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Educational Neglect in Utah: How the state allows children to fall through the cracks

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Author Positionality Statement:

The author of this paper writes in hopes to share her personal experience as a Child Protective Services caseworker for the Utah Division of Child and Family Services. The author has worked on several cases of educational neglect in multiple counties in Utah. Through her experiences of working personally with families and thoroughly understanding their struggles, the author has found a lack of Utah state government support that needs to be remedied. The author has front line experience in the challenges and barriers that are stopping parents and guardians from ensuring that their children are educated and set up for success.

Introduction

The Social Need

Utah's children are being affected by a significant social need. Thousands of school-aged children are chronically absent or not attending school at all (Utah State Board of Education, 2023). According to the Utah State Board of Education, an average of 25.6 percent of students were chronically absent in 2023. Additionally, the total high school graduation rate was 88.3 percent. Enrollment fell by 0.3 percent, a drop of almost 2,000 students.

The consequences of chronic absenteeism are detrimental to a child's future success as an adult (U.S. Department of Education, 2019). Chronically absent students are at a higher risk of being illiterate and dropping out of school. Children also miss out on opportunities for socialization, counseling, and meals (Vazquez Toness, 2023). Students who are chronically absent from ages four to seven are less likely to be able to read at an appropriate level, and those same students are four times more likely to drop out of high school (U.S. Department of Education, 2019). Children who are being educationally neglected are more likely to experience

poverty and homelessness, mental health issues, and substance use disorders (Blackmon & Cain, 2015). There is much data to show that individuals who attend school regularly are more likely to gain full-time work and less likely to experience poverty (Oreopoulos, 2005). Ultimately, chronically absent students are more likely to be exposed to poor health and poverty, and they are at higher risk of involvement in the criminal justice system (U.S. Department of Education, 2019).

The Problem Defined and Documented

The allegation of chronic absenteeism that the State of Utah can accuse parents and guardians of is referred to as “educational neglect.” Educational neglect is defined by Utah Code (2018) 78A-6-105 as “after receiving a notice of compulsory education violation under Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education” (para. 18). A compulsory education violation letter is sent out from a school to parents by certified mail after 20 late arrival days and 15 absent days within 45 days for primary school-aged children and 22 absences and 9 tardy days for secondary-aged children.

Utah State Law requires a parent to enroll and send their child to school. It is a class B misdemeanor for a parent of a school-age child to intentionally or recklessly fail to meet with school authorities to discuss the child’s school attendance problems or fail to prevent the child from being absent without a valid excuse five or more times during the remainder of the school year. Once this letter is sent the Utah Division of Child and Family Services (DCFS) will investigate the case, and based on the investigation, a DCFS caseworker can “support” or “un-support” the allegation of educational neglect against the offending parent or guardian.

Discussion of How Values and Self-interest Shaped the Definition and Documentation

Children's access to education is a human right defined in Article 26 of the Universal Declaration of Human Rights created by the United Nations (1948). The article states that "elementary education shall be compulsory" (p. 7). Children are dependent on adults to meet their educational needs. Some parents live in circumstances that make it a challenge to have their children attend school regularly. Nonetheless, there are programs that focus on behavioral engagement for students and parents that have been successful and could be implemented in Utah school districts to help ensure that Utah's children have access to this fundamental human right (Marvul, 2012).

Policy Analysis

Manifest and Latent Goals

The first manifest goal of addressing chronic absenteeism in Utah is to implement measures to eliminate educational neglect. This goal includes taking corrective action through the courts against parents who intentionally or neglectfully withhold their children from attending school. Additionally, a manifest goal is to offer social support to parents of children who require help from the state. This includes offering help with enrollment, transportation, and finding appropriate schooling for children with disabilities or mental illness. Latent goals include ensuring parents are not receiving "supported" findings of educational neglect in cases where there are safety concerns for the child in the school. In addition, cases where children are being defiant should be referred to Juvenile Justice and Youth Services.

Benefits and Services Provided, Eligibility Rules, & Service Delivery Systems

Research has shown that attendance in school has improved after child welfare systems become involved in cases of educational neglect through case management, community services, and collaboration with mental health organizations (Chuang & Lucio, 2011; Larson et al., 2011;

Van Wert et al., 2017). Community-based approaches to the problem have been successful in other states. One such program, “The Chicago Child-Parent Center (CPC)” was studied for over forty years and was found to be successful in reducing absenteeism among students by involving parents in the school and in their children’s education. Components of programs that have been successful include home visits and supporting parents with their children’s educational needs. Ultimately, successful programs increase parents’ willingness to participate in their children’s academic success and achievements (Reynolds, 2000).

The Utah Division of Child and Family Services has the means to provide the aforementioned services, and the flow of services is already established (Utah Department of Health & Human Services, 2023). When a Child Protective Services (CPS) caseworker finds a supported finding of educational neglect, then a case can be examined for services. A DCFS caseworker can open a Protective Service Collaboration that would allow a family to collaborate on services. For families that refuse to collaborate, an Assistant Attorney General can create a petition for a Protective Services Supervision case which is court-ordered. The case is presented in front of a judge, and the judge can order services for the family.

Financing & Attention Paid to Social Justice/Equity Issues

Cases of educational neglect sit in the category of “other abuse” at 1.6 percent of all child abuse and neglect cases (DCFS, 2023). In the author’s experience as a CPS caseworker, sentiments exhibiting disdain for educational neglect cases are prevalent. Caseworkers state that educational neglect cases are a waste of time, and the state does not care anyway. Caseworkers investigate cases where children have missed hundreds of days of school and drop out and then explain to other concerned caregivers that there is not anything they can do.

Caseworkers question how many cases of educational neglect could truly be investigated and how many families are missing out on support simply because they are not able to overcome such difficult barriers set by the state to “support” cases of educational neglect. School administrators have reported that the push back they receive from parents can be overwhelming, and they have expressed resistance in sending the compulsory education violation letter, a critical piece of evidence for DCFS cases of educational neglect. From the author’s firsthand experience, cases that do not receive services continue to be reported leading to wasted time and resources.

Evaluation and Recommendations for Policy Modifications/Changes

The State of Utah recognizes educational neglect as a form of child neglect and the definition is clear in Utah Code 78A-6-105. Nonetheless, there are thousands of children not being educated (U.S. Department of Education, 2019). There are extremely strict requirements set by the state to prove educational neglect. The elements of the requirements are as follows;

The first element that is required is that DCFS receives a notice of compulsory education violation under Utah Code 53G-6-202. This letter must come from school administration. In addition to this, it must be proved that the parent or guardian has failed to make a good-faith effort to ensure that the child receives appropriate education. The school must also send a letter informing the parent that they will send the compulsory education violation letter if efforts to meet with the school administration are not made. There are exceptions to this, the school board excuses a child under 53G-6-204, which is considered homeschooling, work release, or dual enrollment. Additionally, this letter must be served by certified mail. The DCFS caseworker must be able to prove that the parent received the certified copy of the compulsory education violation letter or must maintain proof that the parent is purposely refusing the letter.

Compulsory education violation letters are sent to all children who are of school age. Yet, cases of educational neglect will only be pursued for children who are in 1st – 6th grade. This means that children who are in secondary school can be educationally neglected without consequence even though secondary school-aged children are defined as children in Utah Code 78A-6-105.

The compulsory education violation letter must contain specific wording that is clearly set by Utah state statute. Yet, it was found by the author during one of her investigations that Davis County public schools' letters were missing key wording, thus making any case of educational neglect impossible to pursue for every child in the school district. After examination, the problem has since been remedied, but how many other school districts do not have the correct letter?

The second element that is required is that the school must provide DCFS with: (a) the identity of the parents or guardians; (b) the longest number of consecutive absences; (c) percentage of absences per term; (d) whether or not the child has made adequate educational progress; and (e) proof that the child is two or more years behind in one or more of the basic skills (math, reading, and writing). The school must also report any additional educational or remedial services the child is being provided. Therefore it is reasonably difficult to support allegations of educational neglect for a child that is in first or second grade.

Upon examining the legislative requirements to prove educational neglect in a Utah court, the following suggestions to remedy the social need are provided. Additionally, suggestions for how to support parents and guardians managing chronic absenteeism are listed below.

1. Children who are in secondary education deserve to have cases of educational neglect investigated and presented in front of a judge. These children can be subjected to parentification and may feel that they need to forgo education to care for their younger siblings. Children of this age are dependent on their parents for education and cannot be expected to enroll themselves in school or find transportation, and they are not responsible for creating their own support system.
2. The state of Utah should have a letter that is uniform, and all schools districts should be required to send this uniform letter.
3. The Utah State Legislature should eliminate the requirement that DCFS must prove that students are two years behind in one or more of the basic skills. It is impractical to ask a DCFS caseworker to prove a child is two years behind if the student is not attending school and cannot be tested. Those who are responsible for educational neglect often avoid the government and social services and therefore are difficult to detect (Kelly, 2010).
4. The State of Utah should consider allowing DCFS caseworkers to facilitate approaches to reducing chronic absenteeism. This can be done through diversion programs and community service programs (Larson et al., 2011). In other cases of abuse and neglect, ongoing caseworkers are assigned to engage with families, must complete home visits and follow-up on treatments, and can support parents in ensuring their children attend school.
5. The Utah State Legislature needs to examine real cases of educational neglect and understand the impact that this decision making is having on children in Utah. The

elements required for proving educational neglect are allowing children to fall through the cracks of the system designed to protect and support them.

Conclusion

In conclusion, chronic absenteeism is a prevalent social need in the state of Utah. There are thousands of children being affected, and the consequences have permanent effects on children's future success. The existing policy framework does not adequately address the nature of educational neglect in Utah. To combat this issue, modifications of policy practices are essential. These modifications include: (a) extending the scope of intervention to secondary-aged children; (b) creating standardized compulsory education violation letters for every school district; (c) reevaluating the strict requirements of DCFS caseworkers; and (d) implementing proactive measures that promote collaborations between schools, social services and parents/guardians. If the Utah State Legislature addresses these key issues, the state can help ensure that education, a fundamental human right, is provided to all residing children.

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