



## STATE OF CONNECTICUT

## FACSIMILE TRANSMITTAL SHEET

TO:	Attorney Deborah Stevenson	FROM:	Cindy Conklin on behalf of Commissioner Susan Hamilton
COMPANY:		DATE:	8/27/2007
FAX NUMBER:	860 354-9360	TOTAL NO. OF PAGES INCLUDING COVER:	7
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	(860) 550-6300
RE:	DCF Home Schooling Policy Changes	YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

## NOTES/COMMENTS:

Good morning,

The attached letter and draft policy are also being sent to you via US Post.



**DEPARTMENT of CHILDREN and FAMILIES**  
*Making a Difference for Children, Families and Communities*



Susan I. Hamilton, JD, MSW  
Commissioner

M. Jodi Rell  
Governor

August 27, 2007

Attorney Deborah G. Stevenson  
226 East Flag Swamp Road  
Southbury, CT 06488

RE: Home Schooling Policy Changes

Dear Attorney Stevenson:

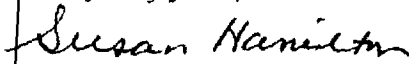
Enclosed please find DCF Policy Sections 33-7-7, 34-12-5, and 34-2-7, Operational Definitions of Child Abuse and Neglect. These provisions of DCF policy have been redrafted to address many of the policy recommendations you provided to me at our meeting earlier this summer.

The recommendations you made were very helpful in our effort to clarify the distinctions between educational neglect of children in the school system and the proper exercise of parental rights in the choice to educate children at home. As a result, we have modified the policies used by DCF staff to determine whether a report of educational neglect should be accepted and how it should be investigated.

You will notice that the recommendations were not always incorporated into the policy in the form in which you presented them, nor were all of them accepted for incorporation. For example, any suggestion that DCF policy direct the schools to take certain actions was rejected as beyond the scope of DCF policy. In addition, the recommendation that DCF policy be amended to require DCF to take action to seek prosecution of school personnel who make reports that are not accepted in accordance with this policy was also not included given the need for further review of those issues. In particular, we are exploring the need for legislative solutions to clarify the roles and responsibilities of the various stakeholders particularly as it relates to enforcement of the false reporting statute.

We expect the attached policy to be approved and implemented very shortly. Thank you for your valuable input. If you have any questions please contact Thomas De Matteo, Assistant Legal Director at 860-550-6306, [tom.dematteo@ct.gov](mailto:tom.dematteo@ct.gov), or by mail at 505 Hudson Street, Hartford, CT 06106.

Very truly yours,

  
Susan I. Hamilton, JD, MSW <sup>CME</sup>  
Commissioner

Cc. Representative Arthur O'Neill  
Karl Kemper, Bureau Chief, Child Welfare  
Thomas De Matteo, Assistant Legal Director

**STATE OF CONNECTICUT**  
Phone (860) 550-6300 - Fax (860) 566-7947  
505 Hudson Street, Hartford, Connecticut 06106-7107  
E-Mail: [commissioner.dcf@ct.gov](mailto:commissioner.dcf@ct.gov)  
[www.state.ct.gov/dcf](http://www.state.ct.gov/dcf)  
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33-7-7

EDUCATIONAL NEGLECT

<u>Policy</u>	The Department of Children and Families <u>may</u> accept reports of educational neglect of children, as described below.
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<u>Definition</u>	<p>Educational neglect occurs when a person responsible for the child's health, welfare or care interferes with the ability of a child age seven (7) to fifteen (10) to receive proper care and attention educationally.</p> <p>Proper care and attention educationally is the consistent receipt of a program of educational instruction in accordance with C.G.S. §10-184 provided by a public school, a private school or a person responsible for the child's health, welfare or care.</p> <p>A truant is a child enrolled in a public or private school grade kindergarten to eight, inclusive, who has four (4) unexcused absences in any one month or ten (10) unexcused absences in any school year.</p> <p>A habitual truant is any such child who has twenty (20) unexcused absences in any school year.</p> <p><b><u>Legal reference:</u> C.G.S. §10-184</b></p>
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<u>Criteria for Hotline Acceptance</u>	<p><i><b>Note:</b> Public Schools are statutorily mandated to file a Family with Service Needs (FWSN) petition regarding all children who are defined as habitually truant. Such action is discretionary on the part of the LEA for children defined as truant. The filing of a FWSN petition does not preclude DCF from also accepting a report of educational neglect.</i></p> <p>Parents and guardians are fully responsible for ensuring the education of their children age seven (7) through eleven (11).</p> <p>The Hotline may accept a report of educational neglect from a school if a child who is registered in the school <u>has a pattern of unexcused absences or fails to attend or if the person responsible for the child's health, welfare or care fails or refuses to meet the child's educational needs.</u></p>
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**Deleted:** A pattern of unexcused absences from school or allegations that a child is receiving no educational instruction shall be accepted as educational neglect.

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	<p>Child Protective Hotline shall use the following criteria in determining acceptance of a report of educational neglect:</p> <ul style="list-style-type: none"> <li>• The child's age</li> <li>• Parental action, including             <ol style="list-style-type: none"> <li>1. not enrolling a child age 7 through 15 in school or providing home instruction;</li> <li>2. for children who are enrolled in school, failing to take appropriate steps to ensure that the child attends school,</li> <li>3. for children who are enrolled in school, refusing or failing to cooperate with school efforts to improve attendance, including school outreach efforts</li> </ol> </li> </ul>
<p>Information required for acceptance of a report of educational neglect</p>	<p>When the child is enrolled in school, the school must submit a written report, DCF-136, "Report of Suspected Abuse/Neglect" to the Hotline regarding the child's unexcused absences, including the following information:</p> <ul style="list-style-type: none"> <li>• identifying information regarding the parents and child</li> <li>• specific dates of the unexcused absences</li> <li>• documentation of the following:             <ol style="list-style-type: none"> <li>1. in-school efforts to address the lack of attendance; e.g. meetings with the parent and child, summary reports of discussions and any related material</li> <li>2. outreach efforts to the family, including home visits, letters, phone calls, e-mails</li> <li>3. efforts made to refer the family and child to community services and the school's assessment of the results of such efforts</li> <li>4. the name and telephone number of the school contact person</li> </ol> </li> </ul>
<p>Home Instruction</p>	<p>The Hotline shall not accept a report of educational neglect based solely on the decision of a parent, guardian or other person responsible for the child to provide home instruction to the child</p> <p>Nor shall it accept a report solely because of the decision of such parent, guardian or person responsible not to follow the prescribed procedures of a school or local board of education prior to withdrawing a child from school.</p> <p>Reports concerning a dispute between parents and the school regarding home education shall not be accepted for investigation unless the parents have refused to comply with statutorily</p>

	<p>mandated requirements and <u>attempts at mediation have been unsuccessful</u>, unless the report contains other information that may support the reporter's suspicion of child abuse or neglect.</p>
Notification to School of Report Acceptance or Non-Acceptance	<p>Hotline shall notify the school of the acceptance or non-acceptance of any report of educational neglect through use of DCF-2122, "Letter to Mandated Reporters."</p> <p>When a child is truant and the parent has attempted to make use of the school and community services and demonstrates appropriate responsibility, and Hotline does not accept the report as educational neglect, then Hotline shall notify the school to file a FWSN petition for truancy.</p>

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**34-12-5  
EDUCATIONAL NEGLECT**

Policy	<p>When investigating reports of educational neglect, the investigator shall</p> <ul style="list-style-type: none"> <li>• use the definitions and criteria below to assist in making a determination</li> <li>• guide and assist families within the legal mandates</li> <li>• enable families to modify their behavior through the use of community services</li> <li>• communicate with the <u>parents and the school</u> to obtain information with regard to the child's receipt of education</li> <li>• .....</li> </ul>
Definitions	<p>Educational neglect occurs when a person responsible for the child's health, welfare or care interferes with the ability of a child age seven (7) to fifteen (10) to receive proper care and attention educationally.</p> <p>Proper care and attention educationally is the consistent receipt of a program of educational instruction in accordance with C.G.S. §10-184 provided by a public school, a private school or by a person responsible for the child's health, welfare or care.</p> <p>A truant is a child enrolled in a public or private school grade kindergarten to eight, inclusive, who has four (4) unexcused absences in any one month or ten (10) unexcused absences in any school year.</p>

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	<p>A habitual truant is any such child who has twenty (20) unexcused absences in any school year.</p> <p><b>Legal reference: C.G.S. §10-184</b></p>
<p>Criteria to determine educational neglect</p>	<p><del>Parents and guardians are fully responsible for ensuring the education of their children age seven (7) through eleven (11).</del></p> <p><u>Educational neglect may be found in those cases in which a child who is registered in the school has a pattern of unexcused absences or fails to attend or if the person responsible for the child's health, welfare or care fails or refuses to meet the child's educational needs.</u></p> <p><del>For children age twelve (12) through fifteen (15) who are enrolled in public or private school there is a greater possibility that a pattern of unexcused absences is due to truancy rather than parental neglect.</del></p> <p>The criteria used to determine educational neglect include:</p> <ul style="list-style-type: none"> <li>• The child's age</li> <li>• Parental action, including             <ol style="list-style-type: none"> <li>1. not enrolling a child age 7 through 15 in school or providing home instruction;</li> <li>2. for children who are enrolled in school, failing to take appropriate steps to ensure that the child attends school,</li> <li>3. for children who are enrolled in school, refusing or failing to cooperate with school efforts to improve attendance, including school outreach efforts</li> <li>4. keeping the child at home when the child is enrolled in school, unless the school is providing homebound tutoring</li> <li>5. refusing to comply with statutorily mandated requirements related to instruction of children by their parents.</li> </ol> </li> </ul>
<p>Home Instruction</p>	<p>Educational neglect shall not be substantiated solely because of the decision of a parent, guardian or other person responsible for the child to provide home instruction to the child</p> <p>Nor shall it be substantiated solely because of the decision of such parent, guardian or person responsible not to follow the</p>

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prescribed procedures of a school or local board of education prior to withdrawing a child from school.

Reports concerning a dispute between parents and the school system regarding home education shall not be substantiated unless the parents have refused to comply with statutorily mandated requirements.

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34-2-7

### OPERATIONAL DEFINITIONS OF CHILD ABUSE AND NEGLECT

#### Educational neglect

Except as noted below, educational neglect occurs when, by action or inaction, the parent or person having control of a child five (5) years of age and older and under eighteen (18) years of age who is not a high school graduate

- fails to register the child in school
- fails to allow the child to attend school or receive home instruction in accordance with CONN. GEN. STAT. §10-184
- fails to take appropriate steps to ensure regular attendance at school if the child is registered.

Exceptions (in accordance with CONN. GEN. STAT. §10-184):

- A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.
  - o Failure to sign a registration option form for such a child is not in and of itself educational neglect.
- A parent or person having control of a child sixteen (16) or seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.