

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

“NOT FOUND”

An Investigation Into Carla Lockwood's Neglect and Community School District 6's Failure to Act

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INTRODUCTION

Four-year-old Nadine Lockwood died of starvation on Saturday night, August 31, 1996. Police found her emaciated body in the crib where she had spent most of her life. Nadine, with a bloated stomach and protruding ribs, weighed a mere 15-and-a-half pounds when she died. Nadine's mother, 32-year-old Carla Lockwood, was charged with her murder. She told police that she did not love Nadine and had not fed her regularly for more than a year.

But there were signs something was wrong at the Lockwood house long before Nadine's death. Each of her four school-aged siblings were educationally deprived. For more than a year, Carla Lockwood did not enroll her children even though they were above the legal age for compulsory education. When she finally did, Carla continued to hold them out of school for days at a time. Although the children missed dozens of classes -- one child was absent 128 times in one year -- their teachers, principals, and the district's attendance teacher, the official charged with finding absent students, took little action.

Nadine's oldest sibling, Nicole Lockwood, missed close to 600 days of school, an average of 80 each year. Incredibly, she was repeatedly promoted until the sixth grade. In 1995, as a sixth grader, Nicole did not go to school *at all*. The attendance teacher, claiming he could not find her, discharged her from the system. His investigation, however, was far from adequate; he merely went to the apartment a few times, and when he got no answer, he gave up. By labelling Nicole as "not found" -- an official category in the attendance tracking system which allows school officials to effectively give up on locating students -- the attendance teacher ended any hope that she would be returned to her classes. Indeed, Nicole's schooling did not resume until she moved into a foster home after her sister Nadine had starved to death.

Until 1995, Nicole's three younger siblings received no educational training at all. Carla Lockwood kept Nathan, age 7, Natasha, age 6, and Nicholas, age 5, at home. They were

enrolled only after the Child Welfare Agency, responding to an abuse complaint, learned about the children and insisted that they attend school. Once enrolled, however, these children missed a combined 212 days in one year. Their teachers ignored this egregious attendance rate for months, not bringing it to anyone's attention until January 1996. Even then, the school guidance counselor and the school nurse allowed Carla Lockwood to continue to neglect her children's education. They never called the State Central Register ("hotline") to report a family that was clearly at risk.

In addition to being absent roughly every third day, these three children lacked immunizations and physical examinations and missed doctor's appointments repeatedly during the 1995-96 school year. However, the school nurse did not realize the students had no health records until January 1996. Even after that belated discovery, the nurse and the guidance counselor took few steps to ensure that the Lockwood children were properly immunized and their records completed.

One of the children, Nathan, had hearing and vision problems and could not even hold a pencil when he was admitted to second grade. His teacher recommended he be referred to a special education class, but because his medical problems went unresolved, the school did not act on this request.

The poor attendance and incomplete medical records of these children should have been a clear signal to school officials that Carla Lockwood was guilty of educational and medical neglect.¹ However, they monitored attendance poorly, conducted half-hearted searches for the children, and even wrote off one of the children as "not found." Moreover, they failed to report

¹As defined by the Regulation of the Chancellor A-750, medical neglect is a subset of physical neglect: "the withholding of, or failure to provide a child with adequate...medical care and/or supervision needed for optimal growth and development."

Educational neglect is defined as "failure of a person in parental relation to a child to ensure that child's prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons."

See also Social Services Law Article 6, section 371 (4-a-i) and Family Court Act section 1012 (f).

this neglect to the hotline, an act that would have triggered an investigation by child welfare officials.

The failure to find and return absent students was not limited to the Lockwood family. We found that the state of attendance policy in all of District 6 was unruly and ineffectual, leaving children unaccounted for and perhaps in danger. Schools routinely lagged in reporting frequently absent students to the district. Few of the schools even had an attendance coordinator, the teacher in the best position to identify chronically truant students.

Once a child was recognized as excessively absent, the district did little, if anything, to investigate his whereabouts. District 6's one attendance teacher, responsible for more than 27,000 students, admitted that he made false entries on documents to make it appear as though he had done complete investigations. In fact, he sometimes discharged students as "not found" without taking any steps to find them. The "not found" designation, intended as a last resort after an exhaustive search, became an easy fallback claim for an incompetent official.

This case is particularly disturbing since the death of Nadine Lockwood occurred less than a year after the death of Quentin Magee, a special education student, whose chronic absences were ignored by school officials.² Following our investigation of that case, we recommended that the Board of Education (BOE) make sure that the regulations were enforced and that administrators understood proper attendance procedures.³ In response, Chancellor Ramon Cortines issued a memorandum clarifying the responsibilities of principals and superintendents with respect to school attendance.⁴ As this report illustrates, officials in District 6 consistently ignored the Chancellor's directive.

²Quentin Magee, an 8-year-old special education student, died in January 1995. Our investigation revealed that Magee's school ignored attendance regulations. See this office's report, "An Investigation into the Death of Eight-year-old Quentin Magee," September 1995.

³"An Investigation into the Death of Eight-year-old Quentin Magee," p. 35.

⁴Memorandum of the Chancellor regarding Attendance Services, October 6, 1995 ("Chancellor's memo"). Please see the Appendix.

ATTENDANCE REGULATIONS

Attendance is crucial to academic success. Students who are absent frequently in elementary school are much more likely to drop out of high school.⁵ Also, state financial aid is based, in part, on the number of students present on an average day.⁶ In addition, long absences may signal larger problems of abuse at home.⁷ Schools therefore have an important responsibility in finding absent students and returning them to the classroom.

Numerous officials, from the superintendent to the classroom teacher, share responsibility for locating absent students and easing their transition back to school. Their duties are mainly found in Regulations of the Chancellor A-210, A-750, and the School Attendance Manual, 1990-91. On October 6, 1995, the central Bureau of Attendance issued a summary of these regulations in the wake of the death of Quentin Magee, a special education student in Brooklyn.⁸

Requirements of Attendance Regulations

The superintendent has ultimate responsibility for improving attendance in his district. He must provide adequate staff in the schools and establish a committee to review attendance policy.⁹ The district-wide committee should include the superintendent, supervisors, teachers,

⁵Those who dropped out in high school were absent 2.25 times more in elementary school than those who finished high school. "The Link Between Early Truancy and Dropping Out: A Study of Attendance Patterns in New York City Public Schools," Office of Policy Management, New York City Comptroller's Office, August 1988., p. ii.

⁶"State Formula Aids and Entitlement for Schools in New York State 1996-1997," State Education Department, September 1996.

⁷Educational neglect has pointed to severe abuse in other homes other than the Lockwood's. In 1988, 5-year-old Jessica Cortez died, and her parents were charged with murder. Prior to Jessica's death, an attendance teacher came to the family's apartment to look for Jessica's older brother, Nicky. When the attendance teacher did not find the family, he listed Nicky as "not found," and efforts to investigate the family stopped. "Killing of a Child: How the System Failed," by M.A. Farber, The New York Times, January 19, 1989.

⁸This was done as a result of recommendations made by this office in our September 1995 report detailing our investigation into Quentin Magee's death.

⁹Regulation of the Chancellor A-210 (2.2) and A-210 (3.2). Minutes must be made available for these meetings. There must be a committee for each school and for the district as a whole. Regulation of the Chancellor A-210 (7).

parents, students, and representatives from community agencies.¹⁰ The superintendent is also required to ensure that schools refer longtime and chronic absentees for investigation.¹¹

On an individual school level, however, the principal must enforce attendance policy. This includes appointing a committee on attendance and preparing an attendance plan -- a document which outlines how the school follows up on absent students.¹² The committee should be a proactive body which focuses its resources on students who are "at risk" and makes specific recommendations about how to alleviate attendance problems.¹³ In addition, the principal is required to meet with other staff to follow up on specific cases and ensure that investigations begin on time.¹⁴ When a student returns to school, even after missing a few days, the principal or a designee must meet with the student.¹⁵

The principal cannot be expected to monitor all absent students every day. That job is left to the attendance coordinator who, with aides and family workers,¹⁶ tries to locate absent students. The attendance coordinator, who must be a pedagogue,¹⁷ ensures that the school calls the parent, sends out letters, and initiates investigations when necessary.¹⁸ The timetable for locating the student was detailed in the Chancellor's memo (See Appendix).

The school must try to find the student by making phone calls and sending out letters. If the absence continues, after ten days the school is required to make a report -- known as a 407 form -- to the community school district's central office. If the child is a "known truant,"¹⁹ the

¹⁰Regulation of the Chancellor A-210 (7.1), Attendance Manual, p. 61.

¹¹Regulation of the Chancellor A-210 (4.4).

¹²Regulations of the Chancellor A-210 (3.2) and A-210 (3.3). Attendance Manual, p. 58.

¹³Attendance Manual, p. 63.

¹⁴Attendance Manual, p. 58. Regulation of the Chancellor A-210 (2.3).

¹⁵Attendance Manual, p. 67.

¹⁶Family workers are usually school aides who have been promoted; their funding comes from Federal Title I money. Family workers also come from the Attendance Improvement/Dropout Prevention program (AIDP). Those workers target a certain student population in the schools which is eligible for the program.

¹⁷Regulation of the Chancellor A-210 (3.4).

¹⁸Regulation of the Chancellor A-210 (5.1); Attendance Manual, p. 59.

¹⁹A "known truant" is not defined in the regulations in order to give schools flexibility in assigning this category to

school is required to generate a 407 on the child's second day of absence.

The school sends a 407 to the district attendance teacher(s), a pedagogue certified in attendance, who investigates. The attendance teacher must try to locate the student using varied methods, including speaking with the classroom teacher, locating and interviewing the student's siblings, contacting the Human Resources Administration and the United States Postal Service for address information, and speaking to neighbors, community organizations and building superintendents.²⁰ The most effective investigative method available is the home visit -- an in-person interview with the student's family. He is expected to make an average of 8-10 home visits a day.²¹ If the attendance teacher finds the student, he must warn the parent to return the child to school and refer the case results to the school guidance counselor.²² If, however, the parent is uncooperative, the attendance teacher must call the hotline.²³

If, after exhausting all available investigative methods, the attendance teacher cannot find the student, he may discharge the student from the school under the category called "not found." Lilian Garelick, head of the Board of Education's central Bureau of Attendance, said this discharge should be used sparingly and only as a last resort. After a child is listed as "not found," the attendance teacher must continue investigating the case for 30 days.²⁴ This is the last time in which any attempt is made to find the student.

students.

²⁰Attendance Manual, p. 19.

²¹Attendance Improvement/Dropout Prevention Staff Role and Responsibility/Documentation Manual, 1996-1997: Attendance Outreach Guidelines.

²²Regulation of the Chancellor A-750, Appendix D, p. 1.

²³Regulation of the Chancellor A-750, Appendix D, p. 1.

²⁴Attendance Manual, p. 18.

**ATTENDANCE PROCEDURE IN A COMMUNITY SCHOOL DISTRICT
ACCORDING TO CHANCELLOR'S REGULATIONS**

District Superintendent:

Ultimately responsible for improving attendance in the district

?

School Principal:

Responsible for enforcing attendance policy at the school level

?

School-Based Attendance Coordinator:

- _ Must be a pedagogue
- _ Calls parent on second day of unexplained absence
- _ Sends letter to parent on third day
- _ Makes attempts to find the student
- _ After ten days reports to the district by way of a 407 form

?

District-Based Attendance Teacher:

- _ Must be a pedagogue certified in attendance
- _ Receives school generated 407 forms
- _ Attempts to find student by canvassing: teacher, siblings, friends, neighbors, building superintendent, Human Resources Administration, US Post Office, and community organizations
- _ Most important step: must make home visits

?

Results:

- _ If the child is found, parent is warned to return child to school and case referred to guidance
- _ If the absence problem persists, guidance must call the hotline
- _ If the parent is uncooperative, must call the hotline and report educational neglect
- _ If child is "not found," student can be discharged; case should be re-investigated within thirty days

MEDICAL REGULATIONS

Schools play a major role in ensuring that children are healthy. Students who are in poor health or whose medical record is unknown pose a threat to themselves and to others. If medical records are not provided or are incomplete, school personnel may be ill-equipped to deal with a student's special needs in an emergency. At the same time, a student who lacks proper immunizations may be exposed to the risk of communicable disease or may expose others in the school community to the same. Therefore, BOE and Department of Health officials have specific responsibilities towards New York City's schoolchildren.

Physical Exams

When students enter school for the first time, they must have "a thorough medical examination" and provide a record of their past medical history. A form known as a "211S," which records this information, is placed in a student's file. If this regulation is not complied with, the principal must notify the child's guardian that a "211S" must be returned within 10 days. If this is not done, the principal must direct the school physician to conduct the examination.²⁵

Immunizations

Students must be properly immunized when they begin their education. The school must send a letter home if immunizations are not complete. If the student is not in compliance within two weeks of that letter, he cannot come to school.²⁶ A "notice of exclusion from school" and a 407 form must be sent by the school to the attendance teacher, who subsequently investigates the reasons for the failure to comply. If parents refuse to cooperate with the attendance teacher, he must report medical neglect to the hotline.²⁷

²⁵Rules of the City of New York, Article 49.05 (a)(b). Regulation of the Chancellor A-710 (3.1) conflicts with these City rules, allowing proof of examination to be submitted within one year of enrollment.

²⁶Regulation of the Chancellor A-710 (4.1).

²⁷Regulation of the Chancellor A-710 (4.3).

THE LOCKWOOD CASE

Four children in the Lockwood family missed hundreds of days of school over a period of eight years. School officials either never investigated or waited months before starting searches for the children. Once begun, those investigations were woefully incomplete. No school employee ever called the hotline about the attendance problems in the family.

Nicole Lockwood

Nicole Lockwood, Nadine's oldest sibling, was among those lost in District 6's egregious attendance tracking system. Each year she was in school, from the fall of 1987 to the fall of 1994, Nicole missed anywhere from 47 days to as many as 128 days. Despite her absences, Nicole was promoted each year until the sixth grade. Nicole went to a different school almost every year and, as of January 1995, stopped attending altogether.

This is Nicole's attendance from 1987 to 1994, according to her cumulative record:

Year and Grade	87-88	88-89	89-90	1990	90-91	91-92	92-93	93-94	1994
	K	1st	2nd	3rd	3rd	4th	5th	6th	6th
School	PS 76	PS 28	PS 28	PS 28 ²⁸	PS 155	PS 207	PS 252	PS 252	PS 252 ²⁹
Present	109	126	79	0	102.5	105	133	52	24
Absent	74	56	108	8	71.5	52	50	128	45
Late	0	3	17	0	28	30	0	0	--

²⁸Nicole transferred to P.S. 155 in September.

²⁹Nicole was discharged from school on January 5, 1995; these records extend only through the fall of 1994.

During her seven-and-a-half years in school, Nicole was present 730.5 days, absent 592.5 days, and late 78 days.

Nicole's permanent record³⁰ did not have any information on attendance investigations from the fall of 1987 to the spring of 1992. If the schools where Nicole was enrolled had followed attendance regulations, Carla Lockwood would have received dozens of phone calls and letters asking about her daughter. In addition, schools should have sent multiple 407 forms each year. School officials should have recognized Nicole as a "known truant" and issued 407s after she had missed two consecutive days. The only record from those years which refers to Nicole's attendance problem is a comment by her fourth grade teacher: "Nicole is a sweet child, but needs to attend school on a daily basis." This office can only conclude that either no attempt was made to locate Nicole during her numerous absences or any documentation of such efforts was lost or destroyed.

More detailed records from after 1992 show that in 1993, when Nicole attended P.S. 252, she was absent for 12 consecutive days, from February 22 to March 9. This string of absences should have generated a 407 report. Instead, on March 1, Nicole's teacher spoke to Joan Hill, Nicole's grandmother, who said the girl was out with the chicken pox. The teacher noted on Nicole's attendance card that she had an "attendance problem," but the school did nothing further. Thereafter, during the 1992-1993 academic year, Nicole missed fifty days.

Despite being absent more than 400 days over the previous six years, Nicole was promoted to sixth grade at P.S. 252 for the 1993-1994 school year. During that year, Nicole was out of school a total of 128 days, the most she had ever been absent.³¹ In addition, records

³⁰This form is called the "elementary school cumulative record."

³¹This number is according to her Automate The Schools (ATS) cumulative attendance file. However, on her cumulative record card, a document filled out manually by teachers, Nicole is marked as being absent 119 days. School officials could not explain this significant discrepancy, although one official said a possible reason is that ATS

show that school officials had woefully neglected Nicole's health. Nicole was supposed to have a physical exam before entering school in 1987, but in April 1994, the school nurse noted that Nicole had no medical records and issued a "211S" form. Incredibly, school officials did not realize until Nicole was in sixth grade that she had no recorded medical history. Despite repeated efforts to locate Nicole's completed "211S" from a variety of sources, we were unable to retrieve them. Thus, we were unable to determine whether Carla Lockwood ever supplied Nicole with adequate medical care or if earlier documentation was lost within the school system. The absence of this information about Nicole suggests sloppy record-keeping at best, and a deliberate cover-up at worst.

On May 27, 1994, after Nicole had missed 39 consecutive days, the first known 407 for her was issued.³² However, it did little to improve Nicole's attendance: the District 6 attendance teacher, John Alvarez, a 72-year-old BOE employee of 15 years, said he never saw this 407 form, and even suggested that the school may have forged it after Nadine's death. No markings were made on the 407, making it impossible to tell what investigation, if any, was conducted. An undated letter from Carla Lockwood explaining why Nicole missed so much school said that Nicole's grandfather died, and she had to go "down south" for the funeral and then attend counseling sessions.

Incredibly, despite this high absentee rate, Nicole was promoted once more, this time to seventh grade at I.S. 136. However, officials at I.S. 136 sent Nicole back to P.S. 252 because she had failed four major subjects the previous year. Nicole was absent from P.S. 252 for 45 days in the fall of 1994. Alvarez claimed he did investigate her absence this time. However, neither the school nor Alvarez could provide the 407 form, leaving no record of any

may have recorded her start day earlier than the teacher records.

³²The date was not listed on the 407 form, but can be reconstructed using the attendance sheet.

investigation by Alvarez nor of any inquiries by the school. Alvarez claimed he made four "home visits" looking for Nicole: on October 11, October 13, November 2, and December 15. However, Alvarez's "Attendance Activity Report," a document where he recorded his home visits, indicates he visited only twice. In addition, the dates on the activity report differed from those he recounted to investigators.³³

Alvarez did not make contact with the family during any of those visits. He claimed he left notes on the door of the apartment asking Carla Lockwood to call him. Alvarez conceded he did not do any other type of follow-up on the case, such as speaking to the superintendent, neighbors, HRA officials, postal workers, community organizations, or inquiring about siblings. He said the reason he did not follow up was because of his large caseload.

On January 5, 1995, Alvarez simply discharged Nicole as "not found," removing her from the school register. According to Lilian Garelick of the Bureau of Attendance, the "not found" category is meant to be reserved for rare cases when an attendance teacher cannot find any trace of an entire family after an exhaustive search. Here, Alvarez knew or should have known where the family was. They had not moved. He merely had not made direct contact with Nicole or her mother on the few occasions he visited the apartment. Nevertheless, Alvarez decided to use the last resort measure of discharging the girl as "not found," ending all efforts by the school to salvage Nicole's school career.

After deciding to discharge Nicole as "not found," Alvarez did not make a follow-up investigation, as required by regulations; instead, he made false entries on documents to make it seem as if he had reinvestigated. Because of the seriousness of the "not found" category,

³³The activity report shows him making visits on October 18 and November 1, dates which differ from those provided by Sandra Anazagasti, the director of pupil personnel services in District 6. Anazagasti got those dates from an interview with Alvarez after Nadine's death. She said Alvarez did not provide her with documentation for the dates he told her.

attendance teachers are expected to follow up all such discharges within 30 days to be absolutely certain that the child cannot be located. On his "Attendance Activity Report," Alvarez checked off the box labelled "follow-up." However, he admitted that this marking was false. Alvarez also admitted that, in fact, he did no follow-up on this case, letting Nicole remain "lost." Alvarez claimed "no case is ever closed," but by his failure to actively reinvestigate, Nicole's case was, in effect, closed.

Staff at Nicole's school offered their own excuse as to why they allowed her to stop attending classes. A P.S. 252 family worker, Miguel Martinez, claimed a male caseworker from child protective services came to the school to report that Nicole was in protective custody and would be changing schools. This unidentified "caseworker" asked for Nicole's attendance files and cumulative record, Martinez claimed. But the city's child protective services agency, then called the Child Welfare Agency (CWA),³⁴ has no record that Nicole was ever in protective custody nor any record of "a caseworker" removing her from the school. Then-principal Verne Vitrofsky remembered the incident, but did not remember the child involved. The school could not provide any records -- such as the required receipt from Nicole's new school -- to support the "caseworker" story. If true, the fact that the school has no documentation from someone claiming to be a CWA worker who took a student out of school is extremely disturbing.

From the end of 1994 until after her sister Nadine starved to death more than a year later, Nicole stayed out of school every day. She apparently helped her mother take care of the other children, frequently bringing them to class. School employees noticed this, and some

³⁴CWA was restructured and named the Administration for Children's Services (ACS), an independent city agency, on January 11, 1996. CWA, formed in 1989, was formerly known as Special Services for Children (SSC) under the Human Resources Administration. SSC was formerly the Bureau of Child Welfare (BCW).

teachers even sent messages to Carla through Nicole. Incredibly, none of them questioned Nicole or called the hotline.

Nicole's history highlights a number of disturbing inadequacies with the attendance staff in the District 6 schools:

✍️ Although Nicole was absent close to 600 out of 1323 total days, she was promoted every year until sixth grade. P.S. 252 even allowed Nicole to graduate to seventh grade despite having failed four major subjects. Only the junior high school's refusal to accept the promotion returned Nicole to sixth grade.

✍️ School officials either did not bother to find Nicole or did not make and keep documentation of those attempts. Teachers noted her absence but did little to follow up. When Nicole later brought her siblings to school, no one questioned why she was not attending class herself.

✍️ The family worker at P.S. 252 claimed child welfare officials took Nicole into custody, but he could not produce documentation to back this claim and could not explain why CWA records show Nicole was never under their supervision.

This case also illuminates District Attendance Teacher John Alvarez's shortcomings:

✍️ Alvarez's investigations were far from thorough: He kept miserable records of his visits to the house and the results of those contacts. Consequently, his claims about how much he investigated this case is suspect.

✍️ He admitted that he did not speak to other agencies or neighbors to determine that Nicole was being kept home from school. He simply discharged her as "not found" after failing to gain entry to Nicole's house.

✍️ Alvarez never reinvestigated the case. Equally disturbing, he made false notations

showing that he did.

✍ Finally, and perhaps most significantly, Alvarez did not recall Nicole's case when he later investigated her siblings, in part because he had a poor filing system and in part because he never checked the status of siblings in his investigations.

Nathan and Nicholas Lockwood

The cases of Nathan and Nicholas Lockwood further shed light on the atrocious attendance procedures in the schools of District 6, especially at P.S. 4. The principal of that school never made attendance a priority or explained the relevant procedures to staff members. P.S. 4 had no attendance coordinator and only one official, a school secretary, who dealt with absentees. As a result, the school did almost no investigation into missing students. When school officials finally paid attention to the egregious absences of Nathan and Nicholas Lockwood, they never called the hotline to report suspected educational neglect. Despite having a new principal since September 1996, P.S. 4 has not improved attendance services this academic year.

When CWA opened its latest case on the Lockwood family in May 1995, a caseworker found that four school-aged children -- Nicole, 12, Nathan, 7, Natasha, 6, and Nicholas, 5 -- were not attending school. Only Nicole had ever been to school at all. The caseworker, Barbara Piasio, urged Carla Lockwood to register her children. Although Carla repeatedly resisted, offering excuses about why the children should not leave home, she finally registered them. Piasio believed Nicole began to attend school again, although in fact she did not.

In mid-October, the three younger children were enrolled in school. Nathan and Nicholas went to P.S. 4, while Natasha went to the Muscota New School, an alternative school located at the time within the P.S. 4 building. (Her case will be discussed below.) Despite having no prior education, Nathan was placed in second grade because he was seven years old and there was no room in the first grade class, according to the guidance counselor, Concepcion Luna.³⁵ Nicholas entered kindergarten and Natasha went to the first grade. The children were registered on September 18, but did not get placed into classes until October 12.

³⁵Luna said that if she had known at the time that Nathan was placed in second grade, she would have objected.

CWA closed their case on October 19.

Almost immediately, the children began to show signs that their mother was neglecting their medical needs. Luna noted at the beginning of the year that the children still needed to complete their TB tests and physicals. According to regulations, P.S. 4 officials should have given Carla Lockwood strict deadlines to meet to get her children immunized. If Carla failed, they should have then excluded the children from school and sent a 407 form to Alvarez. Yet P.S. 4 officials allowed Carla Lockwood to drag the immunization process throughout the entire school year and never reported medical neglect. Luna apparently did not notify the school nurse to keep an eye on this case; the nurse, in turn, did not even notice the children's medical forms were missing until January.

The children's troubles did not end with their medical problems; they started missing school frequently almost as soon as they enrolled. Nathan and Nicholas were absent the first five days and five of the next seven. Despite this shoddy record, Sharon Mack, the secretary who dealt with attendance but who was not an official attendance coordinator, did not generate a 407 until months later. Mack said she only made reports after teachers told her about serious absentee cases. Neither Nathan's teacher, Sharon Katz, nor Nicholas' teacher, Marian Spolter, reported their absences to Mack in the school office. With no attendance coordinator watching the attendance rates, the school did not follow up. Katz did notice Nathan had learning problems, and she reported that to Luna in October. In a record of that meeting, Luna noted that Nathan could barely hold a pencil and could not form figures well. Still, Luna said she was not yet aware of the children's attendance problems.

Not until January 1996 did the school finally began to take notice of the Lockwood children's absences. Spolter reported to Luna on January 4 that Nicholas had missed 34 days in

the preceding three-and-a-half months. Luna made a call to the contact number provided on the children's registration form and left a message there (it was the house of Joan Hill, Carla Lockwood's mother). That same day, Luna also called the CWA field office to try to reach Barbara Piasio, the caseworker who brought the children to school in September. Piasio was on vacation at the time, and Luna never received an answer.

When the three children were absent again the next day, Luna called Piasio two more times, but again there was no answer. Luna claimed she then spoke to Piasio's supervisor at CWA, Barbara Ditman. Although Luna had no record of the conversation, she said Ditman told her she would "look into it." However, Ditman did not remember Luna's phone call, and said she would have told her to contact the hotline. Luna was not aware that she must report suspected child abuse to the hotline, whether the case was open or closed; the more calls the State Central Register hotline receives, the higher priority for the case.

Finally, on January 10, Mack generated 407s for both Nathan and Nicholas. Mack normally mails 407 forms to the district office, but in this case she said she sent them to Luna directly without sending a copy to Alvarez. Luna said, however, that she did not see this document. Alvarez, who also said he never saw the form, did not investigate this case. The space for the attendance teacher's report is left blank, much like on Nicole's first 407. Thus it seems no one acted on this 407 form.

Also on January 10, Luna told the school nurse, Jacqueline Merrill, that Nathan had "undocumented absences." When Merrill went to check the children's medical records, she realized for the first time that, in fact, the school had never received any for these children. The following day, Merrill issued a "211S" form for Nathan and also entered him as a "code 58," which is used to mark a new admission. Merrill said it was normal for a new school not to

check on medical histories for each new student, adding that children who enroll after kindergarten are often overlooked. "We take them as we can find them," she said. This was the policy of the school despite a law which states that students who are not immunized may not attend school beyond two weeks and that every child entering school must have a physical exam.³⁶

That same day, Luna contacted a local community-based organization for help. She called Dorothy McGowan, director of social services for the Community League of West 159th Street, to ask for aid on behalf of the Lockwood family. The next day, Luna sent a letter to McGowan to follow up on her phone call. In the letter, she described Carla Lockwood as "caring and concerned," but, Luna noted, she "saw fit to keep the children out of school last year." Luna added that their case was in the hands of "social services" the previous year. Luna wrote that she told Carla Lockwood that if she did not send her children to school, it would "force me to place the case again in the hands of child welfare agency." Luna told this office she did not act on this threat because she actually believed that the case was already in the hands of CWA. She said she merely meant to scare Carla Lockwood into action. Whether the case was open or not with CWA, however, Luna still had an obligation to call the hotline, which she failed to meet.

Over the course of the next few months, Carla Lockwood came to meet with Merrill and Luna a number of times, but Carla did little to improve the attendance and physical health of her children. Luna and Merrill repeatedly granted her requests for more time, and they did

³⁶Regulation of the Chancellor A-710 and Rules of the City of New York, Article 49.05 and 49.06. "If they have not been immunized after a reasonable period of time, the problem should be reported to the child protective agency." Questions and Answers Associated with Pupil Services, by Carl Friedman and John Soja, March 1996, p. 3. See also "Immunization Guidelines: Vaccine-Preventable Communicable Disease Control," State Department of Education, February 1992.

not report neglect to the hotline, despite continued absences. On January 19, Nathan went for a hearing and vision test and was found to have problems with both senses. Merrill, the nurse, issued referrals for more health tests. A week later, Merrill met with Sharon Katz, Nathan's teacher, and noted that "guidance has met with parent, but absence continues." By March, little improvement had been made with the family. Nathan was seen by a doctor again on March 19 and was marked as missing immunizations. The evaluation on Nathan's health form notes that Carla is a "mother under stress -- needs support services." Still, school officials did not contact the hotline.

The delays in medical treatment not only raised health concerns, but also impeded Nathan's education. Because Carla did not provide him with proper medical care, the school could not move forward with a request that Nathan be evaluated for referral to special education. At the end of March, Merrill noted that the school was not able to refer Nathan to special education until his vision and hearing tests were completed. Carla Lockwood repeatedly failed to keep appointments with the doctor to get these examinations. She finally promised on March 29 that she would go to the appointments set up for her during April vacation. The children did see a doctor in mid-April, who noted that they needed to continue their series of immunization shots.

But the delays in medical treatment continued to impede the school's efforts to consider Nathan for special education. On April 22, Sharon Katz, Nathan's teacher, filled out a "Request for Intervention" form, a document which signaled that the "pupil personnel committee" in the school should evaluate Nathan's poor academic performance. Katz wrote that Nathan had severe academic problems: "Nathan has just learned this year how to use a pen; therefore write -- he's able to copy some of the work, then gets lost." She also wrote that Nathan "doesn't

smile or react -- nonemotional. Sometimes he'll participate and he'll try extremely hard to focus, then he's lost again." Katz recommended that Nathan be held back, and wrote that he "needs special attention -- needs a resource room." Because the school did not have a pupil personnel committee to review this form, it went to Luna. Luna said she wanted to help Nathan, but said she could not provide academic support until after Nathan's medical problems were treated.

Carla Lockwood continued to be delinquent in providing medical care for her children. She ignored a letter Luna sent on May 16 asking Carla to meet with her on May 20. She also missed a medical appointment scheduled for Nathan on the same day. Merrill told Luna that Nathan missed this examination, and Luna sent another letter to Carla demanding that she come in the next day (May 24). Luna wrote that if Lockwood did not come in, she would call the Administration for Children's Services (ACS), the newly restructured CWA. Carla came in the next day, met with Merrill, and told her that she had made new appointments for her children. Despite their threats to do so, Merrill and Luna still did not report Carla Lockwood's behavior to the hotline as medical or educational neglect.

In May and June, Nathan and Nicholas' absences picked up again. On June 10, after Nathan had been absent a number of days, Merrill went out for a home visit. She noted that no one was home, and she did not find Nathan. The next day, Mack generated a 407 for Nathan. Alvarez "investigated" the case on June 12 and closed it the same day. Alvarez said he could not gain entry to Carla Lockwood's apartment, and instead met with her mother, Joan Hill. He did not document his conversation with Hill, except to note "family advised." Without making contact with Carla herself or finding Nathan, Alvarez referred the case back to Luna.

During this period, Luna considered making a report to the hotline, but did not. On June 11, Merrill noted that Luna was going to make a report for "suspected child abuse and

neglect." But the next day, Carla met with Luna. Merrill's notes reflect that after that conference, Luna decided not to make a report. On June 13, Merrill also spoke to the children's father, Leroy Dickerson, and asked him to make sure that the children keep their medical appointments.

As the school year ended, the staff still had not received Nathan's hearing and vision reports, which they had been seeking all year. Luna sent yet another notice to Carla advising her that because the school did not have this report, Nathan's academic evaluation could not be completed. Luna wrote that if she did not receive Nathan's medical report, it "may be considered educational neglect." This was the third time Luna threatened Carla with a report to the hotline, and yet again she did not act. Merrill also failed to report abuse, even though she wrote on her notes made toward the end of the school year, that there was possible educational and medical neglect at the Lockwood's home.

Rather than reporting suspected abuse, school officials decided instead to delay further steps until the next school year. Luna noted on June 21 that she, Merrill, and the principal, James Roberts, Jr., would "meet in September" to discuss the case. Luna said she decided not to confer earlier because Carla had made medical appointments for her children during the summer. She apparently believed Carla would keep these appointments despite her abysmal record during the past year.

Annabel George, the district supervisory nurse, spoke to Hill, the grandmother, on July 1 to urge her to remind Carla to take the children to the doctor. After the date for the appointments had passed, George called Hill again, but received no answer. Although she reviewed the medical report detailing the Lockwood's past problems, George made no further efforts to make sure the children went to the doctor. She took no other action and did not report

this as medical neglect to the hotline.

At the end of the 1995-1996 school year, Nathan was held back in second grade. He was absent 73 times and late 42. Nicholas, however, was promoted to first grade, after being absent 74 days and late 44.

**DISTRICT 6 PROCEDURE
FOLLOWED WITH NATHAN AND NICHOLAS LOCKWOOD**

District Superintendent: Anthony Amato

- _ Neglected to oversee district attendance; tried to eliminate attendance teacher position

?

PS 4 School Principal: James Roberts

- _ Failed to implement any attendance procedure; delegated to school secretary

✍

✍

PS 4 School Attendance Coordinator:

School Secretary: Sharon Mack

- _ None appointed

- _ "De facto" attendance coordinator
- _ Not a pedagogue
- _ Did not call Carla Lockwood
- _ Did not send letters
- _ Did not attempt to find the boys
- _ Waited to generate 407s

✍

PS 4 Guidance Counselor: Concepcion Luna

PS 4 Nurse: Jackie Merrill

- | | |
|---|--|
| <ul style="list-style-type: none">_ Knew there was a problem with all four school aged-children_ Threatened Carla but never called the hotline_ Called CWA caseworker; got no answer <p>not inform Alvarez of problems with Lockwood family
(although she lived with Alvarez)</p> | <ul style="list-style-type: none">_ Knew family problems_ Saw medical neglect_ Saw educational neglect_ Never called hotline <p>_ Did</p> |
|---|--|

?

District 6 Attendance Teacher: John Alvarez

- _ Referred Nathan back to Luna without finding him
- _ Failed to recognize that Nicole, Nathan, Nicholas and Natasha were siblings with excessive absences
- _ Never called hotline

Natasha Lockwood

Like her two school-aged brothers, Natasha Lockwood also had an abysmal attendance record in her first year of formal education. She missed 65 days in 1995-1996.³⁷ Yet, school officials did little to discover why she was absent or to make sure she would come on a regular basis. Natasha started the year at the Muscota New School, an alternative school where many parents hope to send their children. Natasha was able to attend because Luna placed her there. Muscota was located in the same building as P.S. 4 and shared the same guidance counselor, Luna, and nurse, Merrill. The attendance staff at Muscota, which was separate from that of P.S. 4, also failed to initiate investigations or searches for Natasha.

Natasha had a better attendance rate than her brothers early in the year. However, in November, she began to miss many days. Natasha's teacher, Liza Hernandez, sent a message through Nicole, who would bring Natasha to school, that she needed to speak with Carla Lockwood. (No one questioned why Nicole was not in class herself. Hernandez said she did not suspect Nicole was a chronic absentee, assuming instead that she was on a staggered schedule which allowed her to drop off and pick up Natasha.) Carla Lockwood came in to meet with Hernandez and gave her an excuse for Natasha's absence, saying she was sick for a time and also had a doctor's appointment.

But Natasha continued to miss class, and the school continued to do nothing to investigate. She was absent for ten consecutive days in December, yet no 407 was generated. Leslie Alexander, the principal, said because Muscota is small and parents strongly want their children to go there, the school rarely needed to generate 407 reports. Indeed, Alvarez only had one 407 form from Muscota at all, dated March 22, 1995.

³⁷ATS records show her missing 58 days. But Merrill's notes mark her as missing 65 days. Officials could not explain the discrepancy.

Hernandez, Natasha's teacher, failed to help ensure that Natasha's attendance would improve. In a February 1996 progress report addressed to Carla Lockwood, Hernandez wrote that Natasha missed "at least one day of school a week and she was absent almost the entire month of December." She went on to note that "her regular attendance in school is crucial for her continued social growth." However, Hernandez made no report to the hotline to investigate why Natasha continued to miss classes; there is no documented evidence that she even reported this to other personnel. Rather, she met with Carla Lockwood again in June 1996 to discuss attendance. Natasha's absence continued despite this meeting. In Natasha's June progress report, Hernandez wrote, "I am confident that next year will be filled with many successes for her! However, it can only happen if she attends school regularly." Again, Hernandez did not make sure this would happen by reporting the case as educational neglect.

As with Nathan and Nicholas, Luna and Merrill never called the hotline on Natasha's behalf to report educational or medical neglect despite numerous signs of trouble. Luna learned of Natasha's absences when she became involved with Nathan's and Nicholas' problems in January. Merrill, the nurse, noted that Natasha had no medical records, and she issued a "211S" for her the same day as she did for Nathan, months after this form should have been completed. On March 20, Merrill noted that Natasha still had "frequent absence," but, as with Nathan and Nicholas, Merrill failed to call the hotline. On June 3, Merrill again noted that Natasha was behind in her work because of her irregular attendance. When Natasha was held back at the end of the year because of "excessive absence," 65 total days, Merrill marked only that there should be a home visit during the summer.

Muscota did try to encourage Carla to get medical care for Natasha, who had a shunt in her head and needed regular doctor's appointments. However, their follow-up was severely

lacking. On May 24, Alexander sent a letter demanding a physical for Natasha by the first week in June -- although this should have been completed when she entered school.³⁸ On June 3, Sarah Hahn Burke, the family worker at Muscota, told Merrill that the forms were still not returned. However, the school took no action to report this negligence by Carla. The letter, which did not specify any consequences if not followed, remained an empty threat. Merrill noted that Natasha must have physicals, but did nothing to ensure this.

As they had done with her brothers, school officials followed up half-heartedly on Natasha's case. Her teacher did not report educational neglect despite numerous absences. The principal did not set a procedure to follow-up on absent students. Luna and Merrill did not call the hotline despite ample evidence that Carla was not capable of providing her children with an education and proper medical care. Thus CWA never opened a new case on the Lockwood family.³⁹ Two months later, on August 31, Dickerson called 911 after Nadine lost consciousness. She was declared dead that night, and Carla was arrested for murder.

³⁸Rules of the City Of New York, Article 49.05.

³⁹The last case CWA had on the Lockwood family was their eighth case, opened on May 25, 1995, and closed October 19, 1995, after the Lockwood children were enrolled.

THE LOCKWOOD CASE: WHAT WENT WRONG

As we noted with Nicole, the school history of the three younger Lockwood children again illustrates a number of disturbing gaps in attendance procedure at the school level, from the principal to the teachers. Although a clear procedure for attendance tracking is established in the Chancellor's regulations and again in the less complex Chancellor's memo of October 1995, few of these directives were followed at either P.S. 4 or the Muscota New School.

P.S. 4 Principal James Roberts, Jr.

Principal Roberts opened a new school, P.S. 4, in September 1995. He noted that he faced many challenges, including phones which did not work and computers which did not fully function for months. However, Roberts failed to complete any of the attendance duties relegated to him. Roberts said, "There were many things we had to concern ourselves with before getting to know the children and resolving problems." This lax attitude proved damaging.

As the final arbiter of attendance in the school, Roberts failed to set any procedures or to ensure that 407s were prepared on time, saying the other needs of the school were more pressing. He did not appoint an attendance coordinator, the mandated pedagogue to oversee the process. He did not explain to Sharon Mack, the one person who dealt with attendance, what the regulations entailed: including sending letters, making phone calls, and sending out 407 forms, among other duties. Roberts also never appointed an attendance committee to prepare an attendance plan and address specific problem cases, such as the Lockwood children. He did not meet with children who were returned to school after a 407 investigation, nor did he speak with staff about follow-up on specific cases. He did not ensure that students had physicals and immunizations. Finally, Roberts did not ensure that his staff called the hotline to report educational neglect despite the fact that he was ultimately responsible to make sure these reports

were made.⁴⁰

Muscota New School Principal Leslie Alexander

Like James Roberts, Jr., Leslie Alexander, the principal of the Muscota New School, neglected to establish effective attendance procedures. She claimed that because it was a small school and the parents wanted their children to be there, it had few such problems. One would think that the very lack of a school-wide attendance problem would have drawn particular attention to Natasha. Yet the school did not follow regulations in response to Natasha's absences. Even worse than P.S. 4's tardiness in preparing 407 forms for Nathan and Nicholas, Muscota *never* created a 407 for Natasha. The school has no attendance coordinator, attendance committee, or attendance plan; therefore no one tracks absent students.

Because there was no attendance coordinator in either of these schools housed within the same building, there was no one responsible for the myriad of duties related to attendance. No official made sure the parents were contacted by letters or telephone calls. No one was available to meet with the district attendance teacher, guidance counselor, or community agencies. No one examined the cases and prioritized them. Finally, like Roberts, Alexander did not make sure her staff called the hotline to report educational neglect.

Alexander took no action after Carla Lockwood ignored her May 24, 1996, letter which demanded medical records for Natasha, despite her duty to ensure that students have physicals and immunizations. Sarah Hahn Burke, the family worker, reported that the forms were not returned by June, as required by the letter. Yet neither Burke nor Alexander called the hotline to report medical neglect.

P.S. 4 Secretary Sharon Mack

⁴⁰Regulation of the Chancellor A-750.

The only employee who had attendance duties in P.S. 4 was Sharon Mack, a secretary in her second year with the BOE. Yet, she did not fulfill the responsibilities needed to ensure that the school made an adequate effort to find absent students. No one ever briefed Mack on attendance procedure, and she said the whole system was run "by trial and error." "That's the way it's done at the Board," she told this office. Attendance procedures in P.S. 4 did not reflect the regulations' requirements at all. In theory, teachers came to Mack when a child was absent frequently, however, as there was no established timetable to follow, each teacher decided when it was appropriate to see Mack. Even after a report, Mack told the teachers to call the parents and return in a few days. Mack sometimes made phone calls herself, but never mailed out postcards to the parents. If these efforts failed, Mack produced a 407; but she did not do this with any consistency.

Mack could not explain certain irregularities in the attendance investigations at P.S. 4. First, she did not know why only one 407 was produced from September to January, even though she was sure more students needed 407s. Second, eight of the thirty-three 407s generated in 1995-1996 were produced on January 2. Mack was "not really certain" why so many were generated on one day.

In the 1996-1997 school year, nothing has changed at P.S. 4. Mack is still the only person in charge of attendance, and regulations are flagrantly violated. As of October 25, 1996, she had generated only one 407. She said that she had not yet created the 407s for the students who had been absent every day of school; yet these forms should have been made by the fifth day of school.⁴¹ Mack said she would try to make those 407s as soon as possible, adding that her other duties often interfered.

⁴¹Regulation of the Chancellor A-210 (6.3.4).

Guidance Counselor Concepcion Luna

Luna did much to help the Lockwood children. However, she did not fulfill her responsibility to alert the district attendance teacher, call the hotline, and ensure that there was proper contact and intervention with the Lockwood family. Luna was one of the few people who knew that all three Lockwood children had abysmal attendance records and that Nicole brought her siblings to school. She also knew that Carla held the children out of school the year before and that they therefore merited close supervision. She did not notify Merrill in October 1995 after realizing that the children had incomplete immunizations. Despite obvious signs of educational and medical neglect, Luna did not move swiftly to intervene with this troubled family.

Luna did not report Carla Lockwood to the hotline, as she was required to do as a mandated reporter. Her failure to do so was based, in part, on her lack of understanding of the reporting requirements. Luna tried contacting CWA in January, but did not realize that when she suspected neglect, she had to call the hotline, not the local CWA field office. Luna said she did not follow up with CWA more diligently because she believed the case was still open and that the agency was working with the family. Luna apparently was not aware that as a mandated reporter, she had the obligation to call the abuse hotline *regardless of whether the case was open or not*. The Regulation of the Chancellor clearly states that "BOE will report to the SCR [hotline] any continued attendance problem by the child...."⁴² Each call to the hotline bumps an open case to a higher priority.

But besides not understanding the regulations, Luna simply gave Carla Lockwood too many chances. Although Luna threatened to call the hotline three times, she never did. In one

⁴²Regulation of the Chancellor A-750, Appendix D, p. 2.

typical instance, Luna contemplated reporting the problem to the hotline in June 1996 after Lockwood had repeatedly held her children out of school and failed to meet numerous doctor's appointments. However, she decided against it after Carla promised to do better. Luna's failure to call meant child welfare officials were not alerted to the continued neglect in the Lockwood home. Luna said that, in general, she does not report cases of educational neglect to CWA.

Although common sense and decency dictate otherwise, Luna also did not alert John Alvarez to the fact that all four siblings were chronically absent. Given her frequent communication with Alvarez on other matters⁴³ and her role as the school guidance counselor, Luna should have made sure that Alvarez acted to protect four children at risk. If she had done so, Alvarez could have built a case in Family Court against Carla Lockwood for educational neglect.

Nurses Jacqueline Merrill and Annabel George

Merrill met with Carla Lockwood on a number of occasions and recognized the extent of the attendance and medical problem, but she, too, failed to take appropriate action with this troubled family. Merrill noted throughout the year that the children had excessive absences and that they lacked proper medical care. She scheduled doctor's appointments and even made a home visit. Still, Merrill believed that Carla Lockwood understood the importance of taking her children to the doctor, and that she would do so. Merrill ignored regulations which direct school employees to report to the attendance teacher students who have not been fully immunized.⁴⁴ There is obviously much danger in allowing children who are not immunized stay in school, where they possibly subject other students or themselves to serious disease. Merrill never called the hotline even though she knew that Luna had not done so and she herself had

⁴³Luna and Alvarez live together.

⁴⁴Regulation of the Chancellor A-710 (4.2).

noted that there was educational and medical neglect in the home.

Annabel George, the district supervisory nurse, failed to determine whether Carla kept her children's doctor's appointment in July 1996. George ended her involvement with an attempt to contact Joan Hill, which was unsuccessful. She, too, knew of the children's case history yet did not follow up on this case.

The Classroom Teachers

Sharon Katz, Marian Spolter, and Liza Hernandez, the teachers of the three students, failed to alert the child welfare authorities about the presence of educational neglect in the Lockwood home. Nathan's teacher, Sharon Katz, knew of the attendance problem by October 1995, but waited until January 1996 to report the problem, and did not file a "Request for Intervention" form until April. She did not call the hotline when the school failed to act on this form. Nicholas' teacher, Marian Spolter, did not report Nicholas' chronic absences until he had missed 34 days. Natasha's teacher, Liza Hernandez, failed to call the hotline, even though she noted in two progress reports that Natasha had extremely poor attendance. These teachers cared about the Lockwood children, but did not follow up on their concern with the child welfare authorities.

District 6 Attendance Teacher John Alvarez

Alvarez conducted no meaningful investigation into the Lockwood children's absences. He did not investigate the absences of Nathan and Nicholas in January 1996, claiming he did not receive the 407s completed by Mack. Finally, in June 1996, when he received a new 407 form from Mack, he failed to link Nathan to Nicole whom, after a cursory search, he had previously discharged as "not found." Alvarez spoke to Nathan's grandmother, Joan Hill, but he never made contact with Carla Lockwood to warn her to return her children to school. He

merely closed the case. In fact, Alvarez could not find many of the 407s he claimed to have investigated last year indicating, at best, shoddy record-keeping and, at worst, a total failure to investigate cases.

ATTENDANCE PROBLEMS IN DISTRICT 6

The Lockwood case reveals a shocking failure to enforce attendance policy in District 6. This failure ranges from the lack of attention paid by the district office to the lax policies in the schools to the incompetent investigations by the one and only attendance teacher. The safety of children in the district is still in jeopardy. Last year, 282 students were discharged as "not found" in District 6 after only cursory investigations. When compared with children discharged in other districts, this was almost twice the average number of "not found" students.⁴⁵ Under the current system, there is no way to tell how many of those students are in fact staying at home like Nicole Lockwood. Alvarez regularly labelled children as "not found" and did not reinvestigate those discharges. Thus, such a notation was tantamount to writing off the student from the system. James Roberts, Jr., the former principal in P.S. 4, admitted the situation is still dire. "The Lockwood case is going to repeat itself," he said. "It's going to happen again."

District 6 Superintendent's Office

District 6 simply did not place a high priority on finding absent students. Officials there acknowledged that early absences severely reduce the chances that a student will graduate from high school.⁴⁶ They also recognized that there is a financial incentive to bring students back to school.⁴⁷ Still, little was done to improve attendance in the district, where only one attendance teacher was responsible for more than 27,000 students. This number is down from four attendance teachers in the late 1980s and eleven in the 1970s. Lilian Garelick, head of the central Bureau of Attendance, said that keeping track of the thousands of absent students in District 6 was an overwhelming task for just one attendance teacher.

⁴⁵A total of 4,600 elementary, junior high, and special education students were listed as "not found" in 1995-1996 city-wide, according to Lilian Garelick.

⁴⁶See "Community School District 6 Attendance Plan," 1994-95, p. 1.

⁴⁷State Education Aid is based partly on the number of students in the school on an average day.

Incredibly, district officials admitted trying to cut even the last attendance teacher. Dr. Martin Miller, the deputy superintendent in District 6, said he had tried a number of times to phase out Alvarez's position, and would have been successful if not for the city's "no layoff" provision. When asked whether the effect on student attendance was considered before attempting to eliminate the attendance teacher position, Dr. Miller replied that was "something you don't really give that much thought to."

Dr. Miller did not even make improvements which he admitted were logical. He said a good attendance teacher would make financial sense for the district. He said that a "cracker-jack" teacher could pay his own salary if he brought back 20 children to school early in the year. But, inexplicably, Dr. Miller also said he would not try to replace Alvarez when he retires. "It's very easy to get rid of a position when it is not filled," he said. Dr. Miller said the attendance teacher's role would be filled by officials at each school. But even he conceded that schools "have a million things to do and that doesn't seem to be a priority."

Alvarez's job was made even more difficult because he was not provided with a regular office, phone or files and had to move his work to schools that gave him a place. Consequently, parents had a difficult, if not impossible, time returning his phone calls. In addition, Alvarez's files, which should have included the 407 forms in order for each school, were kept in different offices scattered throughout the district. Lilian Garelick, head of the Bureau of Attendance, said that most attendance teachers have a permanent place to work. "It's pretty difficult to do work as an attendance teacher without a spot," she said.

In addition, Dr. Miller was confused about the legality of the attendance structure in the schools. He said he thought it was legal to have no attendance teachers in the district. In fact,

however, a 1974 court case mandates that districts keep at least one attendance teacher.⁴⁸

Robert Miller, the United Federation of Teachers union representative who fought for Alvarez to keep his job, said he reminded Dr. Miller that he was legally obligated to keep at least one attendance teacher. The union representative said Deputy Superintendent Miller and the superintendent, Anthony Amato, tried to eliminate the position even after he reminded them of the law. "The superintendent tends to have lapses of memory, which are purposeful. It's convenient. He tries to do what he can get away with," Robert Miller said.

Dr. Miller, the deputy superintendent, also said he is not sure whether attendance coordinators are required in schools. However, the Chancellor's Regulation clearly states such a requirement.⁴⁹ This ignorance of the regulations shows the low priority District 6 gives to attendance.

The District does have an attendance plan, but officials do not follow the guidelines set out in this plan. For instance, the plan relies on a "pupil personnel committee" to review the attendance procedures of each school, but there no longer is such a committee. The district plan bases most of its attendance tracking system on attendance coordinators, but most schools do not have such an official.

District 6 Director of Pupil Personnel Wilma Gonzalez

The implications of Alvarez's incompetence were magnified by the lack of oversight of his activities. Wilma Gonzalez, the director of pupil personnel services, was Alvarez's

⁴⁸In Matter of Geduldig, 43 AD2d 840 (2d Dep't 1974), the court wrote, "In our opinion, the local Community School District Board, by dismissing all attendance teachers (truant officers), effectively destroyed the enforcement of the compulsory attendance provisions of this statute....Accordingly, District 9...by dismissing all personnel working as attendance teachers, illegally deprived its area of all means of enforcing the compulsory attendance provisions of law and, in doing so, exceeded its powers."

⁴⁹Regulation of the Chancellor A-210 (3.4).

appointed supervisor from 1993 to 1996. Yet for various reasons,⁵⁰ Gonzalez delegated her responsibility to an individual who was not qualified to monitor Alvarez. That "supervisor," Sandra Anazagasti, denied she acted as anything more than an official who discussed Alvarez's schedule. Anazagasti conceded she had little knowledge of attendance procedure and was actually an unlicensed supervisor doing an internship as part of her licensing requirement. She met with Alvarez about his work schedule, but did not review his cases and provided no meaningful oversight.

This contrasts with the district's system in earlier years. When Roy Fernandez was the director of pupil personnel services from September 1991 to June 1993, he closely supervised Alvarez, meeting with him each morning to review his work schedule and every few weeks to review the 407 cases he was working on. Fernandez did not allow students to be discharged as "not found" until he had reviewed the case with Alvarez. They waited six weeks to discharge children, because space in the school was precious and missing students might return. Fernandez also prioritized for Alvarez which schools needed extra attention in any given month. He also established a pupil personnel committee in the district, and its members ensured attendance committees met in the schools.

District 6 Attendance Teacher John Alvarez

John Alvarez, the sole attendance teacher in District 6, routinely conducted incompetent investigations into the whereabouts of absent students. It is true that he lacked support from the district level, but he regularly cut corners and kept sloppy or -- in the usual case -- no records. An analysis of the 407 forms from 1995-1996 reveals some disturbing trends:

⁵⁰Alvarez said Gonzalez had a personality conflict with him and claimed she tried to fire him. Gonzalez denied this.

✍️ Alvarez did not do any meaningful search for many of the children he discharged as "not found." He admitted that he in fact never conducted detailed investigations, though Garelick emphasized these must be attempted before a student is discharged as "not found." Alvarez also admitted making false notations which showed he consulted with the postal service and welfare officials. In fact, Alvarez never checked with either agency to verify an address, and he rarely checked with the absent student's siblings. Regarding the Lockwoods, even a cursory investigation into the siblings' absences would have revealed a problem at home and maybe even reminded him of the case the year before on Nicole.

Alvarez sometimes made home visits before discharging a student as "not found," but admitted that oftentimes he did no investigation at all. In one instance, he discharged 15 students from P.S. 143 as "not found" all on one day. The forms indicated that he opened all those cases on October 25, 1995, and closed them on the following day. Alvarez had checked off the box for "home visit," but he admitted to us that he discharged these students without actually making a home visit. Thus he used the last-resort classification "not found" as a fallback to write off 15 students' education in just one day. Alvarez said he was under pressure from school and district officials to discharge students without looking for them in order to open spots in the classroom. He relied on the school's efforts, which consisted of attempts to contact the family by phone or checking with siblings -- but rarely included a home visit -- to decide whether the students should be discharged as "not found." This calls into question all of Alvarez's records: if he marked down a home visit on these forms and admitted he did not actually visit the home, then none of his forms can be trusted.

✍️ Alvarez never called child welfare officials when he suspected educational neglect

even though attendance teachers are mandated to do so.⁵¹ He said that three or four years ago he used to call officials from child welfare. However, since he has been the only attendance teacher in the district -- the last three years -- he has not called the hotline. He said he gave up because he was frustrated with that process. Alvarez said now he leaves this duty to school guidance counselors.

✍️Alvarez had an atrocious filing system. He did not have a central location for files, was missing a large number of 407 forms, and did not have them organized by school and number. Given weeks to gather forms, Alvarez could not provide this office with his 407 sheets.

✍️Alvarez did not document his actions accurately, making it impossible to tell where and how he spent his time. He had some activity sheets which show home visits, but he did not have records for all his home visits. In addition, Alvarez said he visited homes when he was on his way to a school, but, again, he did not provide documentation. Also, although Alvarez said none of his "not found" cases are closed, he did not document any reinvestigation effort.

✍️Alvarez often waited weeks to open a case on children already absent at least 10 days. For instance, when twelve 407 forms were generated at P.S. 8 on November 16, 1995, Alvarez did not investigate until December 11, 1995. He said he did not have enough time to open the cases earlier. Garelick said that the case is theoretically open when the 407 is generated, and "it is understood" that the attendance teacher may not start the investigation for a few days. Three weeks, however, is excessive. Under the old supervisory structure, attendance teachers had to report to their supervisors if a 407 investigation was not *completed* within two weeks.

⁵¹Regulation of the Chancellor A-750, Appendix D, p. 1.

Schools in District 6

Although they are the first line of defense in tracking absent students, the schools in District 6 rarely follow the policies set out in the Chancellor's Regulations and memo. The regulations were ignored in three major ways:

First, schools did not conduct adequate searches for absent children before sending the case to the attendance teacher. Very few schools in the district have an attendance coordinator; the responsibilities are usually performed by the pupil accounting secretary, a non-pedagogue who works only four hours a day. With no oversight by an attendance coordinator, school-level investigations were critically lacking. The 407 forms show that employees hardly ever made telephone calls to the family on the second day of absence, and they rarely mailed out post-cards on the third day. Many 407s lack any marking from the school officials, suggesting that they made no attempt to find the child at all.

The schools hardly ever generated the 407s on schedule. None in District 6 ever generated a 407 when a child missed the first five days of class; the "no-show" 407s were usually not generated for at least a few weeks. In addition, few sent 407s after students missed 10 consecutive days; one school waited until more than one hundred absences had occurred before sending out a 407, even though the child had missed classes almost every day. None generated 407s after two days for "known truants," as stipulated by the Chancellor's Regulations.⁵² Also, schools often generated many 407s on the same day, raising questions about whether 407s were produced on time. The lack of supervision is perhaps best illustrated by I.S. 252: seven 407 forms were generated for absent students, and Alvarez investigated, only to find the students still attending I.S. 252, just in different classes.

⁵²Regulation of the Chancellor A-210 (6.3.1).

Second, schools failed to produce adequate attendance plans, the document which details exactly which staff members have attendance roles and how the searches for students should take place. Eleven schools did not provide the district with any attendance plan whatsoever.⁵³ This effectively meant that the district had no idea what plan, if any, was in place to find absent students.

Those schools which did produce plans did not meet the requirements specified in the Chancellor's Regulations and the Chancellor's memo. Incredibly, one school attached the memo even though the plan itself violated the directives of that very memo. Although Wilma Gonzalez collected these attendance plans, she did not inspect them to see if the Chancellor's regulations were met. Thus, with no meaningful oversight, the schools formed attendance plans which did not follow regulations. The following are examples which indicate a district-wide problem:

☞P.S. 5: According to its attendance plan, after a student is absent ten days and the family worker has been unsuccessful in finding the student, the student is simply discharged. This contradicts the need of the attendance teacher to investigate "no-shows" before the register may be cleared.⁵⁴

☞P.S. 132: At this school, if a student is absent two days, the family worker calls the parents. The next action taken is not until the fifth day of absence, when a postcard is sent out. Finally, on the tenth day of absence, the family worker investigates. This contradicts the regulations, which say a postcard must be sent out on the third day and telephone contact must be attempted continually after the second day. In addition, the family worker should investigate *before* the tenth day of absence; after that, the case must be sent as a 407 to the attendance

⁵³Wilma Gonzalez, the director of pupil personnel services in 1995-96, insisted that all schools submitted plans; yet Sandra Anazagasti, the current director, said she gave this office all plans submitted to the district. The schools which did not submit plans were elementary schools 4, 18, 28, 48, 98, 128, 153, 173, 187, 192, and 223.

⁵⁴Regulation of the Chancellor A-24 (2.1).

teacher.

Also at P.S. 132, it is sometimes the family worker who investigates 407 forms rather than the attendance teacher: "[B]ecause there is only 1 attendance teacher for the entire school district, school family workers sometimes conduct the follow-up to 407 forms during certain periods of the year, i.e. September and December."⁵⁵ Although the school's efforts to alleviate Alvarez's workload is laudable, family workers cannot discharge students as "not found." Although the attendance teacher can use information from family workers to help him, he must conduct an investigation himself.

✍P.S. 152: Even though officials at the school attached the Chancellor's memo to their plan, they violated the procedure in that very memo: they do not provide any steps to be taken between the phone call on the second day of absence and the 407 form on the tenth day.

✍P.S. 528: The official listed as an "attendance coordinator" is actually a school aide, not a pedagogue.

Third, most schools do not have attendance committees. The committee is supposed to author the attendance plan and examine specific cases of "at-risk" students. It should also act as an advisory board to the principal and the names of committee members must be submitted to the superintendent.⁵⁶ Even the schools that have an attendance committee failed to submit the members' names.

Central Bureau of Attendance

Given the disarray of attendance supervision in District 6, one might expect the central Bureau of Attendance to have intervened. Yet the bureau did not, mainly because it felt it had no power to change attendance procedures in the districts. Before the school system was

⁵⁵P.S. 132 attendance plan, p. 4.

⁵⁶Attendance Manual, pp. 61-62. Regulation of the Chancellor A-210 (7).

decentralized, the bureau was the central supervisory agency for the 600 attendance teachers scattered in the city. A clear chain of command existed: attendance teachers, district supervisors, division supervisors, and finally, chief field officer at the bureau. However, after decentralization, attendance teachers were shifted to the district's control, and the supervisory structure was eliminated. The fiscal cuts of the mid-1970s reduced the number of attendance teachers from about 600 to about 200. The bureau still remains, but its staff consists mainly of Lilian Garelick, the assistant director.⁵⁷ Her responsibilities extend only to training and technical support; no districts must follow her advice. Garelick said she was aware of the supervisory problems in District 6 and mentioned to Wilma Gonzalez that the district should hire more attendance teachers. When Gonzalez ignored this suggestion, Garelick felt there was no recourse. However, the Chancellor never lost the power to enforce city-wide standards and Garelick always had the option to notify his office.

⁵⁷The structure of the office was pared down with the repeal of Education Law 2570 in July 1995. Garelick is the top official at the bureau, even though her title is assistant director. Applications are being accepted for the director position until March 10, 1997.

CONCLUSIONS

Regular school attendance is crucial to a child's academic performance. Poor attendance may also be symptomatic of larger problems at home. The Lockwood case illustrates how District 6 endangers students by not following proper attendance procedures. From the district office to the attendance teacher to the schools, officials did little to ensure that absent students -- including the egregiously truant Lockwood children -- were located and returned to school. Even officials who did try to help the family did not call the state abuse hotline.

Similarly, the school system plays an important role in the health and welfare of students. When the rules concerning physical examinations, immunizations, and medical records are not followed, the safety of schoolchildren is jeopardized. In the Lockwood case, school officials repeatedly ignored signs of medical neglect, again failing to report to the hotline.

School employees did not cause Nadine's death; Carla Lockwood allegedly starved her daughter for more than a year. Although it is not clear that a report to the hotline about neglect would have saved Nadine Lockwood, it would have been another attempt to intercede on behalf of a troubled family. All school employees must do everything they can to spot child abuse and ensure that children gain the most from their school years.⁵⁸ Improving attendance procedures and following health regulations are crucial steps towards those goals. Below are recommendations to improve the current system.

⁵⁸As stated in the BOE's guide to reporting abuse and neglect, "[W]hile reporting does not guarantee that the handling of the situation will be 100 percent effective, not reporting guarantees that, if abuse or neglect exists, the child will continue at risk of further harm or even death." Identifying and Reporting Suspected Child Abuse and Neglect, p. 117.

RECOMMENDATIONS

Much must be changed to improve attendance tracking, from the school level to the central Bureau of Attendance. Many of these recommendations involve merely enforcing the procedures already established in the Chancellor's Regulations. This is not the first time this office has suggested that attendance procedures be improved. In September 1995, following the death of Quentin Magee, a special education student, we urged the BOE to enforce its directives and to train attendance personnel. In response, Chancellor Cortines reiterated the need to adhere to the regulations already in place. That action was clearly insufficient to protect the students of District 6. The following recommendations must be implemented in order to exact real change and help prevent another tragedy from occurring.

Disciplinary Recommendations

John Alvarez, the sole attendance teacher in District 6, conducted inadequate investigations, made false entries on reports, and did no documented follow-up on cases. He routinely opened cases late and did not call the state abuse hotline. In some instances, he discharged students as "not found" without ever attempting a home visit or telephone call. Concerning the Lockwood family, Alvarez discharged Nicole Lockwood as "not found" without completing a full investigation, and ended his search for Nathan without finding him or speaking to his mother, Carla Lockwood. He failed to recognize that the four children were all chronically absent, something which even a cursory inspection of the siblings' records would have revealed. Alvarez's reckless disregard for the children of District 6 warrants his termination from his position with the BOE and should be considered if he reapplies for any position. We make this recommendation stressing that District 6 should not see this as an opportunity to phase out another job; rather, the district should replace Alvarez with a

competent attendance teacher.

Concepcion Luna, the guidance counselor for Nathan, Natasha and Nicholas, is one of two people who recognized the attendance and medical problems with all four school-aged Lockwood children. Luna clearly cared about the Lockwood children, yet she failed to intervene properly. She did not notify the nurse in October 1995 when she noticed that the children had incomplete immunizations. She did not track the students' attendance even though she knew their mother held them out of school the year before. Luna failed to call the hotline, partly because she did not understand the reporting procedures, but partly because she simply gave Carla Lockwood too many chances. Luna also failed to keep Alvarez updated on the case, not informing him about the total family picture, something which might have spurred him to take action. Although by New York State law and Chancellor's regulations she was only mandated to call the hotline -- which she failed to do -- common sense further dictates that Luna should have urged Alvarez to do something about a family with such a poor attendance record. We recommend strong disciplinary action against Luna which could appropriately include termination of her employment with the Board. Moreover, she should be retrained in reporting suspected child abuse.

Jacqueline Merrill, the nurse for Nathan, Natasha and Nicholas, is the other person who recognized the extent of the medical and educational neglect involving all four children. She met with Carla Lockwood but was unsuccessful at getting her to meet her children's medical needs. Merrill failed to call the hotline, even after writing on her notes that she suspected abuse. She also failed to alert John Alvarez about the problems in the family concerning attendance. We will refer our findings to the Department of Health for possible disciplinary action.

James Roberts, Jr., former principal of P.S. 4, failed to implement any attendance procedures besides rudimentary record-keeping. He did not name an attendance coordinator and left an inexperienced secretary in charge of locating absent students. He did not create an attendance plan or an attendance committee, both mandated by the Chancellor's regulations. He should be disciplined. **Delois White**, the new principal at P.S. 4, must implement new attendance procedures in accordance with the regulations.

Leslie Alexander, principal of the Muscota New School, failed to create an attendance procedure and did not comply with BOE regulations regarding searches for absent students. The school hardly ever created 407 forms, and neglected to do so for Natasha, even after she was absent for 10 days in a row. Alexander did not follow up on a letter which demanded that Carla Lockwood produce medical records for Natasha. She should be disciplined and must implement an attendance policy in accordance with the regulations.

Sharon Katz, Nathan's second grade teacher at P.S. 4, failed to call the hotline despite knowing about Nathan's chronic attendance problem. For months she did not report his absences -- which began almost as soon as Nathan began school in October 1995 -- to the school administration. She waited until April to request that Nathan be evaluated for special education. She should be disciplined and trained in reporting educational neglect.

Liza Hernandez, Natasha's first grade teacher at the Muscota New School, failed to call the hotline despite noting in Natasha's progress reports her severe absence problem. She also did not recognize that Nicole Lockwood, who brought Natasha to school and took her home at the end of the day, was not attending school herself. Even though there was no formal attendance procedure implemented in the Muscota New School, Hernandez, as a mandated reporter, was responsible for calling the hotline. She should be disciplined and trained in

reporting educational neglect.

Marian Spolter, Nicholas' kindergarten teacher at P.S. 4, waited until Nicholas missed 34 days before reporting the problem to the guidance counselor. She also failed to call the hotline to report educational neglect, despite Nicholas' continued absence. Spolter promoted Nicholas to first grade at the end of the year, even though he was absent 74 days and late 44 days. She should be disciplined and trained in reporting educational neglect.

Wilma Gonzalez, Alvarez's supervisor during 1995-1996, provided no meaningful guidance for the attendance teacher. She claimed to have appointed an official to oversee Alvarez, but that individual, Sandra Anazagasti, said she was merely an intern and did little to supervise Alvarez. Gonzalez did not review the cases of students with attendance problems nor did she ensure that schools sent attendance plans to the district. She should be disciplined.

Annabel George, the district nurse who supervised Merrill, read Merrill's reports which documented the Lockwood children's abysmal attendance record and lack of medical care. Yet she failed to call the hotline after she made an unsuccessful home visit in July 1996. We will refer our findings to the Department of Health for possible disciplinary action.

Sharon Mack, secretary at P.S. 4, was, de facto, the only employee at the school in charge of attendance procedures. Yet as a secretary who worked only four hours a day, she could not fulfill this responsibility. Mack routinely prepared 407 forms late. She has no understanding of proper procedure or the importance her role plays in the attendance process. She must be removed from attendance coordinator duties.

Policy Recommendations: District 6

Schools

Principals in District 6 schools must overhaul their attendance system. As the final arbiter of attendance policy in the schools, the principal must ensure that school officials follow the attendance procedure **already set forth** in the Chancellor's Regulations:

- ✍ The school must call parents **on the second day** of unexplained absence.
- ✍ If the school does not contact the parent on that day, it must send out postcards **on the third day** and continue trying to reach the parents by phone.
- ✍ If attendance problems persist or the student cannot be found by the **tenth day** of unexplained absence, the school must make a 407 report to the attendance teacher.
- ✍ The school's strategy for following up on attendance must be reflected in an attendance plan, submitted to the district.
- ✍ Principals must appoint an attendance coordinator who is a pedagogue, rather than a part-time secretary, to handle attendance. This person should be named in the attendance plan submitted to the district. Also, the principal must explain the attendance regulations to all staff and emphasize its importance to a successful school. The roles of each staff member must be clearly defined and put in writing in the plan.
- ✍ An attendance committee, appointed by the principal, should discuss regularly the school's progress in attendance issues and review individual problem cases.
- ✍ Schools must keep accurate records of students' cumulative files.
- ✍ Schools must ensure that students have physicals and immunizations. Principals must report students lacking these medical requirements to the attendance teacher.

This office also recommends the implementation of **new policies** in order to make

attendance tracking more efficient and accurate:

✍️The attendance coordinator should keep a list of "at-risk" or "known truant" children, and send 407 forms in those cases on the second day of absence. When new students register with a school, the attendance coordinator must examine the child's past attendance to determine whether he is "at-risk."

✍️The attendance coordinator must analyze attendance data for the school on a weekly basis to spot attendance problems.⁵⁹ The new ATS system, which will automatically print 407 forms, should help, but attendance staff must not merely rely on the ATS system. School personnel must receive proper training on how to use ATS.

✍️The school must check with the absent student's siblings, and review their attendance records to determine whether the entire family has attendance problems.

✍️The school must make **two** copies of 407 forms: one for the student's permanent file and a second for the office's consecutive register. The 407 placed in the student's permanent file must remain with that student's records if the student transfers schools.

✍️New schools should not open without an attendance procedure in place.

✍️Schools must prioritize absentee cases and flag those that are urgent. Currently, the attendance teacher receives a stack of 407s without any sense of which case must be investigated first. It must be clearly noted when a child has had a prior 407. If school officials generate more than one for a child in one year, the form should be marked extremely urgent. School officials must check to see whether other siblings are also absent; if they are, the case should be given a high priority. Cases where school officials suspect the student is being kept home -- especially likely at the elementary school level -- must also be flagged as high priority.

⁵⁹This is the policy in some other New York state school districts, including the Cairo-Durham Central School District. Policy 5100, "Student Attendance," Cairo-Durham Central School District, 4D.

☞ Schools must ensure that health records of new students are analyzed. The Lockwood children were enrolled in school for months -- and in Nicole's case, possibly years -- before the nurse noticed they lacked immunizations. Because the health, safety and welfare of our schoolchildren is involved, the "We take them as we can find them," policy revealed by Nurse Merrill, is not acceptable.

☞ Administrators must not pressure the attendance teacher to discharge students before a proper investigation is completed. Alvarez reported that pressure was exerted on him at various schools in the district to do quick and incomplete investigations. While our schools are crowded, encouraging shoddy investigations for absentees must not be a way to open new spaces for students.

Superintendent

The district superintendent must make attendance a priority. Over the past few years, the district has provided no meaningful oversight for the schools and the attendance teacher. The following policies, which are **already in place**, must be followed:

☞ The superintendent must designate an official to oversee attendance. That person must update the district attendance plan and collect and review the school plans. Those documents must be submitted for the following school year by May 30. New schools must submit their proposals before opening. The official must check to see whether the school plans meet the guidelines in the Chancellor's Regulations; he must make sure each school names an attendance coordinator.

☞ The superintendent's designee in charge of attendance must supervise the attendance teacher. That supervision must include regular meetings with the attendance teacher, reviews of "not found" cases, and assistance in prioritizing cases.

✍ The designee should work with schools and ATS officials to ensure that 407 forms generated in the schools are printed directly to the district office printer, reducing the lag time before which the attendance teacher receives the 407s.

The following **new policies** should be implemented in order to improve the district's attendance procedures:

✍ The district must provide the attendance teacher with a space to work, a phone, files, and access to an ATS computer.

✍ The superintendent must revisit his policy on attendance teacher hiring. The attempts to eliminate Alvarez's position without examining the effect on attendance procedure are irresponsible. The deputy superintendent, Dr. Martin Miller, said a good attendance teacher would pay his own way if he brought back 20 students to school early in the year. But Dr. Miller said he will probably not fill Alvarez's position. This decision must be reexamined and more thought given to attendance teacher hiring policy.

✍ We recommend that the Chancellor closely examine the level of improvement in attendance procedures when reviewing the district superintendent's contract.

Attendance Teacher

The attendance teacher must have excellent investigation techniques. He must keep accurate files and document all follow-up, including a reinvestigation after a student is classified as "not found." The "not found" discharge is dangerous since it effectively removes a child from the BOE system without locating him; it should be used only in the rarest of circumstances. Before dismissing a student as "not found," the attendance teacher must use all available means to find the student, including postal services, HRA information, neighbors, siblings, and building superintendents.

As a mandated reporter of child abuse, the attendance teacher must report any suspected neglect **immediately** to the State Central Register hotline. Designating a student as "not found" effectively erases the student from the school's radar; serious investigation must be completed before a child is discharged "not found."

Policy Recommendations: Citywide

Central Bureau of Attendance

The Bureau of Attendance must take a more active role in attendance policy. The following recommendations for the office will help improve attendance services:

✍️The bureau must organize city-wide attendance procedures in a clear fashion.

In the Magee report, this office urged the board to rewrite the attendance manual, last updated in 1991. This recommendation went unheeded. We again urge the board to update its policies and clarify and simplify the roles of each official with regards to attendance policy. ✍️The bureau must review the district attendance plans submitted to the office and make sure they are in line with the Chancellor's Regulations.

✍️The bureau must concretely define what a "known truant" student is -- currently, no schools use this designation to generate 407 forms early. A concrete definition, with allowances for flexibility depending on the case, would encourage schools to generate 407s for students absent numerous times, even if they are not absent for 10 days in a row.

✍️The bureau should alter the cumulative attendance form to have a space for 407 form records. When a student, like Nicole, transfers, the new school could look at the cumulative form to see whether the child has had 407 forms generated in the past. This way, if the child is absent in the new school, it will immediately consider her case a priority, recognizing the past history with attendance problems.

✍️The bureau should also set a maximum waiting period before a 407 is investigated, preventing attendance teachers from waiting weeks to open cases, as John Alvarez did.

✍️The bureau should hold training sessions with members of the police department to brief attendance teachers on better investigative techniques.

✍️ Most important, school officials must be retrained in spotting and reporting cases of neglect to ACS. Luna, the guidance counselor, was concerned about the Lockwood children, but did not understand that another report to the hotline would have alerted child welfare officials. The Bureau of Attendance should coordinate with the Child Abuse and Neglect Prevention Program to train all school staff. A report from this office three years ago recommended that the Chancellor's regulation A-750, which describes the rules for reporting child abuse, be distributed to all teachers and staff.⁶⁰ Although officials did distribute the newly formulated regulation, employees clearly need a better explanation of their role as mandated reporters.

✍️ The Chancellor should take this report into consideration when selecting a director for the Bureau of Attendance.⁶¹

Central Board and Other Districts

The lack of oversight in attendance procedures extends beyond District 6. While this report focuses on the inadequacies in District 6, the danger exists that schools throughout the city are not following procedures.⁶² *All superintendents and principals* must review their attendance procedure and follow the regulations already in place.

We urge the Chancellor to seriously weigh superintendents' performance in attendance issues before renewing their contracts.

A minimum attendance policy has been implemented in other districts in the state and would merit review here.⁶³ Clearly, allowing a chronically absent student to be promoted to the

⁶⁰"An Investigation into the Failure of Personnel at P.S. 30/31 Manhattan to Report Suspected Child Abuse," February 1993, p. 12.

⁶¹Applications are currently being accepted for this position until March 10, 1997.

⁶²A survey of schools across the city found that many do not follow attendance regulations.

⁶³For example, in the Cairo-Durham Central School District, students may not be absent from a class 30 times for a full-year class or 15 times from a half-year class. That district allows students to make up missed classwork,

next grade should be the exception rather than the norm. Students with attendance records similar to the Lockwood children face an uphill battle to meet academic requirements. We urge the Chancellor to consider making excessive absence a reason not to promote students, allowing for an exception where a child has clearly demonstrated that he or she can meet academic requirements.⁶⁴

however. See Policy 5100, "Student Attendance," Cairo-Durham Central School District, 5A. See also "Questions and Answers Associated with Pupil Services," by Carl Friedman and John Soja. State Education Department, March 1996, p.14; and August 1995 Memorandum from Kathy A. Ahearn, counsel and deputy commissioner for legal affairs, concerning Analysis of the Law on Attendance Policies, p.3.

⁶⁴Luna said that if given the choice, she would not graduate a student if he had missed more than 25 days. However, she said, there is often pressure to move students ahead because of space restrictions.