

Getting Teenagers Back to School

Rethinking New York State's Response to Chronic Absence

POLICY BRIEF • OCTOBER 2010

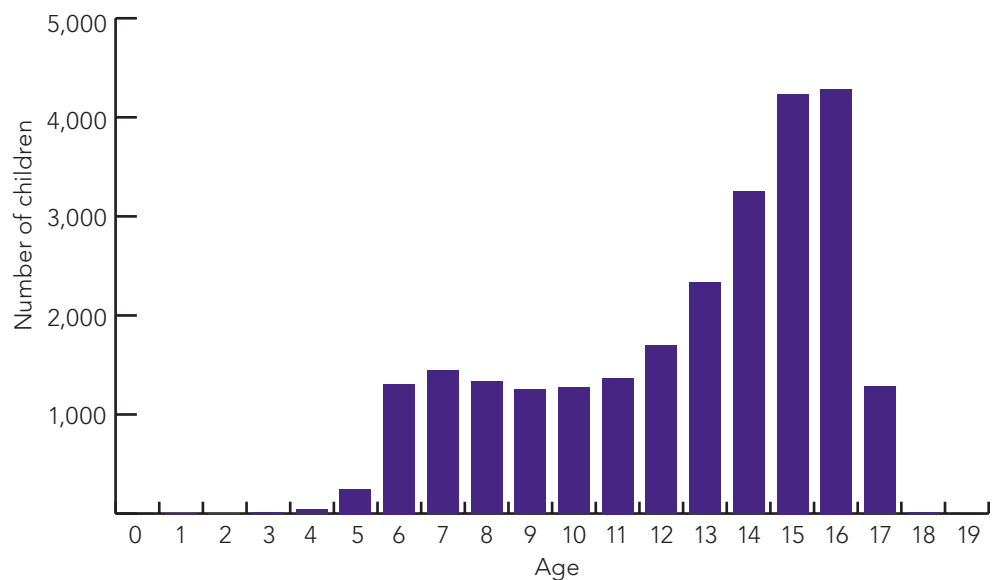
Vera conducted its study of New York State's approach to educational neglect in partnership with the New York State Office of Children and Family Services, supported by Casey Family Programs.² It included:

- > more than 100 interviews with federal, state, and local government personnel, education and child welfare service providers, advocates, and experts;
- > a case-file review of 61 randomly selected 2008 educational-neglect cases involving teens in Orange County, NY;
- > analysis of child protective data supplied by OCFS;
- > analysis of child protective system costs associated with educational-neglect reports in New York City;
- > a statewide symposium on educational neglect;
- > a review of other states' policies related to truancy;³
- > site visits to several schools and interviews with staff; and
- > a review of research on evidence-based practices to address educational neglect and truancy.

Nearly 40 percent of New York City high school students—about 124,000 teenagers—missed 20 or more days of school in the 2008–2009 school year.¹ This policy brief looks at one response to the statewide problem of chronic school absence: reporting parents to the child protective system, which handles allegations of child abuse and neglect. Under New York State law, a parent or guardian who fails to ensure that his or her child attends school regularly can be found to have neglected the child. Although the term “educational neglect” is often associated with young children, more than 60 percent of the state's educational-neglect allegations concern teenagers, particularly 15- and 16-year-olds (see Figure 1).

The child protective system is not well equipped to help teenagers improve their school attendance. Nonetheless, educational-neglect reports involving teens consume a large portion of the child protective system's resources and are diverting the system's attention from children with more serious safety and neglect issues. The most common responses to teenage chronic absence around the country are punitive, contrary to what adolescent development and school engagement research tell us about what motivates teens to go to school. This policy brief summarizes analyses that staff from the Vera Institute of Justice conducted

Figure 1: Age of Children with Educational-Neglect Allegations Statewide, 2009





The child protective system's response to educational neglect

The process begins when someone—most often a school employee—calls the state's child-abuse and neglect hotline because a child has missed too much school. (New York State does not set a specific number of absences after which a school should report educational neglect, nor does it define what steps a school should take to address the problem or determine the parent's responsibility for it.) Each of these reports triggers an immediate investigation by the county child protective services agency. The investigation typically lasts 60 days and consists of a search for evidence of any abuse or neglect. If the investigation finds credible evidence of abuse or neglect, the agency works with the family to address the parenting issues, typically through contracted preventive services or other community-based services, and monitors the family's progress. In some cases, the parents or guardians are formally charged with neglect in family court; as a result, the children may be placed in foster care.⁴

for the Office of Children and Family Services and offers more effective options New York State can consider to address chronic school absence of teenagers.

THE TRADITIONAL CHILD PROTECTIVE RESPONSE IS NOT AN EFFECTIVE WAY TO GET CHRONICALLY ABSENT TEENS TO ATTEND SCHOOL

Vera's analyses found that the child protective system—the network of state and local agencies that handle allegations of child abuse and neglect—is not well equipped to help teenagers improve their school attendance. At times, it can make matters worse.

THE CHILD PROTECTIVE SYSTEM LACKS THE TOOLS TO IMPROVE TEENS' SCHOOL ATTENDANCE.

Few caseworkers have the specialized skills, relationships, or experience required to navigate the education system, diagnose learning needs, and advocate for the educational rights of youth. Moreover, the most common responses to educational-neglect allegations are preventive services aimed at averting a child's placement into foster care and referrals to other community-based services. Yet, only a few counties have preventive services programs that focus on engaging teenagers in school; where these services exist, the need far exceeds the programs' capacities.⁵

In some cases, educational-neglect allegations result in a formal neglect petition against the parent or guardian in family court—not because the investigation uncovered maltreatment concerns, but because the efforts of the parent/guardian and the child protective agency have not improved the student's attendance. However, the family court's greatest leverage is the threat of placing a child in foster care, and research shows that foster youth have poor educational outcomes.⁶ Furthermore, most of the stakeholders interviewed agreed that foster care is an inappropriate solution for teens who are chronically absent but who are not otherwise being maltreated.

A CHILD PROTECTIVE INVESTIGATION CAN BE COUNTERPRODUCTIVE.

The law provides that the child protective system has jurisdiction if the investigation finds that a parent or guardian has not done enough to prevent a child's excessive school absences. Child protective officials and workers reported, however, that it is harder to determine parental responsibility for teenagers' chronic absence than it is for younger children. Teenagers often make their own decisions about going to school, may be adept at hiding their truancy, and may be physically beyond parental control.

Investigations can have adverse consequences both for children and families. Being investigated can stigmatize a family, particularly the parent or guardian. Caseworkers who have investigated educational-neglect allegations told Vera staff that the adversarial nature of the investigation can make parents resistant

to disclosing information that might help to improve their child's attendance and can lead them to refuse community supports that might benefit the family. This assertion seems to be corroborated by research of a non-adversarial and non-investigative child protective response known as differential response. An evaluation of this model shows that families who are approached in this alternative way are more likely to participate in services than their counterparts receiving a traditional child protective investigative response.⁷ New York State is currently piloting this model in 19 counties. Lastly, school administrators and staff said that reporting families to the child protective system can undermine families' relationships with and trust in the school.

SHOULD NEW YORK STATE CONSIDER ELIMINATING EDUCATIONAL NEGLECT FOR CHILDREN 13 AND OLDER?

If New York amended its laws to remove educational neglect of teenagers from the jurisdiction of the child protective system it would not be alone; half of the states—including California, Florida, Illinois, and Texas—do not recognize teenagers' school absences as grounds for a neglect finding.

Vera's case-file review and interviews indicate that amending the child protective statute to remove teenagers from the educational-neglect process would not put these adolescents at risk of future maltreatment. Vera's case-file review found that investigations of educational-neglect reports involving teenagers that were not accompanied by allegations of other abuse or neglect rarely found child safety threats. When measured using the state's risk assessment tool, these cases had a very low likelihood of future maltreatment.⁸ Although this empirical analysis was limited to one county, child protective workers and officials from around the state agreed that educational-neglect investigations involving teenagers rarely reveal safety threats. If school personnel have any other reason—beyond absence from school—to suspect a teenager is being neglected, they would still be mandated to report their suspicions to the state child-abuse and neglect hotline.

Many child protective caseworkers and supervisors feel educational-neglect cases involving teenagers divert their attention from more serious cases. Educational-neglect reports concerning teenagers who are not attending school consume a significant portion of the child protective system's scarce resources. In 2009, teens alleged to be educationally neglected accounted for 6 percent of all children involved in child maltreatment reports statewide. In New York City, this figure reached 11 percent. Removing teenagers who are chronically absent could reduce the number of teenagers reported to the child protective system by up to 15,407 statewide, allowing the child protective system to focus its resources on families with child safety concerns.⁹

Further, nearly all of the educators Vera interviewed expressed the view that schools are in a better position to address teenage chronic absence than the child protective system. Schools often have an existing relationship with families, know the communities where students live and the issues they face, and are responsible for their educational success. Moreover, school officials have problem-solving capabilities in the educational arena that child protective workers do not have. They can troubleshoot registration and enrollment issues, work to address teens' safety concerns, navigate the special education system, and

Underlying circumstances for chronic teen absence

According to Vera's review of educational-neglect case files and interviews with child welfare and education personnel, circumstances contributing to teens' absence include:

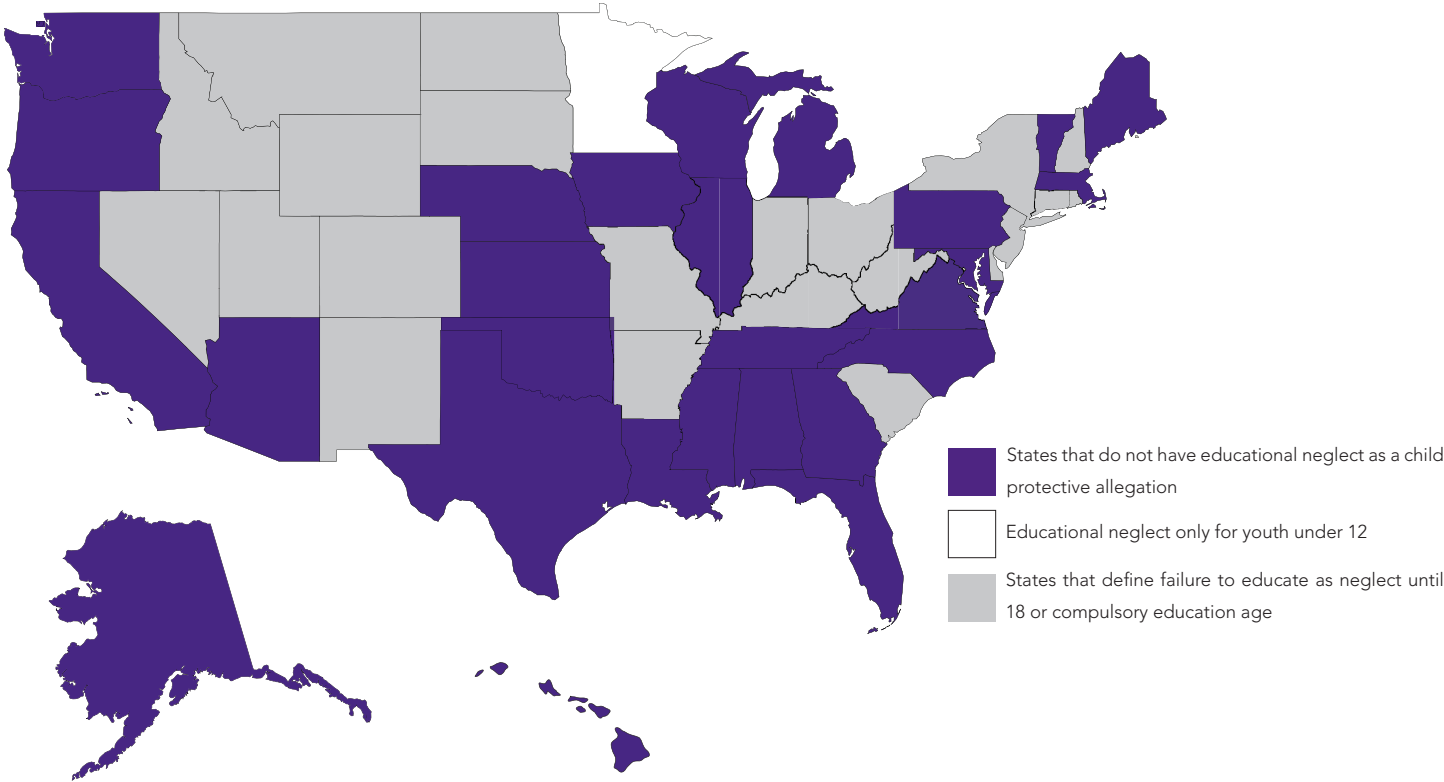
- > homelessness, lack of transportation, and other poverty issues;
- > mental and physical health issues of the parent or child;
- > teen pregnancy;
- > adolescent behavior issues (such as substance use, peer influence);
- > a range of educational issues, including:
 - > students who are over-age for their grade (such as a 15-year-old in 8th grade);
 - > students who have fallen behind in class because of personal issues (e.g., loss of a parent);
 - > students who are threatened by violence at school; and
 - > students with special educational needs.

arrange for school transfers if needed. Child protective workers have no authority and little experience in these arenas. Eliminating the option of referring cases of teen chronic absence to the child protective system when there is no other reason to suspect maltreatment would thus place responsibility for teens' attendance with those best equipped to improve it.

IF NEW YORK STATE CHANGED ITS LAWS TO ELIMINATE EDUCATIONAL NEGLECT FOR TEENS, WHAT OTHER RESPONSES COULD MORE EFFECTIVELY IMPROVE THEIR SCHOOL ATTENDANCE?

Our examination suggested two concurrent actions New York could take to address chronic teen absence: 1) increase schools' accountability, system incentives, and access to services for engaging chronically absent teens; and 2) develop new approaches to reducing teen absence to address the underlying problem that Vera observed statewide and nationally: a lack of effective methods for re-engaging chronically absent teens. Implementing these strategies will require information-sharing, collaboration, and investment by state agencies including OCFS, the New York State Education Department, and the state Office of Mental Health, as well as partnerships with local school systems, county executives and mayors, an array of service providers, and funders.

Educational-Neglect Statutes Nationwide



INCREASE ACCOUNTABILITY, INCENTIVES, AND SUPPORT FOR SCHOOLS TO RE-ENGAGE CHRONICALLY ABSENT TEENS.

Specific strategies New York could implement include:

- > **Analyze and publicly report chronic absence rates by school and district, alongside academic indicators.** Even in school systems that show average attendance rates over 90 percent, a substantial portion of students may be chronically absent. Attendance rates that use average daily attendance mask the number of chronic absences because they only show the percentage of students present on a given day, not how many students miss multiple days.¹⁰ The school systems Vera observed have the capacity to track chronic absenteeism. Reporting this data monthly would help principals manage their schools to address chronic absenteeism. It would also make communities and government officials aware of what is now largely a hidden problem.
- > **Track improvement in chronic absence rates by school and reward/incentivize good performance.** Not only should schools and the public be aware of chronic absenteeism rates, but the state should recognize and reward schools that successfully re-engage

How schools respond to students' absence

In New York State, school districts determine their own attendance policies based on guidelines developed by the State Education Department. Within a district, responses vary from school to school. State officials and education experts stress the importance of local control of school attendance policies, explaining that local education systems can best address families' and students' needs. Based on Vera's observations in schools, common examples of how schools respond to a teen's absence include:

- > letters home notifying the parent or guardian of the student's absence (Many schools send out multiple letters to the same family, regardless of whether the family responds);
- > phone calls on the day of the child's absence, made by an automated service or, in some cases, by staff, advisers, or teachers;
- > home visits by attendance teachers or parent outreach staff (This is a more resource-intensive strategy, reserved for a very small portion of chronically absent students);
- > parent conferences with teachers or school personnel;
- > referring a student to a school social worker or to an on-site nonprofit service provider;
- > modifying a student's schedule to meet his or her needs (e.g., parental obligation);
- > removing a student from a sports team and/or other extra-curricular activities;
- > reporting a parent/guardian to child protective services or referring them to the PINS system.

chronically absent teens. Although the school personnel Vera spoke with genuinely wanted to engage students who had missed significant amounts of school—or keep them from developing a pattern of chronic absenteeism—it appears that a small number of staff handle attendance matters, often in addition to other duties. In New York City, 405 attendance officers and 3,004 guidance counselors serve more than 1 million school children.¹¹ If all of the teachers and most of the school staff serve the students with good attendance, and those with poor attendance are the responsibility of a small number of staff with other responsibilities, there will never be enough resources to get chronically absent students to attend school and graduate. By rewarding efforts to reduce chronic absenteeism, the state and school districts could provide incentives for schools to experiment with different approaches to keep teenagers engaged.

> Provide funding directly for reducing teen chronic absenteeism.

While some schools have relationships with service providers who work with their students, in New York and other states Vera staff surveyed, there is little if any dedicated government funding for services to address teenage school attendance directly. What little funding exists for services to address chronic absence tends to come through the child welfare system or the status offender system, known as the “persons in need of supervision” (PINS) system in New York.¹²

The Office of Children and Family Services and the State Education Department should collaborate to create a blended funding mechanism that allows schools, in partnership with other agencies or nonprofits, to address teen school attendance directly. This mechanism should be flexible and avoid involving the family or the youth in the child protective or PINS systems. Given the current limitations on state and federal funding, this will be challenging and will likely require creatively using existing resources. Built into this funding mechanism should be a system of accountability that tracks numbers of chronically absent students, factors relating to chronic absence, services provided, and outcomes of the interventions. This requirement would help the state and localities manage the funds wisely and build a body of knowledge about the frequency, causes, and solutions for chronic absence.

> Identify and disseminate information about what works. If New York tracks chronic absenteeism and identifies schools that have low chronic absenteeism rates or that significantly improve their rates, the state could learn what practices lead to improved attendance and could disseminate that information to schools that are strug-

gling. For example, some non-traditional school models such as the schools overseen by the Office of Multiple Pathways to Graduation in New York City and community schools, which partner with nonprofit agencies, may effectively re-engage teenagers. Although replicating one school's successful strategy in another can be difficult, there is a hunger among principals and local officials for information about what works to get teenagers to attend school consistently.

Unfortunately, few existing programs for re-engaging chronically absent teens have demonstrated consistently positive results, and there is no established evidence-based practice that can readily be implemented to address the problem. Thus, New York needs to take the lead in developing an innovative solution.

DEVELOP A NEW APPROACH TO CHRONIC TEEN ABSENCE THAT DRAWS ON EVIDENCE-BASED PRACTICES FOR ADOLESCENT BEHAVIOR CHANGE AND SCHOOL ENGAGEMENT.

The basic approach to chronic absence in New York State—and in all other states Vera reviewed—involves notifying parents or guardians of the teen's absence, informing the teen and parent/guardian of the negative consequences if the teen does not return to school, and, in some cases, imposing sanctions which may involve the courts. A small subset of chronically absent teens may receive counseling or other social services, sometimes as part of the court process. Vera's survey of states that do not address teenage absenteeism through educational neglect proceedings revealed that all of the states handle chronic absence at least to some extent through other court processes and sanctions for either the youth or the parent/guardian. Washington is one of the few states that require that school districts file a petition in court after a specified number of student absences. According to an assessment of this law, filing a petition did not change whether chronically absent students remained in school.¹³

There is a lack of research that court-based responses are effective in improving teens' attendance.¹⁴ The one rigorous evaluation of a court-based response showed that court models that pair sanctions with services seem to be more effective in improving students' attendance than the traditional court model, which does not have a sustained impact on attendance.¹⁵ Though specialized courts focused on attendance may hold promise, these courts face the same challenge as many other specialized courts: they are resource-intensive and as a result can only serve a fraction of the population in need.

The prevailing approach to teen chronic absenteeism is at odds with research on adolescent behavior and school engagement. While there is a lack of evidence that court-based approaches improve teens' attendance, there are clear evidence-based practices to promote behavior change in adolescents and a growing body of research on teenage school engagement. We know from this research that:

- > Adolescent decision-making is influenced more by positive feedback than negative feedback;¹⁸

Some examples of punitive responses to truancy in other states include:

- > Community service: In Illinois, after notification from the school and a hearing the student can be assigned to 20 to 40 days of community service;
- > Restrictions on or suspension of driver's license: In Florida, all school districts report students to the state Department of Motor Vehicles;
- > Probation or other criminal penalties:
 - > In Texas, 2007 legislation allows counties to prosecute 18- to 21-year-olds under truancy statutes.¹⁶
 - > In Michigan, parents who do not comply with compulsory attendance laws can be found guilty of a misdemeanor and be imprisoned for 2 to 90 days.
- > Fines: In Washington, a parent can be fined no more than \$25; for a third offense in California, a parent may have to pay a maximum fine of \$500;
- > Withholding government benefits: Some counties in California withhold cash aid if a recipient's children are not in regular attendance.¹⁷

- > Programs that focus on a young person’s strengths increase his or her school attendance and engagement;¹⁹
- > A single caring adult such as a teacher or adviser can motivate a teen to attend school and improve his or her likelihood to graduate.²⁰

Consistent with these principles, a comprehensive review of rigorous research by the Washington State Institute for Public Policy showed that three categories of programs—alternative education programs, behavioral programs, and school-based mentoring—have a positive, albeit small, impact on middle- and high-school attendance. A sanctions-based approach, on the other hand, is contrary to what we know works for adolescents. Even providing services, which some jurisdictions do before imposing sanctions or involving the court, is often deficit-rather than strengths-based, since it involves assessing what is wrong with the teen and providing services to address the problem.

New York could develop a new approach to teenage absenteeism that is rooted in research on adolescent behavior and school engagement. The new approach would build on effective practices in some non-traditional schools and decades of research and experience in the youth development field, which has shown that building on strengths, reinforcing positive behavior, and connecting teens with a caring adult produces the best results. It would also take into account the influence of peers and other aspects of adolescent social and physiological development. This approach would replace the punishment-based responses currently in place.

Guiding principles for this new approach include:

- > Use an individualized strengths-based approach, for example, identifying at least one genuine strength for each teen who is consistently absent.
- > Engage the student in school-based activities that build on those strengths.
- > Connect those students to a caring adult who genuinely supports them in the school community.
- > Develop and sustain positive relationships between the student and the caring adult.
- > Communicate regularly with parents to offer positive feedback about the youth and suggest alternatives to punishment as motivation for attending school.
- > Track and recognize attendance with incentives.

Such an approach might require changes in school structure and in the roles of school personnel. Developing, testing, and bringing a new approach to scale will require investment of money, time, and effort.

In conclusion, by challenging the existing systems and traditional interventions used by communities and schools New York State is on the cutting edge of addressing chronic absence among teenagers. The first step toward more effectively addressing chronic absence among teens may be to remove them from the jurisdiction of the child protective system, while simultaneously creating a less adversarial set of interventions to keep youth connected to schools. This would allow the child welfare system to focus on the most vulnerable abused and neglected children in the state. New York State's strategies in working with adolescents need to be informed by research on effective practices for adolescent behavior change and school engagement. By providing flexibility and incentives to localities to address the root causes of absenteeism in their communities, and offering guidance and practice that supports a strengthening of student attendance, the state will be more effective in its efforts to reduce chronic absenteeism and improve graduation rates. Developing an effective solution to chronic teen absence will improve not only the life prospects of New York's teens, but also the safety and financial health of our communities. These proposals provide a starting place for a robust dialogue toward more effective collaborative actions.

ENDNOTES

- 1 According to data provided by Kim Nauer and Rajeev Yerneni at The Center for New York City Affairs at The New School based on attendance data from the New York City Department of Education, 38 percent of 9th–12th grade students had 20 unexcused absences during the 2008–2009 school year. Data received August 30, 2010.
- 2 *Rethinking Educational Neglect for Teenagers: New Strategies for New York State* is on Vera's web site at <http://www.vera.org/content/rethinking-educational-neglect>.
- 3 Vera looked at 10 states that do not serve chronically absent teenagers through the child protective system that are the most comparable in size and demographics to New York: Arizona, California, Florida, Georgia, Illinois, Michigan, Minnesota, Pennsylvania, Texas, and Washington.
- 4 Social Service Law, Section 424 (1–10).
- 5 Seven of the 10 jurisdictions Vera studied had no child welfare preventive services that specifically focused on engaging teenagers in school.
- 6 See, for example, M. Courtney, S. Teraro, and N. Bost, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Youth Preparing to Leave State Care* (Chicago: Chapin Hall at the University of Chicago, 2004), 38–45.
- 7 This study used a randomized evaluation design and showed that the non-adversarial approach resulted in more families using services. L.A. Loman and G.L. Siegel, *Minnesota Alternative Response Evaluation: Final Report* (Saint Louis, MO: Institute of Applied Research, 2004b), 54.
- 8 The Risk Assessment Profile (RAP) is a statewide assessment tool designed to measure the likelihood of a child being abused or neglected in the future. RAP scores range from -1 to 19. The reports with educational neglect as the only allegation had a median score of one.
- 9 According to data provided by OCFS, June 2, 2010, 15,407 children ages 13–19 were the subject of at least one allegation of educational neglect in 2009.
- 10 Kim Nauer, Andrew White, and Rajeev Yerneni, *Strengthening Schools by Strengthening Families: Community Strategies to Reverse Chronic Absenteeism in the Early Grades and Improve Supports for Children and Families* (New York City: Center for New York City Affairs The New School, 2008), 7.
- 11 Maise McAdoo, United Federation of Teachers, interview by Jessica Gundersen, New York City, October 13, 2009.
- 12 Status offenders are youth who have come to the attention of authorities for behaviors unique to their status as minors, such as truancy or running away. Most states have some type of status offender statute.
- 13 M. Miller, T. Klima, and C. Nunlist, *Washington's Truancy Laws: Does the Petition Process Influence School and Crime Outcome?* (Olympia: Washington State Institute for Public Policy, 2010, Document No. 10-02-2201), 6–8.
- 14 In 2009, the Washington State Institute for Public Policy (WSIPP) conducted a comprehensive meta-analysis of programs to reduce absenteeism and dropping out of middle and high school students. Though court intervention is a response in every state, WSIPP found only one rigorous evaluation of a court-based program. T. Klima, M. Miller, and C. Nunlist, *What Works? Targeted Truancy and Dropout Programs in Middle and High School* (Olympia: Washington State Institute for Public Policy, 2009, Document No.09-06-2201),1.
- 15 John Fantuzzo, "Project Start: An Evaluation of Community-wide School-based Intervention to Reduce Truancy," *Psychology in the Schools* 42, no. 6 (2005): 657–667.
- 16 Since October 2009, the Houston school district reported that 891 18- to 21-year-olds have been charged under state truancy laws.

ENDNOTES CONT.

- 17 California Welfare and Institutions Code 11253.5. An evaluation of seven studies across seven states focused on the impact of linking welfare benefits to a child's attendance and found that sanction-only approaches had no impact on attendance, though programs with both sanctions and case management demonstrated minimal impact on school attendance. David Campbell and Joan Wright, "Rethinking Welfare School-Attendance Policies" *Social Service Review* DOI: 10.1086/42671 (2005): 24.
- 18 E. Cauffman, E.P. Shulman, L. Steinberg, E. Claus, M.T. Banich, and S. Graham, "Age Differences in Affective Decision Making as Indexed by Performance on the Iowa Gambling Game," *Developmental Psychology* 46, no.1 (2010): 193–207; L. Van Leijenhorst, B. Gunther Moor, Z. Op de macks, S. Rombouts, P.M. Westernberg, and E. Crone, "Adolescent Risky Decision-Making: Neurocognitive Development of Reward and Control Regions," *NeuroImage* doi:10.1016, (2010): 1–11.
- 19 T.L. Brown, S.W. Henggeler, S.K. Schoenwald, M.J. Brondino, and S.G. Pickrel, "Multisystemic Treatment of Substance Abusing and Dependent Juvenile Delinquents: Effects on School Attendance at Post Treatment and 6-month Follow-up," *Children's Services: Social Policy, Research, and Practice* 2 (1999): 81–93; L.D. Leve and P. Chamberlain, "A Randomized Evaluation of Multidimensional Treatment Foster Care: Effects on School Attendance and Homework Completion in Juvenile Justice Girls," *Research on Social Work Practice* (July 2006): 1–7.
- 20 M. Dynarski, L. Clarke, B. Cobb, J. Finn, R. Rumberger, and J. Smink, *Dropout Prevention: A Practice Guide* (NCEE 2008–4025) (Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 2008), 17–18.

► For More Information...

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