



Legislation Text

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Res. No. 679

Resolution calling upon the New York City Department of Education to change the minimum standards for investigating excessive student absences and reporting such absences to the State Central Registrar in order to better safeguard children.

By Council Members Baez, Gonzalez, Jackson, James, Mark-Viverito, Nelson, Stewart, Gerson and Mendez

Whereas, According to the New York State Office of Children and Family Services (OCFS), there were over 47,000 reports of abuse and neglect filed with the City's Administration for Children's Services (ACS) in fiscal year 2005; and

Whereas, OCFS also reports that over the past five years, educational personnel were the most frequent reporters of abuse and neglect overall, and were responsible for approximately 60 percent of the educational neglect reports; and

Whereas, According to a Joint Policy Statement between ACS and the Department of Education (DOE), educational neglect is defined as "the failure of a person in a parental relation to a child to ensure that child's prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons"; and

Whereas, According to OCFS, educational neglect is an important area for child safety because it "can be an indicator of underlying abuse or maltreatment in the home"; and

Whereas, New York City public schools have procedures in place to identify, investigate and report cases of excessive absences to determine if it constitutes educational neglect and requires a call to the State Central Registrar, initiating an official ACS investigation of abuse or neglect; and

Whereas, Pursuant to Chancellor's Regulations A-210, DOE's Automate The Schools (ATS) system generates automatic referrals for all students who are absent 10 consecutive days, 20 aggregate days over a four

-month period, or 8 consecutive days if the student had a prior report; and

Whereas, In addition, an Interagency Task Force on Child Welfare and Safety was convened in March 2006, which put forth recommendations regarding DOE response time with respect to investigating cases of excessive absences; and

Whereas, Those recommendations require that for students in pre-Kindergarten through grade 8, schools complete investigations of excessive absences within ten days of the ATS generated automatic referral; and

Whereas, If such investigation can not be completed within the ten days since the referral was made, an Attendance Supervisor then has five days to provide assistance to complete the investigation; and

Whereas, If after the 15 day investigation period, it is still unclear whether the excessive absences constitute educational neglect and therefore require a call to the State Central Registrar, DOE must ensure that school staff has met with the family and referred the family to the appropriate services; and

Whereas, As a result of the standards currently in place, it is possible that over 25 days pass before a report is made to the State Central Registrar, which is a considerable amount of time during which a child could be in danger; and

Whereas, Shortening the 10-day standard with respect to the generation of the ATS referral and the 15-day investigation period could result in an earlier intervention and possibly save lives; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to change the minimum standards for investigating excessive student absences and reporting such absences to the State Central Registrar in order to better safeguard children.

JC
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