is failing to take steps to effectively address the problem (in other words, failure to provide a minimum degree of care) AND
3. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.

Role of Parent: The role of the parent must be considered. School officials will contact the parent in accordance with the Attendance Policy (see 8 N.Y.C.R.R. §104.1(i)(2)(vii)) to determine the parent's awareness of the excessive absences and to offer assistance as appropriate. It is recommended that at least one attempt to contact the parent be made verbally and at least one in writing. In cases where a parent has been unable to be contacted, has been uncooperative with school officials, or cannot provide an explanation for a child's absences and other criteria for educational neglect can be met, that would establish reasonable cause to suspect that a parent is aware of the absence and has not taken steps to address the problem.

Educational impairment or harm: There must be concern that the absences have had an adverse effect on the child's educational progress or are creating a danger of such an adverse effect. Certainty of an adverse effect or risk of an adverse effect is not required for a report to be accepted by the SCR; there only needs to be reasonable cause to suspect an adverse effect or risk thereof. Whether there is actually such impairment or risk is an issue for investigation by CPS.

Other considerations: The reporting of educational neglect by schools may also result in the reporting of other forms of abuse or maltreatment. Student absenteeism, whether excessive, unexcused or not, may be an indicator of other forms of underlying abuse or maltreatment in the home. As in all calls received by the SCR, the interviewer will be asking a series of open-ended questions to determine whether the caller/reporter/source has concerns that would result in ANY reasonable suspicion of abuse or maltreatment. With respect to the reporting of other forms of abuse and neglect, school staff must follow the School's policies and procedures regarding the same as adopted in accordance with Educational Law § 3209-a.

Procedure for Making a Report to the SCR:

Pursuant to changes in the mandated reporter law in 2007, a report to the SCR must be made by a mandated reporter who has reasonable cause to suspect abuse or maltreatment. Certified staff (typically psychologists, teachers, nurses, guidance counselors, administrators and social workers) must make a dual report to the SCR. Non-certified staff (for example: bus drivers, custodians, etc.) may make a dual report to the SCR, but must report to the building Principal per School policy. However, 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 the SCR, including the names and contact information of other persons in the school believed by the reporter to have direct knowledge of the alleged abuse or maltreatment. The Principal or designee then becomes responsible for all subsequent administration involving the report, including completing and submitting the written report (form LDSS 2221A). This responsibility may also involve making an additional call to the SCR if there is additional information concerning the report to be submitted.

Mandated reporters making reports to the SCR should, to the extent possible, confirm necessary demographic information prior to making the report to the SCR, as well as any other information the source may have that would indicate that there may be other forms of abuse or neglect present in the household in addition to educational neglect. If the mandated reporter making the report is unable to do so, it would become the responsibility of the person in charge of the school or designee to obtain this information and provide it to the SCR.

The mandated reporter phone number is **1-800-635-1522**.

The Child Abuse Specialist at the SCR will ask the reporter/ source the following questions for all reports made to the SCR:

- Name(s), dates of birth, address(es) for all children and parents in the household.
- Name, title and contact information for the reporter of the information.
- Name, title and contact information for any other persons in the school who may have direct knowledge of the alleged educational neglect or other alleged child abuse or maltreatment.
- If the child attends school at the caller/reporter's location. This information will be included to assist the CPS investigator in assessing the safety of the child within 24 hours.
- If the child is not in attendance at the same location as the caller/reporter, it is important for that to be identified. The caller/reporter should have the correct street address of the school the child attends, as well as the mailing address for the school if different.
- Alternative contact information (hours of contact, phone number or alternative contact person) for the reporter to assist local CPS in gathering critical information necessary to assess the safety and ongoing risk of the child and any other children in the household. (CPS is responsible to assess the safety of every child in the household, not just children reported as abused or maltreated).

The Child Abuse Specialist at the SCR will ask the reporter/source the following additional questions for reports made to the SCR involving possible educational neglect:

- Information related to any allegation of educational neglect and/or other allegations of abuse or maltreatment for any child in the family or child residing in the household to the knowledge of the reporter.
- Information on the number of absences from school, whether the absences are excused or unexcused (if known) and the suspected effect on the child's educational progress.
- Information related to the awareness of parent of the absenteeism and any efforts taken by the school to provide notification of the excessive absenteeism.

Rensselaer County CPS Investigative Considerations

Educational Impairment/Harm to the Child: Educational impairment or harm or imminent danger of harm may be difficult to prove until the harm has actually occurred. Harm may be presumed if another child in similar circumstances has already experienced harm, or would be likely to experience harm under similar circumstances, or there is a reasonable belief that the child would be harmed if the circumstances continued. The most important aspect of preventing potential harm of educational neglect is early intervention. The reporting of educational neglect at the time of the initial identification of potential harm is critical to be able to address the issue with the family and to take necessary actions that will ensure satisfactory completion of the child's grade level and successful school experience. The investigation is where the CPS investigator will address the issues with the parent with the objective of resolving any problems that exist so the problems do not recur. The school should also be involved in the resolution of issues related to educational neglect.

To put into practice the definition of educational impairment or harm is a difficult task. Each child is different and the potential for educational harm is different according to the age, developmental abilities and intellectual capacity of the child, as well as the knowledge of, or potential encouragement by the parent of the absenteeism. Each instance of absenteeism must be evaluated in relation to the standards noted above: the parent's awareness of the excessive absenteeism, the steps taken and efforts made by the parent to address the absenteeism, and the actual or potential harm to the child.

Investigating Educational Neglect: SSL § 424 and 18 NYCRR Part 432 identify the specific responsibilities and duties of CPS concerning reports of suspected child abuse or maltreatment. These duties include the requirements to be able to receive all reports 24 hours a day, seven days a week and to initiate an investigation within 24 hours of the receipt of suspected abuse or maltreatment to assess the immediate safety to the child(ren). This applies to all reports of suspected child abuse and maltreatment, including educational neglect reports.

Determination of Some Credible Evidence: CPS must have "some credible evidence" that **the child 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 in regard to the child in order to determine a report of child abuse or maltreatment as "Indicated". (§ 412 (12 of the SSL and § 1012 of the FCA) An " Indicated " determination must include identification of the specific harm or impact on the child and confirmation that the parent, by acting or failing to act, was responsible for the harm or imminent danger of harm of the child.

Making a determination that there is, or is not some credible evidence that educational neglect exists is a process that includes multiple steps on the part CPS. The school must provide CPS with all documentation that will assist the CPS worker in completing the investigation and making the determination of “Unfounded “or “Indicated “. (Pursuant to § 412 (11) and (12) of the SSL, an “unfounded “report is one for which some credible evidence cannot be found to substantiate the allegations of abuse or maltreatment. An “indicated “report is one for which some credible evidence can be found to substantiate the allegations.) **For this reason, it is important for the school to document not only the child’s educational progress but also efforts made to contact the parent, advise the parent of the absenteeism and to engage the parent in addressing the issue.** These records must be available to the CPS worker during the course of the investigation.

In considering whether a report of Educational Neglect should be “indicated “ Rensselaer County CPS uses the information listed below, as guidance. This is not intended to be exclusive criteria, but only an assistant in the determination process.

1. Use the school’s definition of what constitutes excessive absence from school. Unexcused absenteeism that reaches or exceeds that level would be considered excessive absence, but not necessarily, in and of itself, constitute the level of harm commensurate with establish the criteria necessary for CPS to “indicate “ said report.
2. Identify the impact or potential harm on the child. Does the extent of unexcused absenteeism place the child in jeopardy of:
 - Failing a course?
 - Failing the grading period?
 - Failing the semester?
 - Failing the school year?
 - Failing to acquire basic skills commensurate with the grade level?
 - An inability to make up past work that is essential to passing the course or being promoted to the next level?
 - Receiving a grade that reflects a significant decrease in performance from one marking period to the next?
 - Not meeting the goals identified in the child’s Individualized Education Program (IEP)?
3. Identify the vulnerability of the child in relation to potential harm.
 - Is this a child with special needs for whom excessive unexcused absences may place the child in potential harm?
 - Is this child of an age whereby the educational foundation necessary for the child to progress in school is jeopardized by the unexcused absenteeism?
 - Does the child have past experience of criminal behavior that has occurred during the time of unexcused absenteeism?
4. Has the parent contributed to the problem or failed to provide a minimum degree of care?
 - Has the school been provided with notes from the parent identifying the reason for all absenteeism?

- Are the reasons provided reasonable and consistent with the school's attendance policy?
 - Has the school been provided with notes from physician or other health care provider in accordance with school policy?
 - Has the school obtained information from reliable sources that the parent is complicit or encouraging unexcused absences?
 -
5. What effort has the school made to apprise the parent of the absenteeism?
- It is recommended that schools have documentation of a minimum of one written letter sent to the parent advising them of the absenteeism.
 - It is recommended that schools have made a minimum of one phone call (where possible) to the parent advising them of the absenteeism. It is recommended that the school document phone calls.
 - As required by 8 N.Y.C.R.R. § 104.1 (i)(2)(vii), see attached Attendance Policy for the notice provided to parents where the children are absent, tardy or depart early without proper excuse.

Interviewing the Child at School: In the interest of Best Practices, and assuring the child has the ability to disclose pertinent information regarding their safety (or the safety of others in the home), free from the influences of an alleged subject (perpetrator), Rensselaer County CPS interviews child(ren) apart from the family and/or the alleged subject. Often times, this necessitates Rensselaer County CPS Caseworkers to interview children in the school. The Ark Community Charter School, in partnering with the Rensselaer County Department of Social Services and being in compliance with SSL, § 425(1), which provides that agencies of the State and local governmental entities must provide OCFS and local CPS with such assistance and data as are necessary to enable them to fulfill their CPS responsibilities, grants permission for CPS Caseworkers to conduct such interviews on their grounds.

In making the decision whether to interview the child at school, Rensselaer County CPS understands fully that interviewing a child in school may have negative consequences such as:

- Disrupting the child's school routine
- Calling special attention to an allegation about a problem at home which in fact may not be a problem or may not be significant to warrant such extraordinary attention; and
- Upsetting the parent to the extent that the parent's communication will become extremely guarded out of suspicion or fear, or further strain the relationship between the parents and the school distract and/or Rensselaer County Department of Social Services.

Signature Page

**Policy and Procedure for the Reporting and Subsequent Investigation of Educational Neglect
between Rensselaer County Social Services and Ark Community Charter School**

We the undersigned agree to the body and intent of this policy and will act within the accords outlined herein to assure compliance within our respective school/agency.

Mary Theresa Streck

01/13/10

Mary Theresa Streck, Ed.D.
Director/Principal Ark Community Charter School

Date

Commissioner, Rensselaer County Social Services

Date

ACCS ATTENDANCE POLICY

In order for children to do well in school, they must be in school as much as possible. It is the Ark Community Charter School's responsibility to create a welcoming and stimulating learning environment that fosters the academic development of each student. **It is the responsibility of the parent (or guardian) to make sure that the student is at school on time, well-rested and ready to learn each day.**

The ACCS day starts promptly at 7:45 a.m. and ends at 3:00 pm and the student's presence for the full day is necessary to receive the entire day's instruction. **Parents are strongly advised to schedule medical appointments outside of the school day.** If that is not possible, every effort should be made to return the student to school after the appointment or schedule appointments as late in the day as possible.

When a student must miss part or all of the school day, the school must be notified by a phone call or note. A parent/guardian must phone the school office (274-6312) before 8:30 a.m. on the morning that the student will be absent or late (or, preferably, by a signed note sent to school the day before). **A written note signed by the parent/guardian (or doctor) should be sent to school upon a student's return stating the date and reason for the absence. Any child who is late to school or is leaving school at other than the regular dismissal time must be signed in or out in by the parent/guardian or an authorized adult at the school office.**

The following is a list of **excusable reasons for absence, lateness or early departure when the parent sends in a written excuse:**

- Personal illness. A doctor's note is required if the absence is longer than five consecutive days. If there is a pattern of illness, a doctor's note is also required.
- Serious illness or death of a family member. A maximum of three days will be excused with a written note.
- Doctor's or other medical visits. A doctor's note is required upon return to school.
- Quarantine. A doctor's note is required upon return to school.
- Religious observances. Prior approval by the Director is required.
- Required court appearances. A maximum of three days will be excused with a written note.
- Impassable roads.

All other reasons for absence, lateness or early departure from school, including car problems, missing the bus, out-of-town family travel, family illness, spending time at home with family members **are not excusable reasons.**

When a parent does not notify the school of the lateness or absence of their child, we will attempt to contact the home.

After a pattern of unexcused absence or lateness, the Principal will send home a warning letter. **This warning letter will be part of the student's permanent record.** If the student's attendance does not significantly improve, ACCS will make a formal filing with social services or the probation department for educational neglect.

We hope you share our belief that consistent attendance is one of the keys to school success. Working together as partners, we can make sure your child gets the best education possible.

WITHDRAWALS

If you withdraw your child from ACCS, please let us know the new school your child will be attending. A withdrawal form may be obtained at the office. Upon your registration at the new school, we will be notified and records will be sent.

Sample Monthly Attendance Notice to Parents:



Ark Community Charter School

762 River Street • Troy, New York 12180

Phone:(518) 274-6312 Fax:(518) 274-3615 Email:accs@arkcharter.org Website:www.arkcharter.org
Mary Theresa Streck, Principal/Director

Date

Parent's Name
Address

Dear Parent/Guardian:

It is our shared goal to give your child the best possible education we can. As teachers and parents, we also know that consistent attendance is very much related to school success. **Coming to school each day on time, healthy and well-rested is critical.**

I'd like to share with your child's attendance record for the past month.

Student: _____ Grade: ____ Attendance Period: <month, year>

Total Days ABSENT: _____

Excused Absences: _____

Unexcused Absences: _____

In-School Suspensions: _____

Out of School Suspensions: _____

Total Days LATE: _____

Arrived after 7:45am _____

Arrived after 8:00am _____

Arrived after 8:15: _____

As you know, our school opens at 7:40am and the school day begins in the classroom at 7:45am. Please make note of your child's attendance performance for the past month.

You may be very proud or you may be concerned about your child's attendance. If there are multiple lates or absences for reasons other than contagious illness, we ask you to make plans immediately to improve your child's attendance, and if there is some way we can help, please let us know.

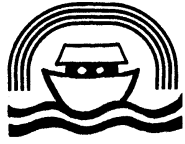
As a reminder, please be sure to keep your child home if s/he has a fever until 24 hours AFTER s/he is fever-free WITHOUT medication. To help monitor if and how the flu is affecting our community, we would also appreciate your calling to let us know your child's symptoms when keeping her/him home for illness.

Please call if you have any questions or concerns.

Sincerely,

Mary Theresa Streck, Principal
ACCS Board Of Trustees approval on December 8, 2009

Sample Letter for excessive absences:



Ark Community Charter School

762 River Street • Troy, New York 12180

Phone:(518) 274-6312 Fax:(518) 274-3615 Email:accs@arkcharter.org

Website:www.arkcharter.org

Mary Theresa Streck, Principal/Director

Date

Parent's Names

Address

Dear Parent,

It has come to my attention that your children, _____ and _____, have been absent for a total of ___ days and late on ___ days since the beginning of this school year. If this pattern continues, your children may be missing too much instruction time to be promoted to the next grade. Excessive absences without good cause will be reported to Child Protective Services (CPS) as educational neglect. I am enclosing our Attendance Policy.

Please make an appointment to meet with me about this issue by _____. We make every effort to work with you and, like you, we have your children's best interest in mind at all times.

Thank you.

Sincerely,

Mary Theresa Streck
Principal

cc: student permanent record