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## MEMORANDUM

To: ACS/DOE Staff

From: Gladys Carrión, Commissioner, NYC Administration for Children's Services  
Carmen Farina, Chancellor, NYC Department of Education

Date: October 29, 2016

Re: Joint Statement Introducing a Tiered Response Protocol for High-Risk Cases of Educational Neglect and Unexplained Absence

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This memorandum sets forth a new protocol for identifying and responding to high-risk cases of unexplained absence that may signal child maltreatment, which includes educational neglect, other forms of neglect, and child abuse. This protocol represents the culmination of extensive collaboration between the New York City Administration for Children's Services (ACS) and the New York City Department of Education (DOE), which included consultation with ACS's Office of Educational Support and Policy Planning, the development of recommendations by an interagency workgroup, a review of data regarding educational neglect reports and student attendance, and significant policy discussions.

The Tiered Response Protocol introduced by this memorandum involves three general areas:

- Periodic interagency sharing of child protective information regarding DOE students and dissemination of this information to students' school-based administrators, as legally permissible by law.<sup>1</sup>
- Review of the attendance data of these students for the purpose of identifying cases that require immediate intervention.
- Initiating appropriate action across ACS and DOE to enhance safety, improve student attendance, and achieve positive outcomes for families.

This protocol supplements existing DOE policies regarding attendance and reporting of suspected child abuse and educational neglect. All DOE schools build and maintain school-specific attendance programs pursuant to Chancellor's Regulation A-210 and follow the DOE's policies and procedures regarding the reporting of suspected educational neglect and suspected child abuse in accordance with applicable law, Chancellor's Regulation A-750, and the joint ACS-DOE policy on educational neglect reporting and investigation. This memorandum does not change these underlying

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<sup>1</sup> The interagency sharing of child protective information described in this memorandum refers to the sharing of information pertaining to DOE students who are or were named in reports of suspected child abuse or maltreatment made by DOE personnel to the State Central Register.

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policies and responsibilities. It outlines a process that will provide school administrators, as service providers, with up-to-date child protective information regarding students in their schools who are, or recently were, named in a State Central Register (SCR) report of suspected maltreatment made by DOE personnel; helps schools identify children in their building who may need immediate intervention or follow-up; and outlines steps for schools to take based on this information.

### **I. Information Sharing and DOE Field Support Center Roles**

This protocol focuses on DOE students in foster care and DOE students whose parents<sup>2</sup> are or recently were under investigation by ACS as a result of a report of suspected neglect or abuse made by DOE personnel to SCR (referred to in this protocol as “child welfare-involved” students). For more information regarding the standards and procedures that govern child abuse and educational neglect reporting by school personnel, please refer to Chancellor’s Regulation A-750 and to additional guidance located at <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>

Effective immediately, using existing data matches between ACS and DOE, the DOE will generate a monthly list of child welfare-involved DOE students and provide for the secure storage of this information. Each DOE Field Support Center (FSC) shall appoint a designee who is responsible for child abuse and neglect matters (referred to hereafter as the “FSC child abuse and neglect point”, or the “FSC point”) to receive this information. The FSC point will disaggregate this information by school and timely disseminate schools’ lists of child welfare-involved students to the appropriate school’s principal/designee.

FSC child abuse and neglect points will also serve in a supporting capacity to school principals to ensure that schools are monitoring their child welfare-involved students and taking action as provided in this protocol. In particular, the FSC points shall establish and maintain a working relationship with ACS and the local Child Protective field office, community agencies, and other service providers to improve communication and services for school staff, families and students. They shall further maintain regular communication with school principals regarding their child welfare-involved students, and assist school administrators in timely communicating relevant information regarding these children to the appropriate Child Protective Specialist (CPS) or foster care Case Planner. In addition, consistent with Chancellor’s Regulation A-750, all mandated reporters, including FSC points and school personnel, shall report any new suspicion of neglect or abuse, or newly-discovered additional information regarding an existing case, whenever there is reasonable cause to suspect that the child has been abused, maltreated, or neglected.

Monitoring attendance and following up after unexplained absences is one of the DOE’s most important responsibilities as it relates to the safety, welfare, well-being, and educational success of its students. This is particularly true when indicators are present that suggest a student might be at risk. A

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<sup>2</sup>The term parent, for purposes of this protocol, means the student’s parent or guardian, or any person in a parental or custodial relationship to the student, and includes but is not limited to any person regularly residing in the child’s home or legally responsible for the child.

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student's child welfare involvement may constitute such an indicator. As such, this protocol further provides that principals<sup>3</sup> must ensure that school-based staff responsible for monitoring attendance have access to their schools' list of child welfare-involved students and understand these protocols and the requirements of Chancellor's Regulation A-210 and A-750.

### II. The Tiers

The following Tiered Response Protocol sets forth procedures and follow-up action that schools must implement based on a tiered response model in which the urgency of the intervening action varies in relation to the presence of known risk factors. **As part of their regular attendance responsibilities, schools must monitor and review their list of child welfare-involved students. Once schools identify students who fall into Tier I, Tier II or Tier III, as defined below, schools must immediately implement the guidance and outreach protocols outlined in Section III below.**

#### A. Tier I

Tier I includes students for whom **all** of the following conditions are present:

- The child is in elementary or middle school (pre-kindergarten – 8<sup>th</sup> grade); and
- The child's family is under current ACS investigation or Court-Ordered Supervision (COS); and
- The child has **any** unexplained absence or is being discharged from his/her school.

#### B. Tier II

Tier II includes students for whom **all** of the following conditions are present:

- The child is in elementary school or middle school (pre-kindergarten – 8<sup>th</sup> grade); and
- The child's family was the subject of an ACS investigation for suspected neglect or abuse that was substantiated in the **current** or **prior** school year; and
- The child has at least **three consecutive** unexplained absences or is being discharged from his/her school.

#### C. Tier III

Tier III includes students for whom **all** of the following conditions are present:

- The child is in elementary or middle school (pre-kindergarten – 8<sup>th</sup> grade);
- The child is currently in foster care (including trial discharge); and
- The child has at least three consecutive unexplained absences or is being discharged from his/her school.

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<sup>3</sup> The term principal, when used in this protocol, includes Early Childhood Directors, who are responsible for overseeing the implementation of the requirements of this protocol at each Pre-K Center site within his/her district.

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### III. School Review, Assessment, Outreach, and Notification Protocols

- A. **School Review and Assessment.** The school principal/designee shall implement a system to monitor the attendance of students identified as falling into Tiers I, II and III, as described above, in accordance with the following guidance:
- i. Utilize a system that will ensure that the school's staff who are responsible for monitoring attendance and following up with families regarding unexplained absences have access to the school's list of child welfare-involved students, are aware of the relevant child welfare indicator in ATS, and are familiar with this protocol.
  - ii. Provide for the school's Attendance Coordinator to use student indicator(s) in ATS that flags child welfare-involved students and print reports of absence/lateness for such students on a daily basis (the foregoing report can be made using the RIAL function in ATS to list, for example, the schools' Tier I students who are absent or late on a given day).
  - iii. Assign a school-based point ("Success Mentor"<sup>4</sup>) to individual child welfare-involved students in Tiers I, II and III as necessary to check attendance daily, personalize any daily absence calls, and build familiarity with the student's attendance and academic history. This person must also make regular inquiries of classroom teachers and of the school health office and update the ILOG records of these students with pertinent information about school progress or issues that arise.
  - iv. Track the attendance and status of Tier I, Tier II, and Tier III students on a weekly basis, either at the regular school Attendance Team meeting, the principal's cabinet meeting, or other structure set by the school for reviewing weekly YTD attendance reports for these students (the foregoing report can be made using the RRSA function in ATS to list the students' YTD rate of attendance and total days absent and late).
- B. **School Outreach: If at any point in the process set forth below, a staff member has reasonable cause to suspect that the child has been abused, maltreated, or neglected, the staff member must:**
- **Immediately report the suspicion to the New York State Central Register (SCR) in accordance with CR A-750; and**
  - **Contact ACS** in accordance with the procedures set forth in Section III.C. below. In addition, **if at any time the staff member has reason to believe that there is an**

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<sup>4</sup> For more information regarding schools' Success Mentor attendance programs, see <http://intranet.nycboe.net/NR/rdonlyres/8F115B3E-4D73-45CD-98AF-27ED7FD1CC20/0/PAFSuccessMentorProgramsforChronicallyAbsentStudents.pdf>

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**emergency or an imminent threat of danger to the child's health and safety, the staff member must call 911.**

Schools shall attempt to contact the families of students identified as falling in Tiers I, II and III in accordance with the following guidance/protocols.

- i. On the first absence of a child in Tier I, the Attendance Coordinator/principal's designee must make a personal call to the family and report the outcome of the phone call to the principal.
- ii. On the first absence of a child in Tier II or Tier III, the school's appointed Success Mentor or other assigned school-based point must make a personal call to the family or the foster parents, as applicable, and report the outcome of the phone call to the principal.
- iii. If telephone outreach is unsuccessful, the school shall follow its established outreach procedures to contact the family to determine the reason for absence, as described in the Attendance Plan section of the school's annual Consolidated School and Youth Development Plan.
- iv. If following outreach and communication with the family or the foster parents the principal/designee is satisfied that the reason for the absence is excused or permissible, or determines that a school's discharge of a child welfare-involved student is supported by the required discharge documentation, the principal/designee shall provide a brief narrative of outreach findings in ILOG.
  - a. Consistent with the Joint Policy Statement on the Reporting and Investigating of Educational Neglect, if the school knows or has reason to believe that a medical, special education, or transportation issue is affecting the child's attendance, the school should consider whether a referral to a community-based preventive services program is appropriate. Schools and FSC points can identify programs and services to which families may be referred through the [ACS Preventive Agency search tool](#). The ACS-funded network of Preventive Services providers includes more than 100 neighborhood-based, not-for-profit programs that provide essential family supports to families challenged by economic poverty, mental illness, substance abuse, family violence and many other issues. These services range from intensive clinical therapies to less intensive case management support, including help with accessing benefits.
  - b. In addition, if the outreach and communication with the family or the foster parents gives the school reason to believe that the child is not at risk of imminent danger but that further intervention and coordination with ACS would address the reasons for absence, the school shall contact the Child Protective Specialist, the ACS Office of Education Support and Policy Planning, or the

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Provider Case Planner<sup>5</sup>, as applicable, for case assessment and appropriate intervention.

- v. As stated above, if the outcome of the outreach and communication gives the staff member reasonable cause to suspect that the child has been abused, maltreated or neglected, the staff member must **both** make a report to SCR<sup>6</sup> **and** ensure that the appropriate ACS office or foster care provider agency, as applicable, is contacted immediately, as outlined below.
- vi. If during the school's outreach process the family or the foster parents cannot be reached, the staff member must contact ACS as outlined below.

### **C. Alerting the State Central Register / Administration for Children's Services to Concerns Regarding Tier I, II, and III Students**

- i. Reporting to SCR:
  - a. If a staff member makes a report to SCR regarding a child in Tier I, Tier II, or Tier III because the staff member has reasonable cause to suspect abuse or neglect, and receives a new Call ID number from SCR, the staff member must immediately notify the principal/designee and provide him or her with the Call ID number. The principal/designee or staff member then must prepare a written report using Office of Children and Family Services form LDSS 2221-A within 48 hours of making the call to SCR. The principal/designee must also file an OORS report to record the call to SCR in accordance with III.D., **and** elevate the concern by contacting ACS, as set forth below in III.C.ii.
  - b. If SCR designates the staff member's call as supplemental information to an existing report and does not generate a new Caller ID number, the principal/designee must escalate concerns regarding a Tier I, Tier II or Tier III student by contacting the appropriate ACS office, as provided in this protocol, and document the school's outreach to ACS as set forth in III.D.iii below.
- ii. Contacting ACS regarding Students in Tiers I and II:

When the principal/designee contacts ACS to escalate a concern regarding a child in Tier I or Tier II in accordance with this protocol, the following guidance applies.

- a. If there is an active ACS investigation or court-ordered supervision case, the principal/designee shall immediately contact the Child Protective Specialist (CPS) at the local ACS field office, and provide that person with the attendance data and pertinent information gathered pursuant to Section III.A. above. If the

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<sup>5</sup> Concerns regarding a student who falls into both Tier I and Tier III (for students in foster care) shall be escalated to the appropriate ACS Child Protective Specialist for assessment and intervention.

<sup>6</sup> Calls to SCR regarding children who are named in an existing SCR report will be recorded by SCR as either a subsequent report or as supplemental information; the information will then be electronically forwarded to the local ACS field office.

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CPS cannot be promptly reached, the principal/designee shall contact the CPS' supervisor/manager at the local field office.

- b. If the school does not have contact information for the CPS' supervisor/manager, or if the CPS' supervisor/manager cannot be reached promptly, the principal/designee shall contact the Office of Safety First at (718) KID-SAFE or the DOE Citywide Coordinator for Child Abuse and Suicide Prevention.
  - c. If there is no open ACS investigation (i.e., the case involving the student's family was closed and substantiated in the current or prior school year), the principal/designee shall immediately contact the ACS Office of Education Support and Policy Planning at (212) 453-9918 and [education.unit@acs.nyc.gov](mailto:education.unit@acs.nyc.gov).
- iii. Contacting Foster Care Case Planners regarding Students in Tier III:
- a. For children in Tier III, the principal/designee shall immediately contact the child's foster care Case Planner and provide that person with the attendance data and pertinent information gathered pursuant to Section III.A. above. If the school is unable to reach the Case Planner or his/her supervisor, the school shall contact the ACS Office of Education Support and Policy Planning at (212) 453-9918 and [education.unit@acs.nyc.gov](mailto:education.unit@acs.nyc.gov).
- iv. All contacts to ACS and foster care Case Planners regarding Tier I, Tier II, and Tier III students required by this protocol must be documented by the school in accordance with procedures developed by the DOE.

### **D. Online Occurrence Reporting System (OORS) Reporting:**

- i. If a staff member contacts SCR to report suspected abuse or neglect pursuant to this protocol and receives a new Call ID number from SCR, the principal/designee must make a report in OORS within 24 hours of receiving the Call ID number (note that in addition to calling SCR pursuant to this paragraph, the staff member must also escalate the concern by contacting ACS as provided in III.B.v, and record the ACS contact as provided in III.D.iii).
- ii. If the school calls SCR to report suspected abuse or neglect and SCR treats the report as subsequent/supplemental information and does not provide a new Call ID number, the principal/designee will, as provided above, escalate the concern by contacting ACS. The principal/designee must then document the school's contact with ACS as provided in III.D.iii below.
- iii. All contacts to ACS offices and Case Planners regarding Tier I, Tier II, or Tier III students required by this protocol must be documented by the school in accordance with procedures developed by the DOE.

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### E. Guidance for ACS and ACS Provider Agency staff:

- i. Upon receipt of a new SCR report, an ACS Child Protective Specialist (CPS) will conduct a home visit and interview the reporter of the maltreatment concern within 24 hours of receiving the report. When additional information from DOE regarding a child welfare-involved student is received from the SCR or DOE and/or the information pertains to a child in foster care, CPS or foster care case planners must follow standard child welfare guidelines and practice, as set forth in law and regulation and outlined in the steps below.
- ii. Tier I  
When contacted by a DOE staff member regarding a student who falls within Tier I, the Child Protective Specialist (CPS) shall:
  - a. Conduct a safety assessment with the parent(s) and child(ren) within 48 hours. If, following the assessment, the CPS determines that there is no immediate safety concern, the CPS must relay that finding to the DOE school-based staff who reported the concern.
  - b. The CPS shall also speak to other school personnel with knowledge of the concern, such as the Attendance Coordinator, the guidance counselor, the student's teacher, the principal, an attendance teacher, or the school nurse.
  - c. If, following the safety assessment, the CPS finds that the student's absences were the result of a school-related issue, the CPS shall, within 48 hours:
    1. Schedule a school conference in collaboration with the school source. The school shall be responsible for arranging for appropriate school personnel to attend the conference. The CPS shall arrange for the parent to attend the conference. The conference will focus on assessing safety, and identifying supports and services where appropriate that can assist the family to improve the child's school attendance.
      - A. If a parent is unable or unwilling to attend a conference at the school, the CPS must coordinate a joint home visit to the child's home with the attendance teacher or other appropriate school personnel.
  - d. The CPS shall contact school-based ACS designated liaisons and FSC child abuse and neglect points as necessary and provide child protective information as necessary to coordinate services, to the extent permitted by law.
  - e. If concerns persist, the CPS will take necessary steps consistent with existing protocol, laws and regulations to ensure the safety and welfare of the child.
  - f. ACS staff and school staff may request that open cases be discussed further at the monthly ACS/DOE collaborative meeting.

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- g. Consistent with applicable law, ACS agrees to provide designated school staff person(s) information with respect to child welfare-involved students that ACS is permitted to disclose, in order to coordinate services.
- h. ACS may inquire about the school's perception of the student's health and well-being as well as about the school's interaction with the student's parent, legal guardian, person legally responsible, and siblings.

### iii. Tier II

When contacted by a DOE staff member regarding a student who falls within Tier II (no active ACS investigation), the ACS Office of Education Support and Policy Planning shall determine if the family has an open Preventive Services case with an ACS-funded provider agency.

- a. If there is an active Preventive Services case, Education Support and Policy Planning will convene a planning meeting or connect the school directly with the preventive agency case planner or supervisor. In addition, if there is an active Preventive Services case, ACS Education Support and Policy Planning may also coordinate with the ACS Office of Preventive Technical Assistance for a case consultation, which could lead to an Elevated Risk Conference.
- b. If Education Support and Policy Planning determines there is no open Preventive Services case, its staff will discuss with DOE staff the feasibility of calling in their concerns to the State Central Register (SCR), and will also provide guidance on the types of information that are most valuable for such a call (such as the fact that the family has a recent prior substantiated ACS case). Education Support and Policy Planning may also connect school staff with the ACS Office of Preventive Technical Assistance for further guidance on preventive family support services.
- c. It is important to note that ACS Child Protection investigations may be performed only after the SCR accepts a call and refers it to ACS for investigation.

### iv. Tier III

When contacted by a DOE staff member regarding a student who falls within Tier III, the foster care case planner shall:

- a. Contact the student's foster parent/facility staff.
- b. If phone contact is unsuccessful or the foster parent's reason for the student's absences from school is not satisfactory, the foster care case planner must conduct a safety assessment in accordance with the Foster Care Quality Assurance Standards and casework contact expectations.

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- c. The foster care case planner shall speak to other school personnel with knowledge of the concern, such as the Attendance Coordinator, the guidance counselor, the student's teacher, the principal, an attendance teacher, or the school nurse.
- d. As necessary, the case planner shall schedule a meeting with the school to discuss related concerns and to develop a plan to address the student's absences and identify services and supports that can improve the student's attendance.