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Rethinking Educational Neglect

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By **Daniel Pollack and Kathryn Krase** | May 13, 2020 at 10:15 AM



Worldwide, COVID-19 has infected millions of people, impacted billions,

and caused over [80,000 deaths](#) in the United States. Many parts of the

global economy are on quicksand. Following state or local “stay-at-home” orders, most of us have retreated into our homes. School-aged children are among those shut in. The means used to provide education to most children from preschool through high school has been transformed, practically overnight. The children are vital players in the unanticipated and speedy transition to mandatory distance education. How has the concept of “educational neglect” been transformed? In practical terms, has the definition of “educational neglect” been redefined? And, perhaps more importantly, should it?

[Educational neglect](#) is generally defined as the failure of a parent or guardian to: enroll a child of mandatory school age in school; provide suitable homeschooling; or support necessary special educational instruction and services.

Interestingly, the concept of educational neglect is not universal across all 50 states. In fact, [only about half of states](#) have a specific category defined as “educational neglect”. For those states without such a category in statutory law, child protection services generally recognizes the same forms of parental failure as meeting the category of general

“neglect”, defined through federal statutory law as: “[a]n act or failure to act which presents an imminent risk of serious harm” (The Federal Child Abuse Prevention and Treatment Act, [42 U.S.C.A. § 5106g](#)).

Due to the lack of uniformity among states in their definitions, it is impossible to keep count of how many cases of educational neglect are reported and investigated each year. However, in states, like New York, which separately define educational neglect, [approximately 10% of reports](#) per year involve educational neglect allegations. This means that educational neglect allegations are the most prevalent type of neglect allegation. Considering there were over [4 million total reports](#) of suspected child maltreatment in the United States in 2018, it can be estimated that nearly 400,000 of those reports relate to concerns for educational neglect, out of more than [70 million school-aged children](#). With the recent shift of education for all children into their homes, only time will tell if there is an increase or decrease in reports of educational neglect, among other forms of child maltreatment.

The responsibility of parents to ensure the education of their children can be found in various state level laws, and not solely those related to child protection. For instance, [each state has compulsory education laws](#). These laws require parents to enroll their child in a licensed school or conform to homeschooling laws in that particular state, during a prescribed period of years of a child's life. For instance, the compulsory education laws in New York State and Arizona require that children be schooled from age 6 to 16. Arkansas and Connecticut require schooling of children from age 5 to 18.

Contrary to popular assumptions, educational neglect and truancy are not synonymous. [Truancy](#) generally involves a child, often a teenager, who willfully refuses to attend school. When their parent/guardian is actively involved in facilitating their attendance, the child's absences are not considered educational neglect. In fact, when a parent is making efforts to correct their child's truant behavior, albeit without success, they can turn to the state for assistance through a Children-in-Need of

Supervision/Person-in-Need of Supervision ([CHINS/PINS](#)) case. Truancy becomes educational neglect when a parent/guardian fails to demonstrate requisite diligence in facilitating their child's attendance, or failing to assist school officials in addressing attendance issues.

Besides ensuring their children attend school or receive education at home, parents are also expected to support special education services based on professional evaluations designed to maximize educational and functional potential of children with special needs. If parents refuse to acknowledge their child's developmental and educational challenges and work with the school to support services to enhance their child's abilities, they can be charged with educational neglect.

Due to rights recognized as inherent in the Constitution by the United States Supreme Court, parents do not have to enroll their children in public, private, or parochial schools ([Wisconsin v. Jonas Yoder, 406 U.S. 205 \(1972\)](#)). However, they must submit to the homeschooling laws of their state of residence in order to

meet the educational needs of their children. Failure to do so subjects them to neglect allegations.

Reports alleging educational neglect are almost required to come from school officials. And reports of all forms of child maltreatment across the United States (i.e. physical abuse, sexual abuse, general neglect, etc.) are more likely to come from educational personnel ([20%](#)) than any other professional or non-professional reporting source. A [state by state comparison](#) of the top source of child maltreatment reports finds educational personnel most often in that category, often second to law enforcement. Similar to reports from all sources, educational personnel are most likely to report neglect (including educational neglect) followed by physical abuse and sexual abuse.

As an integral part of every community, teachers, school administrators, and other school personnel are essential to the efforts to combat child maltreatment. Teachers often have more weekly contact with school-aged children during their waking hours than parents do. The unique perspective

educational personnel have into the lives of the children they serve results in their ability to monitor conditions children experience beyond their education. In combination with the trusted relationships teachers often have with children and families, it is no surprise that children may feel more comfortable confiding in teachers about their experiences of abuse, or that teachers are attuned to changes in child behavior that might alert them to concerns for maltreatment at home.

Though educational personnel are the single largest source of reports of suspected child maltreatment in the country, their reports, as compared to reports from all other professional sources (i.e. law enforcement, medical personnel, mental health professionals, and social services workers) are [least likely to be substantiated](#) after investigation by child protective services. There are a variety of theories to explain this discrepancy. For instance, other professional report sources may be underreporting their suspicions, only making reports when they are most secure that their concerns would be supported by investigation. Educational personnel are most likely

to receive regular training on the identification and reporting of suspected child maltreatment, thereby demystifying the process and normalizing the experience of making a report as routine.

The experience of educational personnel today resembles nothing routine, and neither does their reporting to child protective services. Massachusetts reported nearly a 60% drop in reports for mid-March 2020, compared to the same time in 2019. There are similar reports of a decrease in reports coming from [Los Angeles](#), [Ohio](#), and [Wisconsin](#). What is not clear is what the change in composition of reports will be.

There is plenty of speculation that the incidence of child abuse will increase, as children and parents are forced to spend more time together under stressful circumstances. Social media is full of posts, memes and GIFs attempting to comically relate the impact of increased parental stress under “stay-at-home” orders and mandatory remote-learning. But the grim reality is the national hotline of the Rape, Abuse and Incest National Network has reported over a [20%](#)

[increase](#) in calls from minors concerning sexual abuse occurring at home and perpetrated by family members in the home. This reality is no laughing matter.

The move to a universal responsibility of parents to support the learning of their children in the family home, as opposed to the schoolhouse, is not business as usual. Parents are juggling this newly expanded educational responsibility. Some are navigating the stress that comes with record-high loss of employment. Others are still working outside the home, but with the added complication of needing to plan for the care of their children during their absence, on top of safeguarding their health and that of the family members they return to each night. These differences are likely compounded by additional stresses related to existing socioeconomic class. Getting your teenager to school might have been hard enough before COVID-19. Now, parents might have to ensure all their children are available for their education and simultaneously be appropriately focused.

The COVID-19 crisis provides the opportunity to reimagine how society can support parents in their support of their children's education. Instead of jumping to conclusions and blaming parents for not meeting unrealistic expectations in emergency conditions, we need to acknowledge that many of the limitations of the current situation are beyond the control of parents. Let's work to redesign the system so that parents and children are best prepared to succeed in these challenging times and for the years to come as we all recover from this crisis.

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