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As Cuomo Shuttters Schools in COVID Flare Zones, Ground Rules Lag for Child Welfare Reports During Remote Learning

BY EILEEN GRECH | EGRENCH@THECITY.NYC | OCT 5, 2020, 9:01PM EDT



Students practice distance learning during start of the new school year at One World Middle School in the Bronx, Oct. 1, 2020. | Michael Appleton/Mayoral Photography Office

Gov. Andrew Cuomo on Monday closed all schools in nine city zip codes with COVID flare-ups — even while his child welfare agency has yet to issue promised guidelines for monitoring kids who fail to sign on for remote learning.

As [THE CITY](#) recently reported, city educators called in 361 educational neglect reports against parents whose children couldn't get online for classes, leading to

investigations of those families by the Administration for Children’s Services.

Some lawyers for the families told THE CITY parents were investigated even as their children awaited delivery of iPads or similar devices from city schools. Now some family advocates are calling for a moratorium on the probes.

Before the start of the current school year, multiple groups had urged the state Office of Children and Family Services to declare that a child’s failure to participate in remote learning should not be enough to justify an investigation.

On Sept. 21, state Office of Children and Family Services Commissioner Sheila Poole responded that her agency was working on “joint guidance” with the state Education Department. Poole promised to outline “the types of circumstances which rise to the level of an educational neglect call” to the State Central Register for Child Abuse and Maltreatment hotline.

Her letter also pledged to “identify strategies both systems can use to support families.” And she invited advocates to webinars for educators and child welfare personnel detailing what circumstances should — and shouldn’t — spur a neglect report and investigation.

But the webinars won’t be coming until the end of October and early November, the letter said.

Slow to Change

In the meantime, the Office of Children and Family Services says, it’s instructing abuse hotline staffers to ask callers about their computer and internet access.

Leaders who spoke out after THE CITY first exposed the family probes in April said change isn’t coming fast enough, given the immediate stakes for families under surveillance.

Public Advocate Jumaane Williams, who previously demanded educational neglect reports during remote learning be purged from families’ records, called the state proposal “a good first step.” But he noted that the actions taken so far simply reinforce protocols that led to hundreds of investigations last year.



“We don’t need more policing of families, we need investment in supportive programs and ask families what they need,” he said.

Monica Mahaffey, a spokesperson for the state Office of Children and Family Services, highlighted the agency’s efforts to shield families that simply lack needed technology.


She said that calls to the abuse hotline are “evaluated upon a series of screening questions, which have recently been expanded to include questions related to COVID impacts.” Neglect reports would not be registered “based solely upon school absences,” Mahaffey added.

‘Our Priority is Safety’


Chalkbeat reported that as of Monday, half of city public school students had signed up for remote learning — and that the Department of Education has not yet released attendance figures.



Alex Zimmerman  @AGZimmerman · Oct 5, 2020 

New from DOE: Half of all NYC students have opted for fully-virtual learning, up 2 percentage points from a week ago. Students can opt out of in-person learning at any time so this number will continue to shift.

Alex Zimmerman  @AGZimmerman

Worth noting that the city has not released attendance data since school started, so it's unclear how many students are actually showing up virtually/IRL

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Some families, especially those whose kids started new schools this fall, scrambled to get devices and internet connectivity as online classes resumed Sept. 21.

The city Department of Education continues to ask educators to first exhaust options to contact and support families when a student is absent from online learning.

“Our priority is the safety of our students, and our staff takes that responsibility seriously,” Nathaniel Styer, a Department of Education spokesperson, wrote THE CITY.

Crystal Baker-Burr, an education attorney with the Bronx Defenders — one of the groups that asked the state to issue stringent guidelines for remote learning investigations — told THE CITY she would like to see a moratorium on educational neglect calls during remote learning.

“Black and brown families are still going to be negatively impacted, especially in The Bronx where some of our Wi-Fi issues are worse,” said Baker-Burr.

Investigations last school year found no basis for nearly two-thirds of the 626 reports of educational neglect made in April, May and June, compared to 61.3% of 2,474 reports during the same period the year before.

The low overall number of reports has alarmed some child advocates concerned that children learning remotely lack the protective eyes of so-called mandated reporters like teachers, who are legally obliged to report signs of abuse or neglect to authorities.

But family advocates also point to the high rate of unsubstantiated claims.

Missing ‘the Whole Picture’

If an investigation into educational neglect confirms the allegation, it will be visible to future employers on the parent or guardian’s record. A new state law that will seal cases after eight years, instead of the current 28, is due to be implemented in 2022.

Baker-Burr said she fears for her clients who have pending child welfare cases in Family Court, have children with special needs or live in unstable housing.

“I don’t have a problem with the questions that they are asking, but they don’t catch the whole picture,” she said.

Child neglect and abuse investigations have been shown to disproportionately affect Black and Latino families, often concentrated in the community districts with the highest child poverty rates, according to a 2017 New School analysis of ACS data.

ACS has noted that many educational neglect reports to the hotline also include additional allegations against parents. Baker-Burr said that adding an allegation to an educational neglect claim to ensure it gets past the state’s gatekeepers isn’t hard.

“You’re policing poverty, right? If a child doesn’t have a proper winter coat, and that’s a financial issue,” she said. “And then now they have poor attendance and now they don’t have a winter coat so now it’s more than educational neglect.”

Last week, the groups that signed the letter to the state released new “know your rights” pamphlets help families navigate remote learning, and offer advice on what to do if ACS is called.

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