



October 11, 2018

Recommended Guidelines for the Assessment of Claims of Educational Neglect For Differential Response and Child Protective Services

To assess educational neglect, the following procedures should be followed:

1. If a referent is from a public/private school and the referral is that the child is not attending school, this does not constitute justification for making an investigation pursuant to **Nevada Revised Stat. Ann. 432B.140** for educational neglect. It is defined as “[A] child is without proper education for the well-being of the child because of faults or habits of the person responsible for the welfare of the child or his neglect or refusal to provide them when able to do so.”

Child attendance issues are generally the jurisdiction of the public school where the child would or should attend and the Superintendent of the school district is responsible for enforcing laws related to truancy set out in the Nevada Revised Statutes. The file should be closed without action.

2. If a referent makes an allegation of educational neglect, stating the child is being home schooled, the intake social worker will explain to the referent, including public/private school referrals, that “home schooling” does not constitute an allegation of educational neglect pursuant to NRS 392.070. Parents have many choices regarding the method for educating their child as well as the type of instructional materials they can use. If home schooling is the only concern related to educational neglect, the referral will not be assigned for further assessment.
3. In any investigation where education neglect is alleged, the role of the intake social worker is to ask specific questions to determine why the referent has reason to believe that educational neglect is occurring. If and only if the referent can supply credible and enough detailed information that a child is not receiving a proper education, shall an investigation for educational neglect be

commenced. And failure to be enrolled at or attend a school clearly doesn't provide a basis to conduct an investigation.

If the referent does not provide credible and enough detailed information that is reasonable to believe educational neglect is occurring, the referral should not be assigned for further assessment and investigation.

4. Where there is a credible report providing probable cause of education neglect, the referral should be assigned a non-priority response as absent a credible report of abuse outside the education realm does not meet the criteria for a priority contact.

If the referral has adequate credible information and properly prioritized for a response, the social worker will contact the family to assess the concern. At initial contact, the parents will be informed of the reason and specifics of the referral, including the specific information which the social worker believes supports the referral.

5. If the family produces written proof of the filing of a notice of intent to homeschool, and/or a written acknowledgement from the school district of the filing of the notice of intent, this shall be deemed proof of compliance with the compulsory attendance law which creates a presumption that education neglect does not exist. Absent clear and convincing evidence of neglect, the investigation should terminate at this point and the investigation be deemed unsubstantiated.
6. It is not the role of the social worker to evaluate the quality of the instructional materials selected by the child's parent or guardian. Such responsibility is delegated to the court pursuant to NRS 388D.050. If the family provides refuting evidence (consisting of a current education plan, curriculum, test scores, lesson plans, or description of educational efforts, etc.) or demonstrates that the information from the referral is not credible, the assessment will be closed and dispositioned as unsubstantiated.
7. If the family fails or refuses to provide evidence that education is taking place to the court, the social worker at the direction of the court will provide the family with referrals to educational programs and resources as appropriate.
8. The social worker will check with the family to see if they have taken advantage of the referrals to educational programs and resources.
9. If the family does not access or implement referrals to educational programs, the social worker may contact the proper agency regarding further court intervention.

Additional Perspectives from Home Educators:

- Home educators often follow unconventional courses of study, which result in a high-quality education, but not necessarily on the same schedule or at the same rate as public schooled students.
- There is tremendous variation in the natural rate at which children learn. There are quick learners and slow learners in public, private, and home school. The mere fact that a homeschooled child seems to be at a different academic level than other children of his age is not reason to suspect educational neglect.
- Some home educators do not use what would appear to be a standard curriculum, choosing instead to use whole books on topics that they are studying, which they have purchased or borrowed from a public library.
- Some home educators employ a teaching method that does not produce early competence in reading, but which will produce high reading ability in later years. Not reading at grade level, is not evidence of educational neglect.
- Children with learning disabilities would not necessarily be working at grade level whether they are in public, private or home school settings
- Some home school families subtly integrate their instruction with their daily lives to such an extent that the children may scarcely be aware that they are being “schooled”, even when they really are. A statement from a child, especially a younger child who is not a mature observer, that “my mom doesn’t teach me anything”, or similar statements, are not reason to suspect educational neglect.
- Home educators often follow unconventional schedules that don't follow public school start times, recess breaks, or vacations. There is no reason to suspect educational neglect merely because the children are not doing school work in lockstep with public school schedules.
- Sometimes relatives of a home school family oppose the family’s decision to home school their children. When they cannot talk them out of homeschooling, sometimes they will report the family to child protective services hoping a social worker will “do something.” Social workers should be sensitive to the possibility that, if the referent is a relative, the referent may be attempting to manipulate the social worker to assist them in their personal agenda to get the family to stop homeschooling. Social workers should avoid allowing themselves to be used as a pawn in a dispute of this nature among extended family members.

For further information please contact: *(name of dept. contact, email, and phone number)*