

2.28.2024 Family Services Division Testimony

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Introduction & Overview

We were invited to talk to you today about the elimination of supervisory rules around homeschooling and the question of the educational neglect that may occur because of their absence. We want to open by indicating that FSD's screening criteria and report acceptance guidance have not changed following AOE's updated statute. If there is a report alleging educational neglect and we learn that the child is enrolled in an approved home study program with the Agency of Education (AOE), we do not accept the report and do no further assessment of the quality of their home school education. Our staff are not educators and do not have expertise or experience in evaluating curriculums. If there is a report alleging educational neglect and we accept it and then discover the child is enrolled in a home study program through AOE, we verify this information with AOE and, barring any other child abuse or neglect issues, we close out our CHINS B educational neglect assessment.

FSD's understanding of Act 66 of 2023 is that the parent must provide a signed statement that the child's progress in the home study program is being assessed, and the parent must maintain records of the assessments. This can include:

- standardized assessment administered by the school;
- a licensed teacher reviewing the student's progress;
- a portfolio of work, including a summary of learnings provided by the parent; or
- grades from an online school or GED.



FSD would not revisit the report about educational neglect unless the school district or AOE made a subsequent report indicating the attestation of academic progress suggested educational neglect, which would need to include some kind of evidence of negligence.

Statutory Authority

Title 33, Chapters 49 and 51 grant the department the authority to conduct assessments regarding the welfare of a child. The focus of Chapter 49 is child abuse and neglect, with definitions provided for categories of abuse and neglect in **33 V.S.A. §4912** (examples include physical abuse, sexual abuse, emotional maltreatment, neglect and risk of harm. The department may also conduct an assessment under the authority of **33 V.S.A. § 5106**. The focus of this assessment is on whether a child may be in need of care and supervision. Examples include lack of parental capacity, substance exposed newborns, caretaker's behaviors suggesting a child may be without proper parental care, and educational neglect. It is important to mention here that educational neglect is assessed in partnership with the school district and the main focus of the work of the division is to help address barriers to the child attending school.

Screening Reports & Acceptance Criteria

A report of educational neglect is considered for acceptance when it is alleged that a parent or person responsible for a child's care knowingly fails to enroll a child in school or to provide education in accordance with 16 V.S.A. § 1121. Through the parent or caretaker's action or inaction, the child regularly fails to attend school. Educational neglect is considered for children beginning at age six until the completion of the sixth grade, where the expectation is that the parent or caretaker is responsible for getting the child to school and the parent or caretaker's behavior has contributed to the child's lack of attendance. The parent is responsible for the child's attendance at a public school, an approved or recognized independent school, or a home study program for the full number of days for which that school is held, unless the child:

- is mentally or physically unable to attend; or
- has completed the tenth grade; or
- is excused by the superintendent or a majority of the school directors; or
- is enrolled in and attending a postsecondary school which is approved or accredited in Vermont or another state.

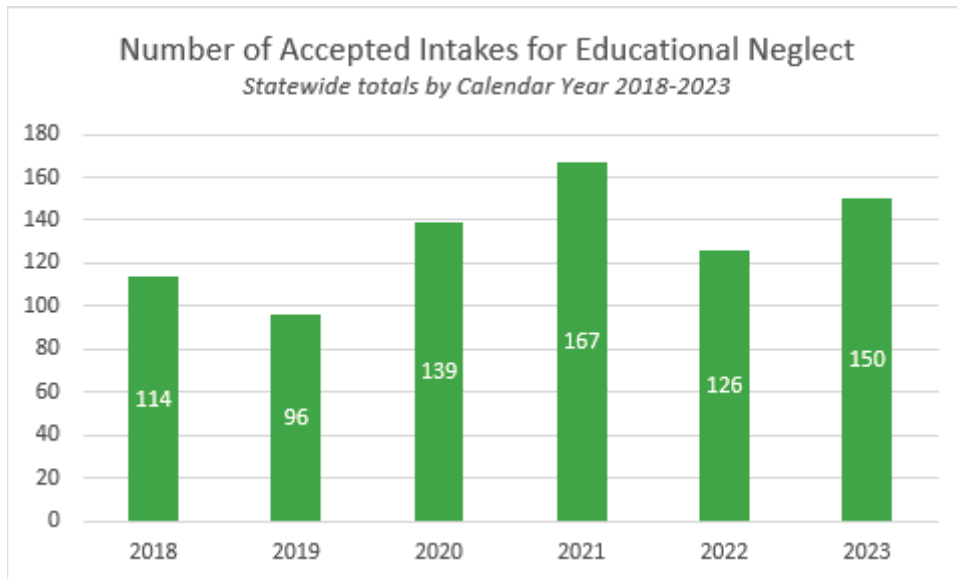
Educational neglect is reserved for children age 6 through grade six. Beginning at grade 7, lack of school attendance for 20 or more days (not due to illness or suspension) is considered truancy, and FSD defers to the school to refer

the matter to the local state’s attorney to file a truancy petition with the court. Truancy applies to youth from grade 7 to up to age 16 who are registered for school and not attending.

When a report is made regarding educational neglect, the following questions are asked:

- Is the child/youth registered for school?
- What is the total number of absences?
- How does the school measure absences?
- What is the parent/guardian’s explanation for the absences?
- How many of these absences were due to a medical or psychiatric condition?
 - Has the school verified this with the provider?
- What steps have been taken by the school thus far to address school attendance?
 - What communication or attempts at communication with the parents have occurred?
 - How have the parents responded?
- Does the child/youth receive any special accommodations or services that are only delivered at school such as OT, PT etc.?

Data



Inconsistency & Variation Across School Districts

We have found significant variation from school district to school district regarding how absences are counted and defined. Examples include:

- What “excused” vs. “unexcused” mean varies depending on the school.

- Some schools no longer differentiate between excused and unexcused absences. This varies by district.
- Some schools send letters after 5, 10, 15, or 20 absences.
- Some schools make calls to the parent, with or without the letters.
- Some schools employ a home visit as part of their efforts. This could be the principal, guidance counselor, or school resource officers (although it seems many schools no longer have SROs).
- Some schools unenroll students after 10 consecutive absences when the reason for the absences is deemed insufficient.

These differences result in disparity for students across the state, even within the same county. Some schools make a report to FSD before 20 days of unexcused absences; others wait far longer for various reasons, including not wanting to damage the relationship with the family. We are hearing that in Chittenden County, anecdotally, the majority of the educational neglect reports we receive come from school districts with more people of color, higher rates of poverty, and more housing insecurity or rental housing versus owned housing.

Post COVID-19 pandemic, we have seen an increase in reports of educational neglect related to children's mental health issues and school refusal. This results in reports being accepted for educational neglect assessment which are focused on supporting the family to access mental health services, which are generally more difficult to access compared to pre-2020.

Should the Family Services Division (FSD) respond to concerns about inadequate home study programs?

As we are thinking about the role FSD plays in the matter of education, it may be important to pause and think about the ultimate goal, and ensuring the State of Vermont is using the right tool for the job. We want children to receive a quality education within the context of their families, and we want families to have strong connections to their communities and to avail themselves of the services that are there to help them meet their basic needs. A child safety intervention conducted by the child protection agency may not be the best tool to support a family towards those educational needs. There is a perception in the community about what it means to have a family services worker (FSW) knock on the door. As much as we try to engage families and support prevention efforts towards child well-being, the reality is that we are a child protection agency. Our involvement is non-voluntary and often comes with some fearfulness on the part of families. Non-voluntary government intervention is a tool which should be reserved for matters related to child safety and public safety.

Reports of educational neglect detract from the child protection function. Given that the division, like many other agencies, is operating with a diminished capacity, we are focusing our efforts on child safety and fulfilling our

mandates to respond to child abuse and neglect. It undermines our abilities to keep children safe when our scope of work exceeds our core mission.

It is not, nor should it be, FSD's place to qualitatively evaluate a home-study program and ensure that children are meeting age-appropriate educational benchmarks from PreK through grade 12. Our FSWs do not have the training or background in education to conduct this type of educational assessment. Curriculum development and evaluation is an extremely specialized skillset, which is ill-suited to FSD's scope.

Concluding Thoughts

- We would wholeheartedly support AOE in having an oversight or enforcement arm to be able to assess the quality of homeschool programs.
- We would be in support of AOE revisiting their statute to address any unintended consequences that may have come from the home study rule changes.
- We welcome increased partnerships between ourselves, AOE, DMH, and mental health designated agencies regarding school absenteeism stemming from children's mental health.

Policy References:

[Family Services Policy 50: Child Abuse and Neglect Definitions](#)

[Family Services Policy 51: Screening Reports of Child Abuse and Neglect](#)

[Family Services Policy 60: Juvenile Proceedings Act – CHINS \(C\) and \(D\) Assessments](#)

[Family Services Policy 72: Educational Achievement and Stability for Children and Youth in DCF Custody](#)