



## DEPARTMENT of CHILDREN and FAMILIES

*Making a Difference for Children, Families and Communities*



Susan I. Hamilton, M.S.W., J.D.  
Commissioner

M. Jodi Rell  
Governor

September 13, 2007.

Deborah Stevenson, Esq.  
Executive Director  
National Home Educational Legal Defense  
226 East Flag Swamp Road  
Southbury, CT 06488

RE: DCF Home Schooling Policy

Dear Attorney Stevenson:

Thank you for your August 29, 2007 follow-up letter regarding changes in the Department of Children and Families' educational neglect policy. Given the extensive communications you have already had with the Department on this issue, I suspect this may be a case in which we will not be able to reach complete consensus. However, we have made additional modifications based on comments in your most recent letter, and the updated draft policy is enclosed.

The Department's policy now clearly distinguishes situations where parents have lawfully chosen to home-school their children from those that warrant DCF intervention due to educational neglect. We know from long experience that there are circumstances in which parents neglect their children's education, sometimes while falsely claiming to be in compliance with Connecticut law, and that educational neglect is often a sign of deeper problems within the family. While we agree with you that our former policy was not as clear as it could have been, we have adopted a number of your proposals to correct this. We believe we have now achieved a balance between unwarranted intrusion in parents' educational choices and the statutorily mandated investigation of suspected educational neglect of children.

With respect to your question regarding the process by which DCF Policy is promulgated, please be advised that this is an internal function. While we often ask for suggestions, as we did with you in this case, there is no outside regulatory body which dictates what does and does not go into specific policy. Thus, the draft I am enclosing is the final version, except for the actual publication by our Policy Unit.

With respect to your request to be heard regarding future legislation on this topic, we have not yet developed our agenda for the next session of the General Assembly. In the event that we include educational neglect and/or home schooling in our package for legislative consideration, by all means, please feel free to submit additional comments for

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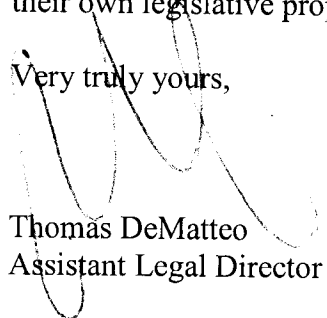
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our review. And, of course, as you are aware, citizens are always encouraged to bring their own legislative proposals to the attention of the General Assembly.

Very truly yours,



Thomas DeMatteo  
Assistant Legal Director

cc: Susan Hamilton, Commissioner.  
Barbara J. Claire, Esq., Legal Director

33-7-7

**EDUCATIONAL NEGLECT**

<u>Policy</u>	The Department of Children and Families may 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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Criteria for Hotline Acceptance	<p><b><u>Note:</u></b> <i>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 enrolled 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.</p>
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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>

	mandated requirements and attempts at mediation have been unsuccessful, unless the report contains other information that may support the reporter's suspicion of child abuse or neglect.
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>

### 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 parents and the school 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>

	<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>
<p>Criteria to determine educational neglect</p>	<p>Parents and guardians are fully responsible for ensuring the education of their children age seven (7) through eleven (11).</p> <p>Educational neglect may be found in those cases in which a child who is enrolled 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.</p> <p>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.</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>

	<p>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 system regarding home education shall not be substantiated unless the parents have refused to comply with statutorily mandated requirements.</p>
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34-2-7

**OPERATIONAL DEFINITIONS OF CHILD ABUSE AND NEGLECT**

<p><b>Educational neglect</b></p>	<ul style="list-style-type: none"> <li>• <u>Except as noted below</u>, 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, in accordance with C.G.S. §10-184:</li> <li>• fails to enroll the child in school</li> <li>• fails to allow the child to attend school or take appropriate steps to ensure regular attendance at school if the child is enrolled.</li> <li>• fails to allow the child to attend school or receive home instruction</li> </ul> <p><u>Exceptions (in accordance with CONN. GEN. STAT. §10-184):</u></p> <ul style="list-style-type: none"> <li>• 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 enrolled the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction. <ul style="list-style-type: none"> <li>o Failure to sign a registration option form for such a child is not in and of itself educational neglect.</li> </ul> </li> <li>• 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.</li> </ul>	
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