



### **Legal Issues Around School Refusal And Truancy**

Section 1012 (f) the Family Court Act (FCA) identifies a "neglected" child as a child less than eighteen years of age

(i) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care

- in supplying the child with adequate food, clothing, shelter *or education* in accordance with the provisions of part one of article sixty-five of the education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; (emphasis added)

Please note that the term "parent or other person legally responsible for his care" as used in the FCA refers to the parent, custodian, legal guardian or other person legally responsible for the child. References in this document to the "parent" should be understood to also include custodians, legal guardians and other persons legally responsible for a child (See §1012(a) and (g) of the FCA).

Per Part One of Article 65 of the New York State Education Law, Section 3205(1)(c), the following age requirements apply:

- A child must attend full time instruction from the first day school is in session in September if he/she turns six years old on or before the first day of December of that school year. Please note: The school year begins on July 1st and runs through June 30th.
- A child who becomes six years old after the first of December must attend full time instruction from the first day school is in session in the following September.
- A child must attend full time instruction until the last day of session in the school year in which the minor becomes 16 years of age. New York State Education Law, §3205(3), provides that the board of education in a school district may require minors from 16 to 17 years of age, who are not employed, to attend full time day instruction until the last day of the session in the school year in which the student becomes 17 years old.
- A child who has completed a four year high-school course of study is not required to attend school regardless of age.
- A child who has applied and is eligible for a full-time employment certificate may be permitted to attend school part-time not less than 20 hours per week.

Source: NYSED

Additional information can be found at <http://www.p12.nysed.gov/sss/pps/educationalneglect/>

## Assessing And Addressing School Refusal And Truancy

School refusal can be defined as the refusal to attend school due to emotional distress. School refusal differs from truancy in that children with school refusal feel anxiety or fear towards school, whereas children who are truant generally have no feelings of fear towards school, and often feel angry or bored with school instead. While these differences between the nature of school refusal and the nature of truancy exist, they both require a collaborative approach to assessment and management that includes the family physician, school staff, parents, and a mental health professional. Some other differences between school refusal and truancy are:

### SCHOOL REFUSAL

Severe emotional distress about attending school; may include anxiety, temper tantrums, depression, or somatic symptoms.

Parents are aware of absence; Child often tries to persuade parents to allow him/her to stay home.

Absence of significant anti-social behaviors such as juvenile delinquency.

During school hours, child usually stays home because it is considered a safe and secure environment.

Child expresses willingness to do schoolwork and complies with completing work and home.

### TRUANCY

Lack of excessive anxiety or fear about attending school.

Child often attempts to conceal absence from parent.

Frequent antisocial behavior, including delinquent and disruptive acts; (e.g. Lying, stealing), often in the company in the company of antisocial peers.

During school hours, child frequency does not stay home.

Lack of interest in schoolwork and unwillingness to conform to academic and behavior expectations.

*Source: American Family Physician, October 15, 2013*

Interventions for School Refusal are often psychological and/or physical in nature, including education and consultation, psychotherapy, or psychopharmacology. In contrast, interventions for Truancy are often behavioral and/or legal in nature, such as behavior-management strategies. This is why it is important to use a collaborative approach that includes the family physician, school staff, parents, and a mental health professional for assessment and management of school refusal and truancy. You can find a local mental health professional by visiting [www.WellnessRecovery.org](http://www.WellnessRecovery.org)

Some Ulster County Truancy Resources include:

**- School-Specific Support**

- Each school handles truancy issues differently. Know your child's school policy and seek support from attendance officers, truancy officers, school social workers, or school resource officers.
- Contact your child's school at the start of the school year to connect with these important supportive individuals before any school refusal issues arise.

**- PINS (Person In Need of Supervision) Diversion and PINS Petition**

- These programs can be accessed through the Ulster County Department of Probation by calling (845) 340-3200.
- PINS Diversion can be either parent or school initiated.
- The process begins with an intake assessment through the use of the YASI (Youth Assessment and Screening Instrument), which assesses risks, needs, and protective factors.
- After the intake assessment is complete, a case manager is assigned to offer a variety of supports and programs (which constitute PINS Diversion services) to support the youth.
- If PINS Diversion services are not successful, a PINS Petition would be the next step in helping to improve truancy. A PINS Petition would require an Ulster County Probation Officer to help support the youth. (If a parent initiated the PINS Diversion, the parent's cooperation would be necessary to initiate a PINS Petition. However, if a school initiated the PINS Diversion, the parent's cooperation would not be necessary to initiate a PINS Petition).
- For further information about PINS Diversion and PINS Petition, contact the Ulster County Department of Probation at (845) 340-3200.