

COMMITTEE ON EDUCATION JOINTLY WITH  
COMMITTEE ON GENERAL WELFARE JOINTLY WITH  
COMMITTEE ON CRIMINAL JUSTICE 1

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION JOINTLY WITH  
COMMITTEE ON GENERAL WELFARE JOINTLY WITH  
COMMITTEE ON Criminal JUSTICE

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October 13, 2023  
Start: 10:20 a.m.  
Recess: 1:54 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Rita C. Joseph, Chairperson of the  
Committee on Education

Diana Ayala, Chairperson of the  
Committee on General Welfare

Carlina Rivera, Chairperson of the  
Committee on Criminal Justice

COUNCIL MEMBERS OF COMMITTEE ON EDUCATION:

Alexa Avilés  
Carmen N. De La Rosa  
Oswald Feliz  
Shahana Hanif  
Kamillah Hanks  
Shekar Krishnan  
Linda Lee  
Farrah N. Louis  
Julie Menin  
Mercedes Narcisse  
Lincoln Restler

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COMMITTEE ON CRIMINAL JUSTICE 2

COUNCIL MEMBERS OF COMMITTEE ON EDUCATION:  
(CONTINUED)

Pierina Ana Sanchez  
Althea V. Stevens  
Sandra Ung

COUNCIL MEMBERS OF COMMITTEE ON GENERAL WELFARE:

Crystal Hudson  
Linda Lee  
Lincoln Restler  
Althea V. Stevens  
Sandra Ung

COUNCIL MEMBERS OF COMMITTEE ON CRIMINAL JUSTICE:

Shaun Abreu  
David M. Carr  
Shahana Hanif  
Mercedes Narcisse  
Lincoln Restler  
Althea V. Stevens

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COMMITTEE ON GENERAL WELFARE JOINTLY WITH  
COMMITTEE ON CRIMINAL JUSTICE 3

A P P E A R A N C E S

Glenda Esperance, Superintendent of Department  
of Education District 79

Nancy Ginsberg, Deputy Commissioner at  
Administration for Children Services

Francis Torres, Deputy Commissioner at  
Department of Correction

Shareef Rashid, Principal at Passages Academy

Tonya Threadgill, Principal at East River  
Academy

Elisabeth Bernard, Staff Attorney for the  
School Justice Project at Advocates for  
Children of New York

Anna Arkin-Gallagher, Supervising Attorney and  
Policy Counsel on the Education Practice at  
Brooklyn Defender Services

Husein Yatabarry, Executive Director of Muslim  
Community Network

Paulette Healy, member of the Citywide Council  
on District 75 and a member of Parents for  
Responsive Equitable Safe Schools

Daniel Gerard, Senior Staff Attorney at  
Children's Rights

Crystal Baker-Burr, Director of the Education  
Defense Project at the Bronx Defenders

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COMMITTEE ON CRIMINAL JUSTICE 4

A P P E A R A N C E S (CONTINUED)

Melissa Andra, Legal Aid Society

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COMMITTEE ON CRIMINAL JUSTICE

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1  
2 SERGEANT-AT-ARMS: This is a prerecorded  
3 sound test for the Committees on Education, Criminal  
4 Justice, and General Welfare. It's being recorded in  
5 the City Council Committee Room by Michael Leonardo.  
6 Today's date is Friday, October 13, 2023. Thank you.

7 SERGEANT-AT-ARMS: Good morning and  
8 welcome to today's New York City Council joint  
9 hearing for the Committees on General Welfare,  
10 Education, and Criminal Justice.

11 At this time, we ask that you silence all  
12 cell phones and electronic devices to minimize  
13 disruptions throughout the hearing.

14 If you have testimony you wish to submit  
15 for the recognize, you may do so via email at  
16 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Once again, that is  
17 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

18 At any time throughout the hearing,  
19 please do not approach the dais.

20 We thank you for your cooperation.

21 Chairs, we are ready to begin.

22 CO-CHAIRPERSON JOSEPH: Good morning and  
23 welcome to today's Education, General Welfare, and  
24 Climate Justice Committee oversight on educational  
25

programming in detention facilities. I am Rita Joseph, Chair of the Committee on Education.

I am joined by my Colleagues, Deputy Speaker Ayala, Chair of the Committee on General Welfare, and Council Member Rivera, Chair of the Committee on Criminal Justice, whom we will hear from shortly.

Thank you to everyone present here today and to those of you who are testifying remotely. I would like to thank New York City Public Schools, the Administration for Children Services, and the Department of Correction for being here today to provide testimony and answer Council Member questions on this critical matter.

At today's hearing, we will also hear testimony on Introduction number 542 sponsored by Council Member Mercedes Narcisse, which is a local law to amend the Administrative Code of the City of New York in relation to requiring the Department of Education, the Administration for Children Services, and the Department of Correction to report on educational programming for juvenile delinquents, juvenile offenders, and adolescent offenders. Students who are detained are granted the same

educational rights as their peers in traditional setting. It is imperative that we recognize these rights as quality educational programs play a vital role in shaping the futures of detained students and society at large.

In addition, many of these students experience an interruption in learning due to placement, and it is therefore critical that they receive continued and consistent access to educational programming while detained as well as proper transitional support when they leave to ensure their long-term academic success.

Unfortunately, we've received reports that this has not been the case. Classrooms are being turned into jail cells, staffing shortages are causing students to miss class, and emergency lock-ins during school hours are leaving students to complete packets of homework on their own time. As a forever educator and a mom, I'm deeply disheartened by these reports. Our obligation to provide proper educational services and mental health support to students does not end when they enter the justice system. It intensifies. Research shows that quality educational programming that offers students an

opportunity for personal growth and skill development while detained can help reverse the school to prison pipeline, empowering incarcerated students to break the cycle of crime and redefine their future.

At this hearing, the Committees are interested in understanding how the Administration delivers educational programming students are entitled to under the law with a particular focus on services provided to students with disabilities. The Committees are also interested in learning what efforts are being made to ensure that quality educational programming is implemented on a consistent basis. Finally, the Committees would like to understand what metric New York City Public Schools use to determine academic success and how all agencies collaborate to ensure that this success continues after students exit placement.

Before turning to Deputy Speaker Ayala and Chair Rivera, I would like to thank the Committee Staff as well as my own Staff for all of the work they put in for today's hearing.

I would like to also acknowledge my Colleagues that are present, Council Member Ung, Council Member Rivera, Council Member Hanks, Council

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Member De La Rosa, Deputy Speaker Ayala, Council  
Member Lee, Council Member Restler, Council Member  
Hanif, Council Member Hudson, and Council Member  
Carr.

Now, I will turn to my Colleague, Deputy  
Speaker Ayala.

CO-CHAIRPERSON AYALA: Good morning,  
everyone, and welcome to today's hearing. My name is  
Diana Ayala, and I am the Deputy Speaker of the New  
York City Council and the Chair of the General  
Welfare Committee.

Today, our Committee is joining the  
Committee on Education and the Committee on Criminal  
Justice to hold this oversight hearing on educational  
programming in juvenile detention facilities. We need  
to set young people in juvenile detention up for  
success. However, the opposite is occurring when it  
comes to educational programs offered to this  
population. Earlier this year, ACS confirmed that  
classrooms in its detention centers have been used to  
separate detainees from each other as a security  
measure, effectively being repurposed as jail cells.  
A photo of a young detainee hunched over a school  
chair with a sheet over his head was published by

1 Gothamist in June 2023. It underscored the ways in  
2 which juvenile detention promotes the educational  
3 failure of young people in detention. We are also  
4 notably seeing significant increases in the average  
5 daily population in juvenile detention. From Fiscal  
6 Year '22 to Fiscal Year '23, the average rose from  
7 170 to 233 youth.  
8

9 Today, we are looking to hear about how  
10 the respective agencies present today are promoting  
11 the academic success of youth in juvenile detention  
12 while also ensuring their safety. I am personally  
13 interested in learning about how the agencies are  
14 meeting the social, emotional, and mental health  
15 needs of these youth. I look forward to hearing from  
16 the Administration and advocates today and gathering  
17 much needed feedback on this oversight topic.

18 Also, I would like to thank the Committee  
19 Staff for their work in preparing for this hearing,  
20 Aminta Kilawan, Senior Legislative Counsel, David  
21 Romero, Legislative Counsel, Jillian Keyes, Legal  
22 Extern, Julia Haramis, Unit Head, Saiyemul Hamid,  
23 Finance Analyst, Rose Martinez, Assistant Deputy  
24 Director, and finally my Chief-of-Staff, Elsie  
25 Encarnacion.

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I would now like to turn it over back to  
my Co-Chair, Council Member Joseph.

CO-CHAIRPERSON JOSEPH: Thank you, Deputy  
Speaker Ayala.

I'd like to turn it over now to Council  
Member Rivera.

CO-CHAIRPERSON RIVERA: Good morning. I'm  
Council Member Carlina Rivera. I'm Chair of the  
Council's Committee on Criminal Justice.

I'd like to welcome everyone here and  
thank Chairs Joseph and Ayala for partnering with me  
to convene today's oversight hearing on educational  
programming in detention facilities.

On any given day, there are approximately  
500 to 550 young adults, 18 to 24 years old, in DOC  
custody. These young adults are entitled to an  
education to help them achieve a high school diploma  
or a high school equivalency diploma. Yet, in the  
2021 to 2022 school year, the most recent school year  
for which there is complete data, just 20 percent of  
the young people in custody ages 18 to 21 enrolled in  
the Department of Education's East River Academy. The  
average daily attendance at East River Academy in the  
2022 to 2023 school year was 49, up from the pandemic

1 low of 11 in the 2020 to 2021 school year, but not  
2 quite to pre-pandemic levels. I expect to hear from  
3 our witnesses today on what can be done to boost  
4 attendance rates and ensure everyone entitled to  
5 attend school knows that they have that right.  
6

7 I'm also concerned about how consistently  
8 young adults in DOC custody are able to attend class.  
9 Due to the rising level of violence, educational  
10 programming is frequently interrupted by alarms and  
11 lockdowns, making it impossible for students to  
12 learn. We have also heard that a lack of escorts  
13 causes students to arrive late or even miss school  
14 entirely. These issues are even worse in restrictive  
15 housing units. Education is a critical key to  
16 rehabilitation and successful re-entry for young  
17 adults.

18 Today, I look forward to hearing from the  
19 Department about the ways in which its policies,  
20 practices, and programs support the goal of ensuring  
21 young adults in the City's care and custody have an  
22 adequate education.

23 Thank you very much, and I'll turn it  
24 back over to Chair Joseph.  
25

1  
2 CO-CHAIRPERSON JOSEPH: Thank you, Chair  
3 Rivera.

4 Before we swear in the Administration,  
5 we'll also hear from Council Member Narcisse, the  
6 sponsor of Introduction 542 to deliver some remarks  
7 on her legislation.

8 COUNCIL MEMBER NARCISSE: Good morning,  
9 everyone. Good morning, Chairs, and thank you for the  
10 opportunity.

11 We all know that education is critical  
12 for a society to move forward so I'm so happy and so  
13 grateful that you're all here to support us, to help  
14 us shape our city. Most importantly, I want to say  
15 thank you to our Legislative Body that helps us to  
16 shape our educational system to make sure that it  
17 works for everyone. I thank you all because this is a  
18 time that we need to do the right thing by everyone.  
19 I thank the Committee for convening today in an  
20 effort to significantly impact the lives of young  
21 folks that live in our city.

22 Juvenile children are very important to  
23 all of us I believe. I always say they're all born  
24 gifted and talented if they get the structure needed

1 for them to advance forward, and we have to make sure  
2 we create the access to all of them.

3  
4 My proposed bill, Intro. 542, is not just  
5 about enforcing an annual report. It's a call for us  
6 to be accountable and to improve the educational  
7 opportunities to provide to our youth in our  
8 Administration for Children Services, ACS, and the  
9 Department of Correction, DOC, facilities. This  
10 report on program enrollment of valuable services and  
11 related incidents are essential, but they are  
12 ultimately about the larger picture, the future we  
13 are shaping for these young people who have faced  
14 challenges early in their lives. As we delve into  
15 this, I ask each of you to see beyond the statistic.  
16 Let's recognize these youth as individuals with  
17 potential and promise deserving our utmost efforts to  
18 provide them with the tools needed to succeed for the  
19 future.

20 Today's insight are pivotal as they will  
21 guide how we as a City and a community extend our  
22 critical effort to support these vulnerable young  
23 folks in our city so I'm counting on you that  
24 whatever shape that we need to take, whatever the  
25 improvement that we have to make to make sure our

1 children have a better future. That's all I can say.  
2 Thank you, Chair. Thank you for the opportunity.

3  
4 CO-CHAIRPERSON JOSEPH: Thank you, Council  
5 Member Narcisse.

6 I'd like to acknowledge Council Member  
7 Avilés, Council Member Narcisse, and Council Member  
8 Abreu.

9 Thank you, Council Member Narcisse.

10 I would like to remind everyone who  
11 wishes to testify today that you must fill out a  
12 witness slip which is located on the desk of the  
13 Sergeant-at-Arms near the front of this room.

14 If you wish to testify on Introduction  
15 542, on the witness slip, please indicate whether  
16 you're here to testify in favor or in opposition to  
17 the legislation.

18 I also want to point out that we will not  
19 be voting any legislation today to allow as many  
20 people as possible to testify. Testimony will be  
21 limited to three minutes per person.

22 I will now turn it over to Committee  
23 Counsel, Nadia Jean-François, to administer the oath.

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COMMITTEE COUNSEL JEAN-FRANÇOIS: Good morning. I will call on each of you individually for a response. Please raise your right hand.

Do you affirm to tell the truth, the whole truth, and nothing but the truth before these Committees and to respond honestly to Council Member questions? Glenda Esperance.

SUPERINTENDENT ESPERANCE: Yes, I do.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Tonya Threadgill.

PRINCIPAL THREADGILL: Yes, I do.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Shareef Rashid.

PRINCIPAL RASHID: Yes, I do.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Nancy Ginsburg.

DEPUTY COMMISSIONER GINSBURG: Yes, I do.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Francis Torres.

DEPUTY COMMISSIONER TORRES: Yes, I do.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Stacey King.

EXECUTIVE DIRECTOR KING: Yes, I do.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
you so much. You can begin your testimony, and we'll  
start with New York City Public Schools.

SUPERINTENDENT ESPERANCE: Good morning,  
Chairs Joseph, Rivera, and Deputy Speaker Ayala,  
and all the Members of the Committees of  
Education, Criminal Justice, and General Welfare  
here today.

My name is Glenda Esperance, and I am  
the proud Superintendent of District 79  
Alternative Schools and Programs at New York City  
Public Schools. I am joined by Shareef Rashid, one  
of our principals at Passages Academy, and Tonya  
Threadgill, Principal of East River Academy, as  
well as other colleagues from New York City Public  
Schools, the Administration for Children's  
Services, and the Department of Corrections. I am  
pleased to be here today to discuss our work to  
provide high-quality educational programming in  
detention facilities and city jails, and I thank  
the City Council for your support of our students.

As background, District 79 is a  
citywide district that is re-imagined by design.  
It is composed of 10 distinct programs, serving

1 approximately 50 thousand students, operating in  
2 about 350 sites across the city. Those range from  
3 multi-classroom settings co-located with New York  
4 City Public Schools high schools on large campuses  
5 to individual classrooms inside community-based  
6 organizations as well as other partner agencies.  
7 In addition, we have targeted programming to  
8 support youths connected to the court system.  
9

10 Many of our students were disconnected  
11 from school prior to enrolling in our programs and  
12 have unfulfilled educational experiences. D79  
13 programs are focused on changing this trajectory  
14 by empowering our students and equipping them with  
15 the knowledge and skills they need to be  
16 successful.

17 District 79 includes the following  
18 programs: Career and Technical Education at Coop  
19 Tech, Services for Student Parents at LYFE, Restart  
20 Middle School Services for our over-age/under-  
21 credited middle schoolers, The Judith S. Kaye High  
22 School and YABCs, which provide services for over-  
23 age/under-credited students working towards  
24 earning a high school diploma, Pathways to  
25 Graduation, which addressing our Under-21 High

1 School Equivalency population, district level  
2 citywide adult education program, which serves  
3 over 21, our student learners who are serving  
4 Superintendent Suspensions receive services through  
5 our Alternate Learning Centers, we have a ReStart  
6 Academy serving our treatment population, and then  
7 Passages Academy as well as East River Academy  
8 serving our youth justice and detention population.  
9

10 Each program is tailored to provide a  
11 distinct pathway to graduation focused on  
12 improving social-emotional as well as academic  
13 outcomes. Our district's priority is to provide  
14 targeted support addressing the individual needs  
15 of our students to help them earn a high school  
16 diploma, high school equivalency and/or CTE  
17 certification, it's to build the skills necessary  
18 to succeed in post-secondary opportunities,  
19 including career and college, and it's to provide  
20 supports and interventions that help students gain  
21 the social-emotional skills necessary to become  
22 confident and productive members of society.

23 As the leader of District 79, I  
24 endeavor each day to ensure that enriched  
25 opportunities become the standard for all,

1 regardless of zip code, classification, or  
2 demographics. I am a proud product of New York  
3 City. I was born and raised in Brooklyn to  
4 immigrant parents and I attended public schools. I  
5 come to this work with 40 years of experience in  
6 public education as a student, a special education  
7 teacher, adult education teacher, Literacy Coach,  
8 Assistant Principal, Principal, Director of School  
9 Quality, Director of Special Education, and now  
10 Superintendent. My roles have given me an  
11 essential grounding and insight into the  
12 challenges of teaching and learning across various  
13 educational settings. My broad and intense  
14 knowledge of academic and social-emotional  
15 learning inspires me to find ways to navigate the  
16 barriers that our students face in detention  
17 centers.  
18

19 Providing high-quality instruction to  
20 detained and incarcerated youth is both a legal  
21 and moral obligation that we continue to invest in  
22 and work hard to improve. D79 is committed to  
23 empowering and helping students earn gateway  
24 credentials toward college and career  
25 opportunities. We collaborate consistently with

1 other City agencies to provide students with  
2 instruction and support on a daily basis. To this  
3 end, D79 operates two schools, Passages Academy in  
4 partnership with ACS and East River Academy in  
5 partnership with DOC.  
6

7           In each one of these settings, we have  
8 leaders who come with the wealth of over 25 years  
9 of academic success. In East River Academy, our  
10 program is led by Principal Tonya Threadgill, who  
11 has served as a teacher, site coordinator,  
12 Assistant Principal, special education teacher,  
13 and now principal as well as a hometown hero.

14           In our Passages Academy, we have  
15 Principal Rashid who has served as a teacher, site  
16 supervisor, Assistant Principal, school  
17 psychologist, and he has led the work as well.

18           D79 provides detained students with  
19 access to the same courses and many similar  
20 extracurricular activities as their peers in  
21 traditional schools. We understand that the  
22 traditional model doesn't work in detention  
23 facilities. Therefore, we offer our students  
24 flexibility to ensure successful outcomes in this  
25 setting, assigning principals, assistant

principals, state certified teachers, guidance counselors, social workers and psychologists to provide academic and social-emotional support to young people and adults in detention.

Passages Academy provides educational instruction, counseling, and transition services to youth in Detention and in Close to Home placements. Each Passages Academy site is designed to meet the needs of the students attending the designated location. In addition, each site collaborates with partner agencies to ensure a safe and meaningful learning environment for students and staff.

Passages Academy operates across seven locations, serving youth in Secure Detention, Non-Secure Detention, Limited Secure Placement, and Non-Secure Placement. Youth in non-secure settings travel to community-based Passages Academy sites to attend school daily while youth in secure facilities attend facility-based Passages Academy school programs. All Passages Academy sites provide a full day of classes with licensed subject area and special education teachers, counselors, and school leaders to meet the

1 educational needs of these students. The  
2 coursework provided is aligned to State  
3 instructional standards, and at the high school  
4 level provides college-ready support systems and  
5 follows the New York State high school graduation  
6 requirements. Teachers are held to the same  
7 standards as their colleagues in other districts.  
8 Our class sizes are small and personalized as part  
9 of our continued efforts toward knowing students  
10 well so that we may better meet students'  
11 individualized academic and social-emotional  
12 needs.  
13

14           While attendance at Passages Academy is  
15 compulsory, detainees attend Passages for a  
16 limited time based on their individual experiences  
17 in the court system. Only a small portion of  
18 Passages students have made enough progress to  
19 meet graduation requirements upon program  
20 admission because fewer than 10 percent are in  
21 12th grade. In addition, only a small number of  
22 our Passages students are enrolled long enough to  
23 have the opportunity to earn a high school diploma  
24 or to pass the GED Test while attending the  
25 program.

1  
2           Still, we provide our students with  
3 access to a wide range of academic classes, and  
4 the high school students are able to earn high  
5 school credits and take Regents exams to ensure  
6 minimal disruption to their education.

7           Parents are, of course, key partners in  
8 this work. Like district schools, Passages has two  
9 full-time parent coordinators and one full-time  
10 family and community engagement liaison. There are  
11 regular family days and parent-teacher  
12 conferences.

13           Unlike other jurisdictions in New York  
14 State, students at Passages Academy remain a part  
15 of the New York City school system and have the  
16 automatic right to return to their home school  
17 upon release. Therefore, when students transition  
18 out of Passages Academy, they can remain within  
19 the same school district that already knows them.

20           Our students' transition begins upon  
21 arrival to the detention center to ensure our  
22 students are prepared for and supported upon their  
23 exit from detention. Last year at Passages  
24 Academy, we hired a Transition Administrator to  
25 ensure consistent supervision, overseeing the

social workers and guidance counselors whose primary responsibilities center on supporting young people and adults when they are released.

I would now like to turn to East River Academy also known as ERA, which is a program operated by New York City Public Schools in partnership with the Department of Corrections.

East River Academy is overseen by one principal. It has an educational team composed of assistant principals, certified general and special education teachers, counselors, and support staff. It offers educational services to students between the ages of 18 and 21 who are detained on Rikers Island. Because everyone at Rikers Island is 18 years or older and beyond compulsory school age, educational services are not mandatory and provided only to those between 18 and 21 who opt-in. To help improve student outcomes, we partner with the DOC to develop a system to identify the educational needs of each young person upon admission as part of their orientation and to have their educational goals and needs factored into their housing placement. All persons between age 18 to 21 are offered the

1  
2 opportunity to enroll in East River Academy to  
3 pursue either a high school or a high school  
4 equivalency pathway, depending on their age,  
5 accumulated credits, and preference.

6           We also collaborate with the DOC to  
7 present incarcerated individuals with  
8 individualized opportunities that include math,  
9 science, ELA which is English Language Arts,  
10 social studies, enrichment courses and  
11 certification courses. If students come in with an  
12 IEP also known as an Individualized Education  
13 Program, they still receive their special  
14 education services. Similar to Passages, a small  
15 student-to-teacher ratio ensures a more  
16 personalized approach. The goal is to give them as  
17 many tools as possible so when they transition out  
18 of incarceration, they're ready to take care of  
19 themselves and grow.

20           To further prepare those ready for  
21 college, East River Academy works hand-in-hand  
22 with CUNY, and last year we worked with the  
23 Borough of Manhattan Community College. Through  
24 Program Impact, BMCC students in the justice  
25 system are provided with mentorship, emergency

1 funding, and support for the college registration  
2 process. If they have a diploma, they go right to  
3 a CUNY school to take classes toward a college  
4 degree, and it's a completely free program.  
5

6 East River Academy staff also engages in  
7 family support in a number of ways. The school  
8 holds parent-teacher conferences regularly, just  
9 as other DOE schools do, and engages our families  
10 through virtual meetings and family connection  
11 newsletters.

12 Similar to Passages, East River Academy  
13 also focuses heavily on transition planning. As a  
14 result, ERA students are provided with a seamless  
15 transition into a range of different educational  
16 programs while remaining part of a district that  
17 they are familiar with and is familiar with them.

18 At our recent graduation, the keynote  
19 speaker stated, "Unfortunately, we come from  
20 neighborhoods where the mentality that most of the  
21 young men live with is a survival mindset... But the  
22 problem with living in survival mode is that it's  
23 hard to see a future for yourself."

24 Our keynote speaker spent 11 months on  
25 Rikers Island, where he enrolled in East River

1 Academy. After earning his GED from East River  
2 Academy, he pursued a degree in sociology and  
3 African American studies at Columbia University,  
4 founded the Justice Ambassadors Youth Council at  
5 Columbia University's Center for Justice in 2019,  
6 and, in 2021, became a Truman Scholar at Columbia  
7 University's School of General Studies. He also  
8 said, "Earning a college degree was the biggest  
9 predictor towards a stable, healthy, and  
10 productive life after incarceration." He shared  
11 the following closing statement to the graduates:  
12 "Proper preparation prevents poor performance You  
13 will need a solid plan to follow as a guide. Don't  
14 leave anything to chance. Don't leave here with  
15 the same mentality you had when you came in. Don't  
16 leave here without knowing what you want to do  
17 with your life." That vision is what we aspire to  
18 for all our students in East River Academy.

19  
20 I would also like to share some of the  
21 new and expanded initiatives that we plan on  
22 taking on to ensure that high-quality education  
23 continues at both of these facilities. I would be  
24 remiss if I didn't address the fact that our  
25 entire city battled through a pandemic, which took

1 a toll on each of us. The interrupted instruction  
2 caused by COVID-19 shined a glaring light on the  
3 need for our programs to continue prioritizing  
4 high-quality academic instruction and emotional  
5 support for students and staff. That experience  
6 led us to launch new initiatives and expand work  
7 on existing priorities. Those include: Increasing  
8 instructional programming to nurture the needs of  
9 the whole child or whole student, including  
10 enrichment and social-emotional learning programs,  
11 also strengthening our partnership with District  
12 75 as well as New York City Public Schools Special  
13 Education central offices to facilitate  
14 professional learning to all teachers in detention  
15 centers with an emphasis on de-escalation,  
16 relationship building and specially designed  
17 instruction for pedagogues, and, finally, creating  
18 a student steering committee that meets regularly  
19 because we want to ensure the inclusion of student  
20 voice.  
21

22 Now, let me briefly turn to the proposed  
23 legislation, Intro. number 542, which requires  
24 reporting on educational programming for juvenile  
25 delinquents, juvenile offenders, and adolescent

1 offenders. We support the goals of this bill and look  
2 forward to working with the Council to ensure that  
3 the reporting requirements align with our current  
4 programming model and practices.

5  
6 We are committed to ensuring that New  
7 York City students have access to a high-quality  
8 education in all settings. Our city has a  
9 distinct, unified district dedicated not only to  
10 supporting the education of our students in  
11 detention and jail but also designed to promote  
12 smoother and more thoughtful pathways to high  
13 schools, transitional programs, and continuing  
14 education upon re-entry.

15 We greatly appreciate our existing  
16 partnerships with Chair Joseph and Council Member  
17 Narcisse. We know we have more work to do, and we  
18 look forward to our continued partnership with the  
19 City Council in order to enhance the educational  
20 experience of students in detention. Thank you.

21 CO-CHAIRPERSON JOSEPH: Thank you. I'd  
22 like to acknowledge Council Member Menin, Council  
23 Member Louis, and Council Member Stevens.

24 DEPUTY COMMISSIONER GINSBURG: Good  
25 morning. My name is Nancy Ginsburg, and I am the

1 Deputy Commissioner for the Division of Youth and  
2 Family Justice at the Administration for Children's  
3 Services. I want to thank Deputy Speaker Ayala, Chair  
4 Joseph, Chair Rivera, and the Members of the General  
5 Welfare, Education, and Criminal Justice Committees  
6 for holding today's oversight hearing on educational  
7 programming in detention facilities.  
8

9           DYFJ oversees and manages the continuum  
10 of services from prevention for youth in the  
11 community to those young people facing charges in  
12 Family and Supreme Court. Our services include  
13 intensive family counseling, alternative to detention  
14 programs in Family court, non-secure and secure  
15 detention and Close to Home placement facilities.  
16 With regard to detention, ACS manages two secure  
17 detention facilities, Horizon in the Bronx and  
18 Crossroads in Brooklyn, and oversees seven nonsecure  
19 detention facilities operated by our non-profit  
20 partners.

21           Education is essential for the youth  
22 across our continuum so that they can reach their  
23 full potential. I have spent my career focused on  
24 education for court-involved youth and, since coming  
25 to ACS, I have prioritized strengthening all that ACS

1 can do to enhance and further the education and  
2 educational outcomes for youth generally and the  
3 youth in detention more specifically. I want to thank  
4 my colleagues at New York City Public Schools for all  
5 that they do each and every day to teach and support  
6 the students in detention and throughout our  
7 continuum.

9           As their testimony explained in more  
10 detail, Passages Academy provides the education on-  
11 site in our secure detention facilities and at Bronx  
12 Hope and Belmont for youth in non-secure detention.  
13 The focus of Passages Academy teachers and leadership  
14 on engaging the young people in school and providing  
15 them with the knowledge and skills to succeed in life  
16 is critical, and I thank them for all that they do.

17           While New York City Public Schools is  
18 responsible for education in detention, ACS is  
19 responsible for encouraging and escorting youth to  
20 school and enhancing educational services by  
21 coordinating college courses, tutoring services and  
22 after-school programming, and vocational training for  
23 youth in detention. ACS and NYCPS have increased our  
24 commitment to collaboration to enhance and improve  
25 educational outcomes for young people in custody. I

1 will focus my testimony on updating the Council on  
2 these aspects of our work.

3  
4 In secure detention, all youth who are  
5 compulsory school age are required to go to school.  
6 Compulsory school age in New York City is the year  
7 you turn 17 measured at July 1st of the year. There  
8 are many youth in detention who are older than  
9 compulsory age and not legally required to go to  
10 school, but we encourage these young people to attend  
11 school, be it high school, GED, or college courses.  
12 Youth placed in non-secure detention are also  
13 required to go to school.

14 Many young people in detention were  
15 disconnected from or behind in school prior to  
16 entering detention. A key component of our work is  
17 engaging or re-engaging youth in education. We have  
18 done this by encouraging an environment that embraces  
19 and supports education. As a result of this work,  
20 secure detention produced a record number of  
21 graduates in the last school year, 34 students  
22 achieved their graduation goals, 7 graduated from  
23 middle school, 13 students received a high school  
24 diploma, and 14 students completed their GED.

1  
2           A critical component of last year's  
3 success was due to the ACS' recruitment of staff  
4 members who serve as school liaisons in both secure  
5 detention facilities to promote the focus on  
6 education. This school-based team is responsible for  
7 encouraging young people to attend and participate in  
8 school, which significantly improved engagement and  
9 attendance across both facilities. Not only did this  
10 increase attendance, but it helped to change the  
11 culture, building facility-wide enthusiasm in support  
12 of education.

13           As the population in secure detention is  
14 older and includes more young people ages 18 to 20  
15 who are not compulsory age, we have been increasing  
16 opportunities for high school equivalency options and  
17 college courses. ACS and NYCPS worked collaboratively  
18 to adapt classroom spaces into computerized testing  
19 spaces, including physically retrofitting the space  
20 to allow NYCPS to administer the GED exams. Since  
21 this advance, we have seen an increase in the number  
22 of youths obtain their GED diplomas. We also offer  
23 on-site SAT testing and tutoring and are continually  
24 expanding our relationships with college partners and  
25 college access organizations that support youth in

1 achieving their educational goals. We are partnering  
2 with several community colleges within the CUNY  
3 network including Bronx Community College,  
4 Kingsborough Community College, Hunter College and  
5 private institutions including Manhattan College, to  
6 offer college exploration and credit-bearing options  
7 for youth in detention and Close to Home.  
8

9           This past summer, ACS offered a new  
10 course, "Juvenile Justice Ethics," in partnership  
11 with Manhattan College's E3MC program, which is a  
12 multi-partner initiative that offers free college  
13 level courses to those incarcerated and formerly  
14 incarcerated in New York City, and three students  
15 earned college credit in that class.

16           In partnership with Passages Academy,  
17 students can access 33 CLEP preparation courses on  
18 the Modern States Education Alliance platform  
19 available on NYCPS Chromebooks. Taught by college  
20 professors, these asynchronous courses prepare  
21 students to pass the CLEP Exam in order to earn  
22 college credit. In November, Future Now Bronx  
23 Community College will offer an Introductory to  
24 College Offerings followed by a class in the spring  
25 of a Two-Week English Preparatory Writing Workshop to

1 prepare students to help them meet the CUNY  
2 proficiency requirement in English, and Manhattan  
3 College will offer their three-credit course in May  
4 and June at Horizon. In addition, through the Center  
5 for Community Alternatives and as part of their  
6 programming at Crossroads, Hunter College plans to  
7 offer their Introduction to Sociology course in the  
8 fall at Crossroads and potentially at Horizon in the  
9 spring. That class was offered in Horizon last year.  
10 It was extremely popular, and many of our young  
11 people earned college credit. Lastly, we continue to  
12 collaborate with Passages Academy counselors in  
13 planning for College and Career Week in the spring to  
14 expose young people to college knowledge and  
15 vocational opportunities in the community.  
16

17           It is also critical for us to provide  
18 vocational training opportunities for youth in  
19 detention. We offer exploration courses in Real  
20 Estate, Construction, and Automotive Engineering,  
21 personal trainer training, entrepreneur and small  
22 business training, and barbering as well as OSHA  
23 accreditations. This fall, a menu of vocational  
24 services will be provided by Bard Prison Initiative  
25 at Crossroads and by Children's Village at Horizon.

We anticipate that this will provide additional opportunities for engagement for all of our young people, and, in particular, for those who have graduated or are less academically inclined.

Finally, we have also found that students in detention significantly benefit from access to tutoring. In addition to the supports from Passages Academy, students in secure detention receive additional support from tutors. Many of our young people thrive with one-on-one academic supports, which we believe has contributed to the increase in educational success in detention. Through funding from the Youth Men's Initiative with an ACS supplement, ACS was able to expand tutoring services from 6 to 29 tutors last year, providing over 10,000 tutoring sessions, up from 4,000 the prior year. Until this year, tutoring services were provided by Success4Life, and this year Bard Prison Initiative and Children's Village have assumed responsibility for tutoring. Additionally, coaching will be added to the menu of these services.

Addressing Intro. 542 of 2022 which would require ACS and other agencies to report on educational programming data for juvenile

1 delinquents, juvenile offenders, and adolescent  
2 offenders, ACS appreciates the Council's interest in  
3 the educational programming provided in secure  
4 detention and the impact it has on the youth in our  
5 care. We look forward to discussing this bill in more  
6 detail.  
7

8           In conclusion, I would like to take a  
9 moment to thank all of my colleagues who work in the  
10 detention facilities, including the YDS, case  
11 managers, program counselors and school liaisons as  
12 well as the NYCPS teachers and District 79  
13 administration for all that they do every day to  
14 support, care, and educate the youth in detention.  
15 The commitment to their success does not go unnoticed  
16 by myself, the young people in care, or their  
17 families. And finally, I want to once again thank the  
18 Council for your interest and commitment to ensuring  
19 young people in detention are able to achieve their  
20 fullest potential. Thank you.

21           DEPUTY COMMISSIONER TORRES: Good  
22 morning, Chairs Rivera, Ayala, and Joseph, and  
23 Members of the Committees on Criminal Justice,  
24 General Welfare, and Education. I am Francis Torres,  
25 Deputy Commissioner of the Division of Programs and

1 Community Partnerships. I thank you all for this  
2 opportunity to discuss how the New York City  
3 Department of Correction supports individuals in  
4 achieving academic success while in our care.  
5 Access to education is proven to reduce recidivism  
6 and improve outcomes. We make every effort to  
7 encourage those in our care, especially all 18-  
8 through 21-year-olds, to participate in the array of  
9 educational services available to them because it is  
10 their right.  
11

12 I am joined today by Assistant  
13 Commissioner Stacey King whom earlier this year  
14 fully staffed our Educational Services Unit, who  
15 support these efforts with one Program Manager and  
16 three Education Specialists. Our staff meet with all  
17 18- through 21-year-olds who are admitted to the  
18 Department's custody to inform them of their right  
19 to access educational services provided by the New  
20 York City Public Schools. We ensure NYCPS has  
21 dedicated spaces throughout our facilities. We  
22 carefully identify, select, train, and assign  
23 uniformed members to support NYCPS' daily operation,  
24 including escorts to and from school. Over the  
25 years, our partnership has resulted in the rollout

of an annual congregate graduation ceremony, the integration of technology within the school sites at Rikers Island, and a Memorandum of Understanding to afford career and technical education.

Recognizing that peer engagement and support can be a critical motivator for this age group, which we refer to as emerging adults, the Department has developed dedicated school housing areas at the Robert N. Davoren Center, RNDC, for those that are interested in attending school to ensure they live with like-minded peers who are focused on academic achievement. Individuals living in these housing areas are expected to attend school daily and are provided with school uniforms and specialized incentives to create a sense of normalcy and maintain peer-supported motivation for success. In addition to the school housing units at RNDC, we opened an Emergent Adult Program housed at the Rose M. Singer Center to similarly support individuals in that facility who are interested in attending school. This innovative approach as well as the engagement efforts of our Educational Services staff have contributed to increased enrollment and better outcomes for our emerging adults. Due to the success

1 of this initiative, we continue to plan to open  
2 dedicated school houses to meet growing demand so  
3 that our young adults have every opportunity for  
4 success.  
5

6 As an agency, we have also been very  
7 focused on leveraging technology to improve  
8 operations and expand opportunities. We have been  
9 diligently working on the computerization of the  
10 GED exam at our school sites so that students can  
11 take the exam online and receive their scores in  
12 minutes. The first computerized GED exam was offered  
13 at RNDC last year, and we have since expanded testing  
14 to Rose M. Singer and the George R. Vierno Center  
15 with plans to open another site at the Otis Bantum  
16 Correctional Center in the near future. We also  
17 offer the KA Lite application on the tablets  
18 issued to persons in custody, which affords  
19 educational content including math, science,  
20 economics and finance, arts and humanities,  
21 computing, SAT test prep, partner content, college,  
22 careers, and more.

23 Finally, we recognize that learning does  
24 not only take place in a classroom and is not  
25 reserved solely for young people. We proudly partner

1 with Columbia University, Manhattan College, and most  
2 recently LaGuardia Community College to offer credit-  
3 bearing courses in different interest areas. Students  
4 who complete their course are admitted to the  
5 institution to continue their pursuit of a college  
6 degree upon release. Our partnerships with colleges  
7 and universities have allowed 233 individuals to earn  
8 three college credits each while in our care. To  
9 celebrate this achievement, the end of each semester  
10 is marked by a ceremony which includes the student's  
11 family members.  
12

13           Through our partnership with NYCPS and  
14 community-based providers, we offer a robust menu of  
15 workforce development programs including certificate  
16 and certification courses. Certificate courses offer  
17 introductory, hands-on vocational training for in-  
18 demand trades including cosmetology, carpentry,  
19 culinary arts, welding, driving, and barbering. Since  
20 the beginning of this Administration, we have had  
21 over 1,800 enrollments and over 1,600 completions.  
22 In Fiscal Year 2024 alone, there have been 122  
23 enrollments in certificate courses and 122 successful  
24 completions. Certifications are credentials that  
25 verify legitimacy and competency to meet certain

1  
2 criteria and perform a job and include various OSHA  
3 training courses, flagging, scaffolding, and  
4 CPR/First Aid. From January 2022 to present we have  
5 had nearly 5,000 enrollments and over 4,500  
6 certifications earned. So far, this Fiscal Year,  
7 there have been 58 enrollments in certification  
8 courses and 58 certifications earned. Workforce  
9 development courses are afforded primarily in  
10 dedicated classrooms within the schools or at any of  
11 our programmatic centers. The P.E.A.C.E., meaning  
12 Programs, Education, and Community Engagement, Center  
13 located at RNDC consists of dedicated spaces to  
14 conduct automotive, carpentry, digital literacy,  
15 driving simulation, welding, and other courses. It  
16 also includes amenities such as a film screening  
17 room, engineering and music studio, and video and  
18 table-top games. In November 2022, the Department  
19 opened its B.E.A.C.O.N., standing for Building,  
20 Educating, Advancing, and Creating Opportunities for  
21 Networking, Center at GRVC to afford similar  
22 opportunities to individuals housed within that  
23 facility. Individuals who participate in workforce  
24 development programs while in the jails are  
25 connected to community-based workforce programs to

1  
2 continue training and exploring opportunities made  
3 available through our partners post-release.

4 We are grateful for the many strong  
5 partnerships-with NYCPS, colleges, universities, and  
6 community-based organizations that create  
7 opportunities for continued growth for those in  
8 our custody and those reintegrating into our  
9 communities after release. I am available to  
10 answer any questions you may have. Thank you.

11 CO-CHAIRPERSON JOSEPH: I would like to  
12 recognize Council Members Oswald Feliz and  
13 Sanchez. Thank you for joining us.

14 Chair Rivera, you may go.

15 CO-CHAIRPERSON RIVERA: All right. Good  
16 morning. Thank you so much for your testimony. I  
17 want to thank all of the committed educators and  
18 people involved in programming who do this work  
19 every day. I visited Rikers multiple times, and I  
20 have met educators. I remember one specifically  
21 who said that she had been there for decades, a  
22 very, very long time. Thank you for the details on  
23 all of the partnerships, the intro to college  
24 courses, CUNY, Manhattan College, Pathways  
25 Program, career and tech programs so I want to

1 just drill down on the numbers, and I want to  
2 thank the Chairs for being so gracious and  
3 allowing me to ask these questions.  
4

5 How many people in custody are  
6 currently receiving educational programming from  
7 DOE?

8 CO-CHAIRPERSON JOSEPH: Chair Rivera,  
9 can you repeat the question?

10 CO-CHAIRPERSON RIVERA: Absolutely. How  
11 many people in custody are currently receiving  
12 educational programming from DOE and how does DOC  
13 inform students of their eligibility for  
14 educational services?

15 SUPERINTENDENT ESPERANCE: Thank you for  
16 that question. I'm going to allow Principal  
17 Threadgill to give that data.

18 PRINCIPAL THREADGILL: Good morning.  
19 Currently, at East River Academy, the active  
20 enrollment is 201 students. I will defer to the  
21 DOC in terms of how they notify students about the  
22 services.

23 DEPUTY COMMISSIONER TORRES: Good  
24 morning, Chair Rivera. Thank you so much for that  
25 question. All 18- to 21-year-olds receive an

1 educational orientation upon intake. During that  
2 orientation, individuals are informed they have  
3 the right to educational services through NYCPS.  
4

5 CO-CHAIRPERSON RIVERA: How do they  
6 decline those services, and does DOC follow up on  
7 refusals?

8 DEPUTY COMMISSIONER TORRES: Thank you,  
9 again, for the question. When our staff members  
10 are conducting those orientations, any 18- to 21-  
11 year-old is afforded Form 3503B which is a request  
12 to educational services. At that time, keeping in  
13 mind that they are 18 to 21 and they can opt for  
14 educational services, they either accept or reject  
15 or do not accept the service. All of those forms  
16 are delivered to the Department of Education. Do  
17 know that any 18- to 21-year-old who originally  
18 refuses or initially refuses during intake has  
19 every right to change his or her mind during their  
20 detention period at which point they can complete  
21 another 3503 form, can notify any of our  
22 counseling staff as well as housing area officers  
23 in order for them to be produced to the school  
24 floor.  
25

1  
2 CO-CHAIRPERSON RIVERA: How does DOC  
3 track people who have requested to enroll in  
4 school and how does it ensure that people who have  
5 made such a request are enrolled within 10 days of  
6 that request? I think that is what is required by  
7 DOC Directive 3503R.

8 DEPUTY COMMISSIONER TORRES: That's a  
9 great question, Chair Rivera. If you can allow me  
10 to take you through the process in order to make  
11 it succinct and clear.

12 CO-CHAIRPERSON RIVERA: If you could  
13 explain DOE's role in that enrollment process as  
14 concisely as possibly I would really appreciate  
15 it.

16 DEPUTY COMMISSIONER TORRES: Sure. When  
17 it comes to any 18 to 21, they complete that form.  
18 They actually, in completing that form during the  
19 new admission process, if they accept educational  
20 services, the DOC makes every effort to ensure  
21 that once the new admissions process is cleared  
22 and the emerging adult is assigned to a housing  
23 area that we flag it internally for our custody  
24 management division to assign that emerging adult  
25 to one of our school houses at RNDC. Know that the

1 process that we've developed with our partners at  
2 NYCPS is that once we give that request form to  
3 them, they also have access to what we call an  
4 internal report that captures any new admissions,  
5 18- to 21-year-olds, that allows them to go and  
6 develop what is called a call down list. When they  
7 issue to us that call down list, it reflects based  
8 on housing areas the kids that we're supposed to  
9 produce to school on a daily basis.  
10

11 CO-CHAIRPERSON RIVERA: Thank you. We  
12 have heard that DOC is using program houses, I  
13 think you mentioned this in your testimony, to  
14 facilitate access to school in RNDC. Similarly at  
15 the July 18, 2023, DOC meeting, DOC announced that  
16 they established an education house at AMKC where  
17 individuals who express an interest in educational  
18 services live together and DOE instructors come to  
19 the housing unit, eliminating the need for  
20 escorts. Does someone need to be placed in a  
21 program house to access education?

22 DEPUTY COMMISSIONER TORRES: Once again,  
23 thank you, Chair Rivera. The initiative you  
24 described in the question, just for transparency,  
25 that initiative is now transitioned to OBCC

1 because we consolidated AMKC. In establishing the  
2 housing area at OBCC, we are currently in  
3 conversations with the DOE to restart that service  
4 because we do have that program house right now  
5 established at OBCC.

7 Can you repeat your second portion to  
8 your question, please?

9 CO-CHAIRPERSON RIVERA: Sure. Does  
10 someone need to be placed in a program house to  
11 access education?

12 DEPUTY COMMISSIONER TORRES: No, ma'am.  
13 No, Chair. Anyone who is assigned to a school or a  
14 program house is essence allows us the opportunity  
15 to have a shared goal of the population,  
16 facilitating the access to and from school, but  
17 they don't have to be in a program house or a  
18 school house to have access to educational  
19 services.

20 CO-CHAIRPERSON RIVERA: The Council has  
21 repeatedly heard that individuals cannot  
22 participate or they arrive late due to a dearth of  
23 escorts. How are you addressing this, and is there  
24 a staffing shortage for this role?

1  
2 DEPUTY COMMISSIONER TORRES: Thank you,  
3 Chair Rivera, for that. Let's just be open about  
4 this response. We have created school houses and  
5 program houses in an effort to ensure that we rely  
6 heavily on the school staff that we have assigned,  
7 meaning officers. I will not be in front of the  
8 Council and say that the Council and say that we  
9 don't experience challenges because we do continue  
10 challenges with staffing and escorts. Know that  
11 there are delays that are common within our  
12 environment. Some of those could result as a lack  
13 of escort in the housing area. They could also be  
14 because of any safety reasons when we are doing  
15 school production from the housing area into the  
16 school. What we have done in recent times is we  
17 have increased the number of officers assigned to  
18 the main school floor at RNDC. We currently have  
19 increased from five to nine. In doing a revision  
20 of classroom space within the main school at RNDC  
21 and anticipating opening additional classroom  
22 space at RNDC on the main school floor, we are  
23 anticipating adding two more officers to the team  
24 that does school production on a daily basis.

1  
2 CO-CHAIRPERSON RIVERA: There are  
3 challenges I believe is what you're saying. You  
4 mentioned RNDC a couple of times. I want to ask  
5 specifically about this facility. Last year, the  
6 Board of Correction issued a report on lockdowns  
7 that found that emergency lock-ins were  
8 disproportionately concentrated in two facilities,  
9 and one of them was RNDC. According to the report  
10 in September of last year, right at the beginning  
11 of the school year, RNDC was locked down 64 times,  
12 and most of the reported lock-ins that month  
13 occurred between 7 a.m. and 3, the period in which  
14 educational services are provided. To what does  
15 the Department attribute this increase in  
16 emergency lock-ins at the beginning of last year.  
17 The BOC report notes that in September when this  
18 spike occurred, the RNDC had seen decreases in  
19 fights, use of force, and slashing, but I do want  
20 to ask what was the reason for that spike. Are  
21 there any facilities on lockdown right now, and,  
22 when you are on lockdown, can you just confirm  
23 that you cannot access educational services?

24 DEPUTY COMMISSIONER TORRES: I'm really  
25 glad you asked that question. When we talk about

1 lockdowns, we actually as a Department resort to a  
2 lockdown only when there are intense security  
3 concerns for the safety of those assigned to our  
4 care as well as our staff. When it comes to  
5 lockdowns, what I should share with you, Chair, is  
6 that when it comes to cancellations of educational  
7 services, the Commissioner has made it very clear  
8 that educational services, access to and from  
9 school, will continue during those lockdowns.  
10 We've had lockdowns this week at very specific  
11 facilities for security reasons, and, with the  
12 exception of yesterday when we had a delay of  
13 access to the school area, we still have produced  
14 students to the school floor.

16 CO-CHAIRPERSON RIVERA: We've been  
17 informed that RNDC, the facility on Rikers Island  
18 that houses the majority of young adults, had been  
19 on lockdown since Sunday. Can you explain the  
20 rationale for this lengthy lockdown and whether  
21 it's been lifted as of today?

22 DEPUTY COMMISSIONER TORRES: Thanks  
23 again, Chair. I want to just be very careful on  
24 how I provide you with this response only because  
25 I am not the Deputy Commissioner for Security or

1  
2 Custody Management, and I do not want to misspeak  
3 on behalf of any of my peers. I can share with you  
4 that in recent months, significantly throughout  
5 the summer, we have actually done an increase in  
6 the number of emerging adults who are assigned to  
7 any of our housing areas at RNDC, allowing us to  
8 take a census from 15 in each housing area to 25  
9 emerging adults in each housing area. Knowing that  
10 when we merge kids, they are apprehensive, they  
11 are concerned, knowing that we need to create a  
12 balance on the SRGs or gangs that we have so that  
13 they are balanced and we don't continue to have  
14 them be violent against one another. We know that  
15 for those reasons, there has been tension between  
16 our young adults, having an impact and an increase  
17 on our incidents at RNDC, which have indeed had to  
18 resort unto that lockdown.

19 CO-CHAIRPERSON RIVERA: From what we  
20 know, for example, GRBC, RNDC, there are two  
21 facilities where the Department has blended  
22 security risk groups or opposing gangs in the  
23 housing areas pursuant to its (INAUDIBLE) action  
24 plan. Are there ever incidents where DOC refuses  
25

1 to allow an individual to attend school based on  
2 individual's security determination?  
3

4 DEPUTY COMMISSIONER TORRES: No, ma'am.  
5 Not when it comes to that. We actually blend the  
6 housing areas as you have recapped. When it comes  
7 to access to educational services through one of  
8 our directives in partnership with the Department  
9 of Education, we actually restrict or deny  
10 services or access to school for a temporary  
11 period of time. When it comes to any emerging  
12 adult who has been engaged in a violent act  
13 against a peer or staff, we actually take the  
14 necessary measures to transfer that person to a  
15 different location to ensure the safety of the  
16 rest of the jail or command.

17 CO-CHAIRPERSON RIVERA: You said no to  
18 refusing that person's access, but then you said  
19 you temporarily suspend it. Can you explain that  
20 one more time?

21 DEPUTY COMMISSIONER TORRES: Sure. Under  
22 Directive 3503, in consultation with the  
23 Department of Education, we are able to do a  
24 restriction or denial of access to school to any  
25 emerging adult who has committed either violent

1 behavior in the housing area that poses a security  
2 concern as he or she travels through the command  
3 or has had a negative or violent interaction while  
4 at school.

5  
6 CO-CHAIRPERSON RIVERA: Okay. Thank you  
7 for that. I know that Chairs are waiting to ask  
8 questions, and I just want to thank you for  
9 answering the questions. I know there will be many  
10 more from my Colleagues.

11 I just want to note that earlier in  
12 testimony it was mentioned about that keynote  
13 speaker and some of the comments they had made  
14 about survival mode, that that doesn't allow you  
15 to envision the future and this person is now a  
16 Truman Scholar which is really a very inspiring  
17 story, and I'm thankful that you brought it to our  
18 attention. We've been told that for students that  
19 are actually able to attend school on Rikers  
20 Island, many find it an enriching and rewarding  
21 experience so I just want to ask how does DOE  
22 attract and retain good educators to teach at the  
23 East River Academy? That will be my last question,  
24 and I just want to thank the Chairs, again, for  
25 allowing me to go first.

1  
2 SUPERINTENDENT ESPERANCE: Good morning,  
3 again. Thank you for that question. With regards  
4 to attracting high-quality talent at East River  
5 Academy, it's as rigorous as if it was for any  
6 district in the City. We definitely make sure that  
7 all the staff that comes in are licensed and  
8 credentialed to those content areas as well as the  
9 one thing that we are really proud of is our  
10 retention rate is very high. The average stay for  
11 our teachers who are part of East River Academy  
12 are 15 years, and so we don't have a retention  
13 issue, and then what we also do on a continuous  
14 basis is provide professional development to build  
15 the capacity, and professional development dealing  
16 with ensuring that they have the skills and the  
17 capacity to teach a wide range of students, no  
18 matter what level they come in at, because as we  
19 do know the students that we receive were probably  
20 once disengaged, and we want to make sure that  
21 students who are coming to us maybe at  
22 age 15, 16, or 17 as non-readers, that they have  
23 successful outcomes, so we empower them and we  
24 provide professional development with regards to  
25 differentiated instruction as well as TCIS which

1  
2 deals trauma-informed instruction so that we are  
3 always in a space of de-escalating situations and  
4 that we create a nurturing environment, and that  
5 is the protocol for all the staff that we hire.

6 CO-CHAIRPERSON RIVERA: Thank you.

7 Thanks again for your testimony and for being  
8 here, for your commitment to education, and I'll  
9 turn it back to the Chairs. Thank you.

10 CO-CHAIRPERSON JOSEPH: Thank you, Chair  
11 Rivera.

12 Council Member Restler.

13 COUNCIL MEMBER RESTLER: Thank you to  
14 Chair Joseph, Chair Ayala, and Chair Rivera. I'm  
15 going to ask my questions today of ACS. Thank you  
16 to Deputy Commissioner Ginsburg for your work. I  
17 think the ACS team is trying, but I am deeply  
18 concerned about what's happening at Crossroads and  
19 Horizons. I had the privilege of joining my friend  
20 and Colleague, Council Member Stevens, on a recent  
21 tour. I think you were on vacation, very well-  
22 deserved, but I just would like to ask for brevity  
23 in answers so that Chair Joseph doesn't get upset  
24 with me.

1  
2           Firstly, the current census today at  
3 Crossroads and Horizons?

4           DEPUTY COMMISSIONER GINSBURG:  
5 {INAUDIBLE RESPONSE}

6           COUNCIL MEMBER RESTLER: 231, so we've  
7 seen essentially a doubling of the census at  
8 Crossroads and Horizons, doubling of the number of  
9 kids in jail over the past two years, phenomenal  
10 increase that is profoundly disturbing. Of the 231  
11 kids at Crossroads and Horizon, whatever the most  
12 recent data point you can share, yesterday, today,  
13 last week, how many kids attended school?

14           DEPUTY COMMISSIONER GINSBURG: New York  
15 City Public Schools takes attendance.

16           COUNCIL MEMBER RESTLER: Great. Just the  
17 numbers, please.

18           PRINCIPAL THREADGILL: Yes. At  
19 Crossroads and Horizon, we have 235 students so we  
20 had 80 percent attendance rate at both schools.

21           COUNCIL MEMBER RESTLER: When?

22           DEPUTY COMMISSIONER GINSBURG: I'm  
23 sorry.

24           COUNCIL MEMBER RESTLER: Just a date,  
25 point in time, date, attendance.

1  
2 SUPERINTENDENT ESPERANCE: Our  
3 attendance rate for the 2022-2023 was the 80  
4 percent attendance rate is what he was sharing.

5 COUNCIL MEMBER RESTLER: We've been  
6 getting significant reports from providers and  
7 advocates that we don't have enough staff on site  
8 to split up groups when one or two kids is  
9 refusing to attend, then entire groups are staying  
10 in their dormitories for the entire day. It's  
11 profoundly concerning. I'm also concerned about  
12 the non-compulsory population, and we've seen a  
13 significant growth in this population as I  
14 understand it. How many youth are currently  
15 classified as non-compulsory?

16 PRINCIPAL RASHID: We currently have 59  
17 percent of our students are non-compulsory.

18 COUNCIL MEMBER RESTLER: Got it, so when  
19 you said 82 percent attendance rate is of the  
20 compulsory students, is that correct? Just yes or  
21 no.

22 PRINCIPAL RASHID: No.

23 COUNCIL MEMBER RESTLER: 82 percent  
24 attendance rate of the 235 young people, the kids  
25

1 that are in jail right now, 82 percent of those  
2 kids.  
3

4 SUPERINTENDENT ESPERANCE: I want to  
5 just clarify. The 82 percent that we quoted was  
6 from last year, the Fiscal Year of 2022-2023.

7 COUNCIL MEMBER RESTLER: Okay.

8 SUPERINTENDENT ESPERANCE: For this  
9 year-to-date attendance, we don't have that  
10 information right now.

11 COUNCIL MEMBER RESTLER: Sure.

12 SUPERINTENDENT ESPERANCE: So I just  
13 want to...

14 COUNCIL MEMBER RESTLER: So the 59  
15 percent non-compulsory data point was from?

16 SUPERINTENDENT ESPERANCE: The 59  
17 percent non-compulsory, just give me one second so  
18 we can go into the...

19 CO-CHAIRPERSON JOSEPH: And you can  
20 submit that to us at a later. Thank you.

21 SUPERINTENDENT ESPERANCE: That's also  
22 for last year as well, for the 2022-2023.

23 COUNCIL MEMBER RESTLER: And the 82  
24 percent attendance rate does or does not include  
25 the non-compulsory students?

1  
2 PRINCIPAL RASHID: That's included.

3 SUPERINTENDENT ESPERANCE: That's  
4 inclusive.

5 PRINCIPAL RASHID: Our students that  
6 come to us, they come to us by hall. That is a mix  
7 between compulsory and non-compulsory so they're  
8 not separated.

9 COUNCIL MEMBER RESTLER: We're concerned  
10 about the lack of attendance among non-compulsory  
11 students and want to better understand what  
12 options are being made available for them. In  
13 particular, are we offering vocational training,  
14 potentially GED programming, or other solutions,  
15 hard skills training to engage these young people  
16 more productively, and I'd just love to ask Deputy  
17 Commissioner Ginsburg that if you don't mind.

18 DEPUTY COMMISSIONER GINSBURG: Sure. Let  
19 me explain what it looks like because maybe that  
20 will make it more clear. We do not have entire  
21 halls not attending school. That is not occurring.  
22 Every morning, the school liaison teams who are  
23 made up YDS officers go to each hall and prepare  
24 with the YDS who are assigned to the halls,  
25 prepare the young people to go to school. Every

1 day, there are young people from every hall going  
2 to school. Some young people, there are usually  
3 somewhere between 15 and 20 young people in each  
4 facility who have court appearances so they go to  
5 court. They do not attend school. We have many,  
6 many young people who are coming to class each day  
7 who are GED students who are non-compulsory, and  
8 they are participating in classes with the  
9 compulsory school-age young people, but, as far as  
10 the vocational question that you asked, we  
11 recently awarded the RFP for vocational  
12 programming to Bard Prison Initiative in Brooklyn  
13 and to Childrens Village in Horizon. They will be  
14 subcontracting with community-based providers.  
15 That programming will start in November so there  
16 will be a full vocational menu for those young  
17 people.

18  
19 COUNCIL MEMBER RESTLER: How many full-  
20 time staff do you have focused on re-entry work at  
21 ACS?

22 DEPUTY COMMISSIONER GINSBURG: Re-entry  
23 to the community? We do not have anyone full-time  
24 at this point.

25

1  
2 COUNCIL MEMBER RESTLER: Okay. To me, I  
3 apologize, but just in summation, to see a  
4 doubling of the number of kids, minors, in jail in  
5 New York City in a two-year period under this  
6 Mayor's tenure is profoundly disturbing, and we  
7 have to do everything in our power to close the  
8 front door and reduce the number of kids who are  
9 unnecessarily ending up in jail. We need to speed  
10 up the time that they're in there and help get  
11 them out, and we need to always be focusing on re-  
12 entry because most of our young people are coming  
13 right back to our communities and so it's not just  
14 about imparting the skills and the training and  
15 the education and all of the emotional supports  
16 that they need, it's about focusing on what re-  
17 entry looks like and when people get home, and so  
18 I am very concerned about the trends of increasing  
19 incarceration and how we can do better to support  
20 these young people, but, frankly, we need to do  
21 everything we can to reduce the number and reduce  
22 it aggressively.

23 DEPUTY COMMISSIONER GINSBURG: I will  
24 say I agree with you and I'm a trends believer in  
25 strong re-entry, but your characterization of the

1 young people who are in our custody is not  
2 entirely accurate. Over 75 percent of our young  
3 people who are with us are facing top charges of  
4 attempted murder or murder, many of them are  
5 facing significant state sentences, 99 percent of  
6 our young people are being prosecuted in the adult  
7 court system, almost our entire population are  
8 young people who would have been on Rikers Island  
9 before Raise the Age, and, because of the way  
10 Raise the Age is written, they are facing adult  
11 sentences and will not be re-entering to the  
12 community immediately upon exit from our  
13 facilities.

14  
15 COUNCIL MEMBER RESTLER: But will be re-  
16 entering eventually, and the need for investment  
17 in ATIs and ATDs to close that front door, the  
18 need to invest in population review teams to speed  
19 people up and get people out are urgently needed,  
20 and I have to say this increase in the number of  
21 kids who we are incarcerating is deeply  
22 concerning, and I have respect for Commissioner  
23 Dannhauser and for you and the work that you all  
24 are trying to do, but I feel that the policies of  
25 this Administration are moving us in this

1 direction and so my critique and my criticism  
2 falls at the Mayor's doorstep and the NYPD's  
3 doorstep that we are sending more kids to jail.  
4 That is a problem. That is disgraceful. I realize  
5 you're trying to do the best you can with a  
6 difficult situation, but we need to say that as  
7 plainly as humanly possible. Thank you. Thank you,  
8 Chair Joseph. Thank you, Chair Ayala. Thank you,  
9 Chair Rivera.  
10

11 CO-CHAIRPERSON JOSEPH: Thank you,  
12 Council Member Rester.

13 Good morning. At the East River Academy  
14 which serves students 18 to 21 on Rikers Island as  
15 well as Passage Academy serving students at  
16 Crossroads and Horizon secure detention facilities  
17 operated by ACS, what is the social worker to  
18 student ratio on a daily basis?

19 SUPERINTENDENT ESPERANCE: Thank you for  
20 that question. We have that data.

21 PRINCIPAL THREADGILL: Thank you for  
22 that question. Currently, there are four social  
23 workers employed at East River Academy. In  
24 addition to that, we have three guidance  
25 counselors.

CO-CHAIRPERSON JOSEPH: What percentage  
are showing up every day?

PRINCIPAL THREADGILL: Percentage of  
students?

CO-CHAIRPERSON JOSEPH: No. Staff.

PRINCIPAL THREADGILL: Staff? I don't  
have that information in terms of percentage of  
staff showing up to work, but the attendance has  
been good this school year.

CO-CHAIRPERSON JOSEPH: I'll follow up  
with that question for you to send me the answers.

How many unfulfilled positions are  
there?

SUPERINTENDENT ESPERANCE: Do you mind  
if just pause because that was the information  
East River Academy. Do you want the number of  
social workers for Passages as well?

CO-CHAIRPERSON JOSEPH: Yes.

PRINCIPAL RASHID: Thank you for that  
question. We have seven social workers and two  
guidance counselors for Crossroads and Horizon.

CO-CHAIRPERSON JOSEPH: How many  
guidance counselors do you have?

1  
2 PRINCIPAL RASHID: Two guidance  
3 counselors, one at Crossroads and one at Horizon.

4 CO-CHAIRPERSON JOSEPH: And have they  
5 been showing up to service the children?

6 PRINCIPAL RASHID: Yes, consistently.

7 CO-CHAIRPERSON JOSEPH: Consistently?

8 PRINCIPAL RASHID: Yes.

9 CO-CHAIRPERSON JOSEPH: Okay, how many  
10 unfulfilled positions are there?

11 SUPERINTENDENT ESPERANCE: At this time,  
12 this is just in combination with East River  
13 Academy as well as Passages, we have a couple of  
14 vacancies due to retirement. Like I said, many of  
15 our teachers have been here for a long time, but  
16 they're minimal. Not anything that's extreme to  
17 any other district or school across the city.

18 CO-CHAIRPERSON JOSEPH: Do you have a  
19 number for that?

20 SUPERINTENDENT ESPERANCE: I can see if  
21 we have a number on hand. Currently, at East River  
22 Academy, we have two math, one reading specialist,  
23 and two CTE. That's the vacancy. At Passages, it's  
24 four.

CO-CHAIRPERSON JOSEPH: With the PEGs being announced, do you expect the PEGs to impact the ratio?

SUPERINTENDENT ESPERANCE: Thank you for that question. Just give me one second.

I just want to say we're pretty much in the beginning process of identifying potential savings with OMB and City Hall so no decisions have been made at this time. I want to just reiterate as mentioned, and you'll hear it time and time again, our goal is to minimize the impact on any service as possible.

CO-CHAIRPERSON JOSEPH: Okay. What is the student to teacher ratio?

SUPERINTENDENT ESPERANCE: What I'll do is I'll have each Principal respectively give their program.

CO-CHAIRPERSON JOSEPH: For Passage and East Academy.

SUPERINTENDENT ESPERANCE: I'll start off with East River Academy.

PRINCIPAL THREADGILL: Thank you for that question. Currently, there are 26 teachers on

1 staff at East River Academy, active students 201,  
2 and the ratio is eight teachers to one student.

3  
4 CO-CHAIRPERSON JOSEPH: Eight teachers  
5 to one student.

6 SUPERINTENDENT ESPERANCE: Just to  
7 really raise that awareness. With regards to our  
8 class sizes, they're really small with regards to  
9 maybe eight to one. They won't max anymore than 15  
10 students, but the ratio right now is between eight  
11 to one at East River Academy and then at Passages.

12 PRINCIPAL THREADGILL: Yes, we have 72  
13 teachers, ratio is 1 to 10.

14 CO-CHAIRPERSON JOSEPH: 1 to 10. Do you  
15 have any unfulfilled positions over at East River  
16 and Passages in terms of teachers?

17 SUPERINTENDENT ESPERANCE: In terms of  
18 unfulfilled positions with regards to East River  
19 Academy, it's two math teachers, one reading  
20 specialist, and two CTE. With regards to Passages,  
21 it's one English, two history teachers, and one  
22 art teacher.

23 CO-CHAIRPERSON JOSEPH: Are you talking  
24 about all the facilities or just these two  
25 facilities because you operate so many?

1  
2 SUPERINTENDENT ESPERANCE: When we look  
3 at vacancies, we look at it overall as each  
4 program because we can move teachers around to  
5 different facilities within the program that falls  
6 underneath based on need so that's just overall.  
7 That's what the vacancies are.

8 CO-CHAIRPERSON JOSEPH: Okay. What is  
9 the total enrollment? I know you said it, but can  
10 you say it again for me?

11 SUPERINTENDENT ESPERANCE: The total  
12 enrollment for Passages.

13 PRINCIPAL RASHID: All court-involved  
14 youth are enrolled into Passages Academy so  
15 throughout all, we have a total enrollment of 730,  
16 but specific to our detention sites, it's 235.

17 CO-CHAIRPERSON JOSEPH: Can you identify  
18 gender, ethnicity, race, disability status, or ENL  
19 status?

20 SUPERINTENDENT ESPERANCE: Do you want  
21 us to just give you all the information for  
22 Passages and then give you the same information  
23 for East River Academy?

24 CO-CHAIRPERSON JOSEPH: Correct.  
25

1  
2 SUPERINTENDENT ESPERANCE: Is that  
3 easier. The demographics are as follows.

4 PRINCIPAL RASHID: Demographics for  
5 Passages Academy as a whole is 8 percent female,  
6 92 percent male, 65 percent African American, 29  
7 percent Latino, 3 percent white. Special education  
8 classified is 58 percent. English language  
9 learners is 6 percent.

10 CO-CHAIRPERSON JOSEPH: With East River  
11 Academy.

12 CO-CHAIRPERSON JOSEPH: This is all of  
13 Passages or the secured sites as well?

14 PRINCIPAL RASHID: This is all of  
15 Passages.

16 PRINCIPAL THREADGILL: Thank you for  
17 that question. So far as 2022-2023 school year, we  
18 had a total enrollment of 697 students. Currently,  
19 those students, 86 percent were male, 14 percent  
20 were female, 2 percent Asian, 59 percent black, 35  
21 percent Latino, 2 percent white, race/ethnicity  
22 other 2 percent. Students with disabilities 51  
23 percent. ELL 6 percent.

24 CO-CHAIRPERSON JOSEPH: Can I also get  
25 the data for the secure facilities as well?

1  
2 SUPERINTENDENT ESPERANCE: The secure  
3 facilities in isolation. Let me see if we have  
4 that. I'm not sure if we have that..

5 CO-CHAIRPERSON JOSEPH: At Passages.

6 SUPERINTENDENT ESPERANCE: At Passages.

7 PRINCIPAL RASHID: I don't have it  
8 broken down.

9 SUPERINTENDENT ESPERANCE: Give me one  
10 second.

11 We can give active enrollment, but we  
12 can't as granular as with the demographics. If you  
13 want active enrollment at the Passages site, the  
14 secured setting, with regards to Crossroads, as of  
15 October 2, 2023, we had 119 students that were  
16 actively enrolled, and in Horizon Secure it was  
17 116. With regards to East River Academy, active  
18 enrollment as of October 2, 2023, was 201. Please  
19 just keep in mind that our daily attendance might  
20 change because our population is transient. We  
21 have some students that are there for maybe an  
22 hour, two days, three days. Our average time spent  
23 is 45 days.

24 CO-CHAIRPERSON JOSEPH: That was my next  
25 question.

1  
2 I'm going to pass it over to Council  
3 Member Stevens.

4 COUNCIL MEMBER STEVENS: Good morning.  
5 Really quickly, and I just feel like I always have  
6 to say especially when we're talking about young  
7 people in detention, understanding that everyone  
8 does their job as best as they can, but any young  
9 person that ends up in these facilities is a  
10 failure on our part to prevent this, and I always  
11 just have to say that because the school to prison  
12 pipeline is real and working in education for a  
13 number of years and seeing how we set our young  
14 people to end there is part of the problem.

15 I just had a couple of questions around  
16 workforce development. I know in the opening  
17 statement it was talked about how they have  
18 barbering, entrepreneurship, and OSHA  
19 certification. Are there other workforce  
20 development opportunities for young people while  
21 they're in a facility other than the ones that was  
22 mentioned and, if not, why?

23 DEPUTY COMMISSIONER TORRES: Good  
24 morning. I believe you're posing that question to  
25 me because I did have that list in my testimony.

1 Do know that when it comes to the courses, meaning  
2 certificates and certifications that we offer at  
3 Rikers Island, those are criminal justice  
4 involved, Department of Labor courses meaning once  
5 they are released and reintegrated into the  
6 community, they have stronger and better  
7 opportunities.  
8

9 COUNCIL MEMBER STEVENS: No, I  
10 understand that, but I'm asking are those the only  
11 things that are offered because, even when I went  
12 to Horizon, like my Colleague had mentioned  
13 earlier, those were the same ones that were talked  
14 about. We saw students, they had like a café set  
15 up which was great, and they were learning the  
16 different ins and outs of that and barbering. I  
17 know they said they had some music things like  
18 that, but my question is around what else is  
19 offered because I often find that we'll have like  
20 these little niches around what is being offered  
21 to our young people and we're not really preparing  
22 them for the workforce. Are we seeing that when  
23 young people are in these training courses, are  
24 they being connected to jobs when they leave the  
25 facility? What does the aftercare look like?

DEPUTY COMMISSIONER TORRES: That's a great question. Thank you so much. If you allow me to turn around and take you through the list...

COUNCIL MEMBER STEVENS: In the interest of time, I just need you to be expeditious.

DEPUTY COMMISSIONER TORRES: I'll just tell you this. I'll be more than happy to share the list with City Council. I only listed a number of certificates and certifications in my testimony. We do have more than, and we always welcome the feedback, the input of our partners as well as the staff and our young adults and adults to determine what to offer in the next Fiscal Year, but we do offer more than what I named or listed in my testimony.

COUNCIL MEMBER STEVENS: How often are folks connected to jobs after they leave?

DEPUTY COMMISSIONER TORRES: That's a great question. The beauty about having the Memorandum of Understanding with our partners from Public Schools is that number one, we connect the students through them to continue education post release and we also have a strong partnership with SCO that does connections to employment and other

1 additional opportunities. They're not the only  
2 partners that we have. We have partnerships with  
3 other re-entry providers that assist us with  
4 employment as well as continued training upon  
5 release.  
6

7 COUNCIL MEMBER STEVENS: Do you keep  
8 track of that so when they are released, and  
9 because you have these MOUs, are they keeping  
10 track of who's getting these jobs, the placements,  
11 and things that like to kind of see if whether  
12 they're using the certificates and all these  
13 things, how are you keeping track of that  
14 information?

15 DEPUTY COMMISSIONER TORRES: That's a  
16 phenomenal question. Thank you. Once we turn  
17 around and transition that kid, and I call them  
18 kid just because of my age.

19 COUNCIL MEMBER STEVENS: Yeah, they are,  
20 they're all babies.

21 DEPUTY COMMISSIONER TORRES: That kid or  
22 adult to that re-entry component, they are asked  
23 to track that link and that connection to  
24 employment and/or additional training?  
25

1  
2 COUNCIL MEMBER STEVENS: Do you have  
3 those numbers?

4 DEPUTY COMMISSIONER TORRES: I don't  
5 have, but we can work with our partners to secure  
6 that data.

7 COUNCIL MEMBER STEVENS: Yeah, I think  
8 that information is going to be really important  
9 because I think sometimes when we talk about like  
10 what's going on, how are we making sure that we're  
11 actually making the true and real connections and  
12 if these things are actually working. If we see  
13 that they're not working, then that's the point of  
14 where we should be evaluating to change and move  
15 forward because a lot of these young people end up  
16 in these situations because we're not creating  
17 opportunities for them to get jobs. I've been  
18 saying this since I got here, we have to get to a  
19 place where we're reimagining the workforce for  
20 young people because it's just non-existent and  
21 they're going to continue to end up in these  
22 situations because we're not doing our job and so  
23 I would really love to get that information on  
24 what workforce development courses are being  
25 offered and then how we are then connecting them

1  
2 once they are released and seeing what trends are  
3 there so we can start really evaluating that  
4 process. Thank you.

5 CO-CHAIRPERSON JOSEPH: Thank you, Chair  
6 Stevens, and I echo that because as educators we  
7 know that data drives our instruction so data also  
8 drives your policy so moving forward I think you  
9 should keep data in order to see where they end  
10 up, how can we serve better. You have to step back  
11 and assess and readjust the programs as you move  
12 forward to see what's working and what's not  
13 working.

14 I wanted to follow up real quick on a  
15 question. You said New York City Public Schools  
16 are still talking to OMB. We know the deadline to  
17 submit all the PEGs was October 6. Can you clarify  
18 that for me, please?

19 SUPERINTENDENT ESPERANCE: I'm just  
20 going to reiterate, at this time, we started the  
21 process, but we haven't had any additional  
22 updates. That's all we have at this point.

23 CO-CHAIRPERSON JOSEPH: So we need to  
24 bring OMB here to find out what's happening.

25 Deputy Speaker Ayala.

1  
2 CO-CHAIRPERSON AYALA: Thank you. I just  
3 wanted to say thank you for the amazing work that  
4 you do because I recognize how difficult and  
5 challenging it is to educate young people period  
6 being the parent of several of them and still  
7 having challenges with the ones that I have left  
8 at home, I know that it's sometimes an act of  
9 futility because they refuse to go to school, they  
10 hate school at that age, right, that's what kids  
11 do, and this population, we know that a lot of  
12 them had already been disconnected prior to coming  
13 in contact with your individual agencies, but I  
14 would like to know, we know young people are  
15 predisposed to hate school. I'm not going to  
16 assume that I know what's happening in the  
17 facility in terms of like how many of them are  
18 super excited in the morning or not, but would  
19 rather ask a question around what you doing  
20 differently to try to get them enthusiastic about  
21 going to school while they're in detention, like  
22 what are we doing differently than what we would  
23 be doing in a regular high school in these  
24 facilities?

25

1  
2 DEPUTY COMMISSIONER TORRES: Thank you  
3 so much, Council Member Ayala. I am thrilled that  
4 you have asked that question only because the  
5 reality is that many of the 18- to 21-year-olds  
6 that come to our custody were indeed disconnected  
7 from school prior to their detention. When it  
8 comes to the DOC, and I've been with the DOC, if  
9 you allow me, I just entered my 23rd year, when I  
10 was first hired with the Department of Education I  
11 came in as the Director of Education, and I've  
12 concentrated my entire career at the DOC ensuring  
13 access to education, previously to adolescents and  
14 now the 18 to 21. When we talk about a  
15 schoolhouse, we purposely design the schoolhouse  
16 different than what we do in all of the other  
17 housing areas. We add amenities, we have staff  
18 that are really willing and able to work with them  
19 that are not just uniformed housing area officers  
20 but become more of mentors. We have them on a  
21 schedule. We've invested in different uniforms for  
22 them, and that has worked to our advantage. Our  
23 partners from Public Schools have also basically  
24 continued some things that we do. Let's not for  
25 granted, kids need incentives, and what we do is,

1 as partners, we give them different kinds of  
2 incentives, whether that is community engagement,  
3 which includes family members coming in to spend  
4 longer periods of time as a visit, whether it is a  
5 festival, whether it is a special breakfast. Over  
6 the years, East River Academy has modified what  
7 originally was a breakfast of champions. We've  
8 involved them in different congregate settings to  
9 include basketball tournaments amongst themselves.  
10 Our environments are challenging, yet what we try  
11 to do in this partnership is create and instill a  
12 sense of normalcy, and I defer to our partners in  
13 case they want to add something else.

15 DEPUTY COMMISSIONER GINSBURG: Because  
16 we expect all of our young people to go to school,  
17 we work in conjunction with our school partners.  
18 Every week, student of the week list comes out,  
19 and that is distributed to the building staff and  
20 there is encouragement for both the school staff  
21 and the building staff to congratulate each young  
22 person who ends up on that list. Our graduations  
23 are very public, and the halls come down in  
24 support of their classmates and their hallmates  
25 who have graduated. Last year, we had students who

1 wrote poems in support of individuals who lived on  
2 their halls, they wrote speeches, some of the  
3 staff wrote speeches, gave speeches at the  
4 graduations. School successes are shared with  
5 parents. They're also shared with lawyers and with  
6 judges. It's very, very important for the young  
7 people to feel that they are being recognized, and  
8 that is being factored into their cases. We also  
9 worked with New York Public Schools to bring in an  
10 entrepreneur program as Biz Camp, and that was a  
11 class that was given in each secure facility. Our  
12 kids are very interested in building entrepreneur  
13 skills, and they did this over a period of time  
14 and gave a presentation as to their small business  
15 ideas. It was very exciting for the young people,  
16 and that information was also shared with their  
17 parents and their lawyers and the judges. We have  
18 a behavioral system that we use for our young  
19 people. That's how we provide incentives and also  
20 accountability for our young people who are  
21 struggling. The more they participate in school,  
22 the more eligible they become for incentives. The  
23 school liaison teams who are our uniformed staff  
24 spend a lot of energy kind of spreading the word  
25

1 about the young people who are participating with  
2 the staff so that they can encourage them on the  
3 halls, and we have seen over time that the young  
4 people on the halls are encouraging their fellow  
5 students who maybe are more reluctant to  
6 participate in school to come to school so that it  
7 can look good for the hall, and so we have also  
8 provided incentives for the halls who as a whole  
9 have done really well in school attendance and  
10 engagement.  
11

12 SUPERINTENDENT ESPERANCE: What we also  
13 do in addition to what my partner agency said with  
14 regard to the ongoing collaboration, we make sure  
15 that when the students arrive to our spaces that  
16 they're also well-cared for and they're provided  
17 with instruction that's customized to address  
18 their needs because it's one thing to make sure  
19 that our students, when they arrive to us, that  
20 okay, yes, you might be two or three grades behind  
21 but we're here to help you and make sure that we  
22 customize instruction so that goes into ensuring  
23 that, we strive for a weekly basis but definitely  
24 on a consistent basis, that guidance social  
25 workers, as well as teachers are having round

1 table conversations where we're assessing where  
2 the students on an individual basis and what they  
3 need to move forward. As we stress, and you'll  
4 hear time and time again, transition begins on day  
5 one, and so we create plans for them and they're  
6 active participants on where we're going and what  
7 we need to do. Just to echo with what was already  
8 stated, graduation is such a wonderful event. At  
9 both graduation ceremonies that I attended, not  
10 only did the student walk on stage to receive  
11 their diploma but also officers and different ACS  
12 members walked along as well because it really is  
13 a community, it's a team effort to make sure.

15 CO-CHAIRPERSON AYALA: That's great. I  
16 think when we look at education, right, we all  
17 learn differently and what works for one doesn't  
18 always for another which is why we have transfer  
19 schools, why we have trade schools because we want  
20 to have options that will meet the needs of our  
21 students, and not everybody wants to go to  
22 college, but everyone should be equipped with  
23 employable skills which is what Council Member  
24 Stevens was alluding to and is something that's  
25 really important to us and really redefining the

1 way that that looks in not only in your individual  
2 agencies but also with our community-based  
3 partners. When we're engaging with young people,  
4 how are we retaining that youthful energy and  
5 transforming that into something spectacular. When  
6 you mention entrepreneurship, our young people are  
7 very talented, really incorporating the concept of  
8 creating small businesses and working with them,  
9 like it's a different way of learning but it's  
10 still a level of education that kind of helps meet  
11 them where they are, and so obviously we want to  
12 make sure that those models are being incorporated  
13 into whatever curriculum because of the age group,  
14 right. These are older young adults, and they  
15 learn differently.

17 Do the young people have an opportunity  
18 to provide feedback? Is there an opportunity for  
19 them engage and say I think this is a more  
20 successful model or I really appreciate that but  
21 we could really do less with this? How are we  
22 engaging with them and receiving feedback from  
23 them?

24 SUPERINTENDENT ESPERANCE: With regards  
25 to our students, we all do this collaboratively,

1 but I'll start the conversation, is that we have a  
2 space, and it's across all the programs, there's a  
3 student leadership council, and with the student  
4 leadership council, the students are giving us  
5 real-time information about what's working, what's  
6 not working, and they give us suggestions. For  
7 example, I visited a site, I visit the sites  
8 regularly, but I remember once visiting a site  
9 where the student was very frank. He said please  
10 sometimes stop talking to us. Kids have to talk to  
11 each other. So that's why when Nancy spoke about  
12 the importance of having other students encourage  
13 them, he said please, he said you know what, I'm  
14 here because sometimes I didn't listen to an  
15 adult. He said but kids listen to kids so  
16 sometimes if you want a message that's portrayed,  
17 let me do the conversation, and I respected him  
18 for that. We'll also get the every now request can  
19 I have basketball hoop here and there, but I'm  
20 very proud of the conversations that we have with  
21 our students that are on the student leadership  
22 council because they really give us concrete  
23 feedback on how we can incorporate more  
24  
25

1  
2 interactive activities in lessons, do  
3 demonstrations and so forth.

4 CO-CHAIRPERSON AYALA: I appreciate  
5 that.

6 In regards to the number of students  
7 that refuse to attend, forgive me if I missed this  
8 earlier, but what is the percentage of young  
9 people that are refusing to attend school?

10 SUPERINTENDENT ESPERANCE: Can you  
11 repeat that question again?

12 CO-CHAIRPERSON AYALA: What is the  
13 percentage of young people that are required to be  
14 in school who are refusing to participate? Is that  
15 even an option? I'll give you an example. I'm a  
16 young person. I don't feel like going to school  
17 today. I'm not going. What happens? How many times  
18 has that happened and what is the approach to  
19 addressing that?

20 PRINCIPAL RASHID: If there are student  
21 refusals, that is a day-to-day, case-by-case  
22 scenario, and we have social workers, guidance  
23 counselors as well as our ACS partners, the school  
24 liaisons that work with the student to find out or  
25 figure out what's going on, why they're hesitant,

1  
2 and we have counseling around that so that is a  
3 case-by-case scenario, but it's always a joint  
4 effort in counseling the student from that. It  
5 could be various reasons that are taking place,  
6 and we want to get to the root cause and promote  
7 them to come to school each day. It is by program  
8 that all students come to school so that's the  
9 expectation and that students come to school by  
10 their halls so that is a constant communication  
11 between DOE and ACS if there are any barriers that  
12 are impeding that.

13 CO-CHAIRPERSON AYALA: But is that  
14 happening often? Are young people, when I mean  
15 young people, I'm specifically thinking about  
16 those under the age of 18 because my understanding  
17 is that 18 and older can choose to opt out if they  
18 wanted to.

19 PRINCIPAL RASHID: At Passages, we don't  
20 have an opt-out option. It is implied in  
21 programming that school is programming so it is  
22 implied that they come to school, and if there are  
23 some issues, then we handle that issue as it's  
24 given, but there is no form or anything like that  
25 to opt out of school?

CO-CHAIRPERSON AYALA: So is school  
mandatory?

SUPERINTENDENT ESPERANCE: For Passages.

PRINCIPAL RASHID: For Passages.

CO-CHAIRPERSON AYALA: At Passages,  
okay, and what is the consequence for not going?

DEPUTY COMMISSIONER GINSBURG: It's not  
really any different than the consequence anywhere  
for not going.

There are various categories of young  
people. We have kids who are new to the facility  
and may not have been in school for two years  
before they come to us. Some of those young people  
will just go to school. We say your hall is going  
to school, and they will go to school. Some of the  
pandemic need a little bit more work to get them  
to a place where they will go. Sometimes they will  
go once or twice a week to begin, and then we do a  
lot of work to try to get them to go more than  
once or twice a week. Some young people go to  
court, they get very bad news in court, we plug in  
additional mental health services. They might meet  
with the school's social workers. We might  
increase the number of interactions that they have

1 with our staff to help support them get through  
2 that. We have young people who have lost loved  
3 ones while they're in our custody. We're not going  
4 to force them to go to school while they are  
5 grieving. There is a wide, wide range of reasons  
6 why young people don't go to school in our custody  
7 in the same way that there's a wide range of  
8 reasons young people don't go outside of our  
9 custody, but our expectation that we continually  
10 repeat to the young people and that many of the  
11 young people lift up to each other is that the  
12 expectation is that they attend school, and we  
13 have entire halls, every day they are in their  
14 seats in school, so we have seen real success with  
15 this model. We still have work to do, but with  
16 this age group there is always work to do in that  
17 area.  
18

19 CO-CHAIRPERSON AYALA: I understand that  
20 which is why I began with thank you because I know  
21 that it isn't easy. Listen, I have one at home,  
22 and every day is like do I have to go to school  
23 today, it's going to rain, there might be a  
24 snowstorm, I heard that there might be terrorist  
25 attacks, did you hear that, so every day we get

1 there, but it's a conversation so I really can  
2 appreciate the position that you're in.

3  
4 I want to just transition very quickly  
5 to the article that I referenced in my opening  
6 remarks that, the Gothamist article that came out  
7 in June, about the use of classrooms as a means of  
8 separating detainees that may be in conflict. I  
9 would love to understand a little bit more about  
10 how often that occurs, why are we using  
11 classrooms, and if in fact it is true that while  
12 detained in those spaces, young people lose access  
13 sometimes to meals and the ability to use the  
14 restroom, which seems like, from the article,  
15 again, I would love to hear from you, could  
16 sometimes be hours of detention without access to  
17 food or bathrooms.

18 DEPUTY COMMISSIONER GINSBURG: We do not  
19 use classrooms during the school day ever to hold  
20 our young people. We do not use classrooms as the  
21 article said cells. We do not do that. In full  
22 transparency, that article cited a conversation  
23 that was had with a former YDS who worked in the  
24 facilities before I started this position so I  
25 can't speak to what his experience was. I was not

1 there. I will tell you that I work out of the  
2 facilities. I am there four out of five days of  
3 the week so when I tell you we are not putting  
4 young people in classrooms other than for school  
5 purposes during the school day, I have seen that  
6 to be true. There are times when a young person  
7 might be dysregulated on the hall. Sometimes young  
8 people ask to have a break from their hall.

9 Because those are spaces that are available after  
10 the school day, we might have a young person in a  
11 classroom with a staff. There are usually things  
12 to do for them, books, we might have a movie cart  
13 in there with them. They are always fed, and they  
14 have access to the restrooms. The staff will take  
15 them from a classroom to a restroom if they need  
16 that so I can't speak to why that article made the  
17 representations that it did, but currently those  
18 conditions are not in place.

19  
20 CO-CHAIRPERSON AYALA: If, in fact,  
21 there was a situation where a young person was  
22 utilizing a classroom, it would be at the request  
23 of the young person, right? Is that what you're  
24 saying?

DEPUTY COMMISSIONER GINSBURG: Not always. There might be a reason why we need to separate young people, but we will not do that during the school day.

CO-CHAIRPERSON AYALA: Understood. I don't think that I was implying that it would be specific to the school day, but is there at any time during the time that young people are detained that the space is available that we're separating young people from general population and putting them in a classroom setting or any other setting where they would be unable to access, like in a situation like this, we have something happens, a fight breaks out, and now we're putting a young person in a classroom, using a classroom because I don't know what other space would, and that's what the article referenced, how long are we keeping that person there, like is there like a set time, are we on time-out for half an hour or are we here for five hours, and, during that time, are those young people entitled to meals, are they always receiving meals and have access to the restroom?

1  
2           DEPUTY COMMISSIONER GINSBURG: Yes, they  
3 always have access to a restroom. They always have  
4 access to meals. They would receive their meals  
5 generally on the same schedule as their hall  
6 receives meals because, if the hall goes to the  
7 cafeteria or the meals are brought to the hall for  
8 individuals to eat, a meal will be brought for  
9 that individual so they will get all of their  
10 meals and all of the in-between meal snacks. How  
11 long they are in there will depend on the  
12 situation so if a young person de-escalates and it  
13 is possible to run what we call a circle up so  
14 that the young person who was involved in the  
15 conflict can be reintegrated into the hall and  
16 that can be quickly then that will be done  
17 quickly. If the young person is not de-escalated  
18 and we need additional time, sometimes we will  
19 need to call mental health, and a clinician will  
20 need to meet with the young person. Sometimes the  
21 young person will ask to speak to a parent, and so  
22 we will arrange a phone call. Sometimes we will  
23 have supervisory staff come in and have separate  
24 sessions, both with the young person who is  
25 separate from the group and the group before the

1 reintegration circle up happens so it is very  
2 incident-specific on how we reintegrate.  
3

4 CO-CHAIRPERSON AYALA: Okay. All right.  
5 What is the policy for addressing violence in the  
6 facility?

7 DEPUTY COMMISSIONER GINSBURG: Can you  
8 say a little bit more?

9 CO-CHAIRPERSON AYALA: What is your  
10 policy for addressing violence, like what is the  
11 consequence? Is that the consequence? Is it just  
12 separation?

13 DEPUTY COMMISSIONER GINSBURG: No.  
14 Separation is not actually our policy. It is one  
15 tool that we use in the toolbox so there are  
16 multiple responses if there are incidents. There  
17 might be an assessment on the behavioral system on  
18 STRIVE so if there's a fight between young people  
19 and they were, let's say, on a high level, they  
20 will drop a level or many levels and they will  
21 have to do a restorative activity to try to earn  
22 their way back to their prior levels. There are  
23 conversations that happen among the young people  
24 and the staff, it depends who was harmed in the  
25 incident, so how we structure that restorative

1  
2 practice will change depending on how the incident  
3 happens. They may lose access to non-educational  
4 programming so many of the kids really like some  
5 of our afterschool programming and, if they engage  
6 in a fight, they may lose access to some of those  
7 extra programs that they like very much that we  
8 kind of hold as something to encourage them not to  
9 engage in those. For the most serious incidents  
10 where there's real harm caused to someone, we have  
11 arrested young people who have caused significant  
12 harm to others. That does not happen very often,  
13 and we are seeing fewer and fewer serious  
14 incidents.

15 CO-CHAIRPERSON AYALA: I'm happy to hear  
16 that. Okay, thank you.

17 CO-CHAIRPERSON JOSEPH: Thank you,  
18 Deputy Speaker.

19 I'm going to pass it on to Council  
20 Member Narcisse then I'll come back with my  
21 questions.

22 COUNCIL MEMBER NARCISSE: Thank you,  
23 Chair. What measure do you use to encourage those  
24 young folks to come to programs? Do you have  
25 anything in place to encourage them?

1  
2 DEPUTY COMMISSIONER GINSBURG: Our  
3 partner is CCA. They run our afterschool  
4 programming. Most of the programming runs through  
5 them. They write extremely effusive reports to the  
6 courts for young people who very engaged in  
7 programming. The kids compete for those letters.  
8 It's very important for the judges to hear about  
9 the level of engagement that they're in as far as  
10 programming, and so that is a very important  
11 incentive. They also get incentive points on our  
12 behavioral system, STRIVE, and so they are  
13 eligible for additional privileges and incentives  
14 if they participate.

15 COUNCIL MEMBER NARCISSE: Thank you.  
16 What level of training do educators and support  
17 staff receive to handle the unique, we're talking  
18 about unique challenges presenting by this  
19 population including safety, mental health, and  
20 motivational strategies?

21 SUPERINTENDENT ESPERANCE: Thank you for  
22 that question. In addition to our educators  
23 receiving agency-specific training on the  
24 different protocols for the different sites, what  
25 we do internally is ensure that our teachers

1 receive ongoing professional development, and so  
2 we've partnered with the Special Education  
3 Department within New York City Public Schools as  
4 well as District 75 to ensure that our teachers  
5 are being equipped with de-escalation tactics,  
6 trauma-informed learning as well as a variety of  
7 social-emotional learning aspects. We provide our  
8 teachers with training on specially designed  
9 instruction. Granted, we do have a high percentage  
10 of special education students that are in these  
11 spaces, but we, as I've said before, we view every  
12 single student as an individual, and we want to  
13 make sure that we can specially design instruction  
14 for them. In addition, other trainings are  
15 inclusive to the citywide expectation with regards  
16 to pedagogy. We give training on planning and  
17 preparation, creating a learning environment  
18 that's conducive to all students, engagement as  
19 well as professional development so it's ongoing  
20 training throughout the year to ensure that they  
21 are equipped and ready to support a wide range of  
22 students.  
23

24 COUNCIL MEMBER NARCISSE: You know why  
25 I'm asking this question, because sometimes we

1 forget that the educators need all the support  
2 they need to cope as well.

3  
4 SUPERINTENDENT ESPERANCE: Absolutely,  
5 so there's always a space for them as well.  
6 Something that we've launched this year is our  
7 Miracles Minute, so every morning, one of the  
8 pushes has been that we instill in all our  
9 teachers and staff as well as our administrators  
10 that they take that moment to reset, meditate, and  
11 just really make sure that they're doing their own  
12 health and wellness, and then we also have  
13 constant communication that if they need to have  
14 their own services with regards to counseling that  
15 that needs to be addressed that those  
16 opportunities are there for them as well, but  
17 you're right.

18 COUNCIL MEMBER NARCISSE: Are there  
19 educational considerations and support programs  
20 available for individuals once they have ACS and  
21 DOC facilities? If so, how are these individuals  
22 made aware and connected to the resources?

23 SUPERINTENDENT ESPERANCE: Can you  
24 repeat that question?

1  
2 COUNCIL MEMBER NARCISSE: How are they  
3 connected after they're part of the ACS and DOC,  
4 when they leave the programs?

5 SUPERINTENDENT ESPERANCE: Are you  
6 referring to the wraparound services that the  
7 students get? One thing that we've done is really  
8 invested in assuring that there are administrators  
9 leading the transition work. When students come to  
10 us, we're in constant communication with their  
11 home schools, and so we are constantly keeping  
12 them updated with their guidance counselor  
13 (INAUDIBLE) update as to the progress that the  
14 students are making and so that when it's time for  
15 the students to transition out, what we also do is  
16 connect to, because our district is a district of  
17 alternative programs, we have prioritized  
18 admissions and placement in Pathways to graduation  
19 if they choose to pursue a high school  
20 equivalency, co-op tech, if they want to continue  
21 with CTE opportunities, and then also with  
22 (INAUDIBLE) if they want to continue and go on to  
23 get a high school diploma. That's one of the  
24 things that we've done to prioritize. Did I miss  
25 anything?

1  
2 PRINCIPAL RASHID: I would like to add  
3 that at Passages we have a transition assistant  
4 principal who is specifically tasked with managing  
5 the social workers and guidance counselor, the  
6 transition piece, as well as social workers and  
7 guidance counselors being connected with students  
8 for at least six months after they leave the  
9 facilities so, as Superintendent Esperance stated  
10 that there's constant communication with the  
11 receiving school, whether it's a homes school or  
12 they have partnered with another school, there's  
13 constant communication after the students leave so  
14 it's really important to keep that continuum as  
15 students leave and we develop partnerships locally  
16 throughout all our different sites to make those  
17 connections and keep those connections.

18 COUNCIL MEMBER NARCISSE: Chair, may I  
19 have two more questions?

20 I thank you because the reason I wanted  
21 to follow up the continuity because those young  
22 folks need the help not just to stop there because  
23 we don't want them to end up on the streets and we  
24 see what's going on with mental health and  
25 everything else that's going on around us.

1  
2           What metrics are currently used to  
3 gauge the success of educational programming and  
4 services for detained youth and how are these  
5 metrics used to inform program modifications or  
6 enhancements?

7           SUPERINTENDENT ESPERANCE: Thank you for  
8 that question. One of the things that I just also  
9 want to reiterate is that when students come to  
10 us, they come for an average of 45 days, but we do  
11 have students that are probably with us for maybe  
12 10 days, some a little bit longer, and then  
13 although we have students that will come at 14,  
14 15, 16, to 18, many of them were disengaged prior,  
15 and so I might come in as a 12th grader but I  
16 might be a 12th grader in age but on paper I might  
17 have one credit so the metrics that we use to  
18 really track our successes is that we look at  
19 credit accumulation, like the number of credits  
20 earned, the number of Regents attained, we look at  
21 course pass rate. In addition, we look at  
22 certification attainments so not only do we  
23 provide opportunities for them to get CTE credit  
24 but we also want to make sure that they end in

1 certification. That's for our high school  
2 students.

3  
4 With regards to our HSE population, we  
5 look at the percentage of students who come in, so  
6 whenever a student comes in, they get formal  
7 assessment through (INAUDIBLE) for ELA and math  
8 and then we also do TABE testing, and so we  
9 monitor their progress with their reading levels  
10 and math (INAUDIBLE) on an ongoing basis.

11 With the GED test, we look at the pass  
12 rate by subject so what we've done is if we  
13 recognize that, for example, the math pass rate is  
14 low on a GED section what we will do is lean in  
15 and go as granular as doing an item analysis of  
16 what type of questions that they're getting  
17 incorrect and then also provide additional  
18 training to our math teachers so that they can  
19 customize instruction as well as ensuring that if  
20 it's a need that they need something specially  
21 designed that we're leaning in and providing  
22 access to the curriculum in a variety of ways.

23 I'm going to just give an example of  
24 something that's happening at East River Academy  
25 is that we recognize that we have a high

1 population of special education students that are  
2 coming in, and so Principal Threadgill has taken  
3 the lead in designing a class that is specially  
4 designed for students who are performing three to  
5 four years below performance level so that we can  
6 provide them with targeted instruction, and not  
7 only are we doing that for the students who are  
8 struggling, we do also recognize that we have some  
9 students that are coming in excelling and so we've  
10 provided an extensions class for them.  
11

12 Principal Threadgill, do you want to  
13 speak a little bit more about that?

14 PRINCIPAL THREADGILL: Thanks for that  
15 question. In terms of the enhanced literacy class,  
16 it is taught by two veteran special education  
17 teachers who are trained in the Orton Gillingham  
18 and Wilson reading program and Reading REWARDS,  
19 and we just take their IEPs, break those IEPs  
20 down, look at what their needs are the behaviors  
21 that were in class, and we design an individual  
22 education plan for them, a learning plan, so that  
23 they get that customized learning. We also have an  
24 advanced GED class for those who have passed  
25 Regents and don't need all the parts of the GED so

1 I have a master teacher who leads that class and  
2 teaches that class and advances them through the  
3 GED work at a faster pace than my other classes.

4  
5 COUNCIL MEMBER NARCISSE: My time is up,  
6 but I have two more questions. I'm going to put it  
7 together and you can separate it. How are families  
8 involved in the educational process and progress  
9 of these young individuals, and what measures are  
10 in place to encourage and facilitate this  
11 involvement? That's one. Are there integrated  
12 services that address the mental health needs of  
13 those young folks? I think you mentioned this  
14 somewhere before, but I just want to be specific  
15 in what are you doing?

16 SUPERINTENDENT ESPERANCE: For that,  
17 I'll allow Principal Rashid to go a little bit  
18 deeper with what we do at Passages Academy.

19 PRINCIPAL RASHID: Thank you for that  
20 question. With Passages, we have two parent  
21 coordinators who are assigned and design events  
22 for parents. They actually have a group that meets  
23 monthly so that's one thing that the parent  
24 coordinators do. When we have our parent/teacher  
25 conferences, we have parent/teacher conferences

1 that take place. Right now, they're virtually, but  
2 in the past parents were invited to the facilities  
3 to meet with teachers in the facilities as well as  
4 with their students when they came to the school  
5 area so they can get an idea of what the program  
6 looks like and what the program feels like so  
7 that's something that we continue to do having  
8 that parent outreach. Also, upon intake, the  
9 social workers and guidance counselors reach out  
10 to the families, let them know that their students  
11 are with Passages Academy and what educational  
12 services that we provide as well as if there's any  
13 students that are looking at their GED track,  
14 there's conversations about that with the families  
15 as well so there's always a connection between  
16 what happens at school and the families. We spoke  
17 a little bit about it before, when we have  
18 graduations, families are invited to attend the  
19 graduations and be a part of that community  
20 experience so it's really about creating a  
21 community experience for students as well as  
22 parents.

24 COUNCIL MEMBER NARCISSE: Thank you. I  
25 know my time is up, but thank you for your service

1 and thank you. Yesterday, I was one of the fashion  
2 show with those kids, having a designer coming  
3 from Italy, and you should see that. Those young  
4 folks that have needs, high needs, but they can  
5 function when they have the opportunity and  
6 exposure, and you should see how proud they are  
7 with the things that they design, and young folks  
8 that normally other country will put aside so I am  
9 so happy that we're not, and I truly believe that  
10 we can do much more so that's the reason that I'm  
11 always having faith in folks that are delivering  
12 services and we are here to support and to ask the  
13 questions to make sure that we strike a balance so  
14 thank you.

16 SUPERINTENDENT ESPERANCE: Thank you. We  
17 appreciate your partnership because you always  
18 visit many of our programs and so we appreciate  
19 that.

20 COUNCIL MEMBER NARCISSE: Thank you.

21 CO-CHAIRPERSON JOSEPH: Thank you. I  
22 have a quick question on students who leave your  
23 facilities. What does re-entry look like? Can you  
24 guide me through that because I worked on a  
25 similar case last year, students were justice-

1 involved, went through your system, but it took  
2 them two years to get back into New York City  
3 Public Schools. Walk me through that process. When  
4 they leave your detention facilities, what is the  
5 plan for them to re-enter school?  
6

7 SUPERINTENDENT ESPERANCE: The minute  
8 that students come in to our program, we start  
9 with transition, and so they will sit with a  
10 guidance counselor, social worker. In Passages,  
11 it's called the Blueprint. In East River Academy,  
12 it really is like an individual plan of where do  
13 you want to end because we always want to have  
14 them understand that at the end of the day you  
15 have to have a plan because they're going to go  
16 back into society. Based on the results of their  
17 assessment, they share their interests and the  
18 different skills that they'd want and the  
19 different things that they'd want to pursue. It's  
20 New York State jurisdiction that they have the  
21 right to return to their home school if they want  
22 to. What we will do is always provide them with a  
23 platform that if you want to transition back to a  
24 program within D79, we prioritize that. I know  
25

1 there might be some situations where it might be a  
2 delay for particular students depending on where...

3  
4 CO-CHAIRPERSON JOSEPH: We're talking  
5 about two years. It took them two years to re-  
6 enter New York City Public Schools after his  
7 justice-involved case was involved, it took two  
8 years so walk me through that process that a  
9 student lost two years of instruction for him to  
10 get back into New York City Public Schools so I  
11 want to know the timeline when they leave  
12 detention, what's the goal to get them back and  
13 how long should that take? This was a D75 student.

14 SUPERINTENDENT ESPERANCE: That's what I  
15 was going to ask was it a student that had  
16 disabilities or so forth because it was a D75  
17 program. I know one of the things that we pride  
18 ourselves in New York City Public Schools overall  
19 is that there's always a plan and that we adhere  
20 to the transitions. What I would want, and I know  
21 this is not the place and form, is to find out  
22 more information about that particular incident so  
23 that we can investigate and really dig deep as to  
24 what were the missteps, but I know that we, since  
25 taking over, there's been an intentionality and

1 that's why we have assigned a supervisor to  
2 transition to ensure that those type of mistakes  
3 that you're speaking about doesn't happen. We want  
4 to make sure that before even a decision is made  
5 that there's a plan that's in place and so, as  
6 I'll reiterate again, the goal is always to have a  
7 plan in place for them to move forward. We have  
8 given them priority seating in D79 programs so if  
9 they wanted to go to a Pathways to Graduation, if  
10 they wanted to go to JSK, if they wanted to go to  
11 Co-op Tech, if they wanted to go to Restart, that  
12 they have that priority seating there. What I will  
13 want to find out a little bit more, and I know  
14 this is not the time, is just kind of investigate  
15 what was that student told specifically that  
16 delayed it so that we can make sure that something  
17 like that isn't repeated. I will say this, one of  
18 the things that we've been intentional about is  
19 that we have a partnership with District 75 like  
20 we have a liaison on the team that we engage with  
21 because what we've found, like I said once taking  
22 over this seat, is that we don't want there to be  
23 any gaps in getting any type of information about  
24 our students so in addition to seeing what they're  
25

1 about on paper, we want to always be in close  
2 communication to their home schools so we could  
3 dig deeper and find out exactly what they need so  
4 not only do we call the schools, we also keep the  
5 parents engaged because we want to make sure that  
6 it's a collective effort that's moving the work  
7 along.  
8

9 CO-CHAIRPERSON JOSEPH: When they leave  
10 the facilities to re-enter our communities, our  
11 societies, however you want to put it, is there a  
12 placement letter given to that student as to where  
13 they're going to go? I just want to see what the  
14 process is, who are you talking to, what agencies  
15 are you working with, how do we move? This case  
16 I'm talking about is a real case, not too long  
17 ago, that my office dealt with. Two years, so his  
18 justice-involved case was resolved, took shorter  
19 time to resolve than getting him back into New  
20 York City Public Schools. Not only did we fail  
21 him, he fell through the crack and we forgot about  
22 him so we don't want this to happen, and I'm sure  
23 my Colleagues will agree, we don't want this to  
24 happen anymore. Going through the criminal justice  
25

1 system is enough and not being able to attend  
2 school for two years is unacceptable for me.

3  
4 SUPERINTENDENT ESPERANCE: And I  
5 acknowledge and echo those sentiments. We don't  
6 want any type of interruption that happens with  
7 regards to academics with our students, and so  
8 that's why I'm requesting that at a later time if  
9 you can give me that specific detail, that  
10 specific student, so that we make sure that it's  
11 not replicated, but just with regards to how we  
12 are proactive in this work is that from the minute  
13 a student enters in, the transition process is in  
14 place, and what I will allow is for Principal  
15 Rashid to give a little more granular detail of  
16 how it works at Passages.

17 PRINCIPAL RASHID: Thank you for that  
18 question. Superintendent Esperance stated that  
19 home school re-entry happens immediately so when a  
20 student leaves and is discharged from Passages  
21 Academy, their home school, it's in the ATS system  
22 that they are immediately accepted back into their  
23 home school so that was very unfortunate that that  
24 happened to that young student, and it shouldn't  
25 have happened, but that is the process. Now, if

1 they want to go to a different school, that's  
2 where our social workers, guidance counselors, and  
3 assistant principal of transition will manage the  
4 communication with the next school. We also have  
5 welcoming committees set up where the receiving  
6 school is introduced to the student via a phone  
7 call or the family, now through Teams, to prepare  
8 for that student to arrive so that there is a  
9 seamless transition so those are the protocols in  
10 place to make those transitions seamless and  
11 happen upon discharge.

12  
13 CO-CHAIRPERSON JOSEPH: How are students  
14 with IEPs assessed in your program and are they  
15 all receiving the mandated service? We know  
16 sometimes that doesn't happen.

17 SUPERINTENDENT ESPERANCE: I'm happy to  
18 say the minute students enter into our facilities,  
19 we go and we dig into their IEPs, and we create  
20 something known as an SEP, which is a Special  
21 Education Plan. In the Special Education Plan,  
22 what we lean into and lift are the mandated  
23 services as well as the classifications as well as  
24 any type of information that will help us really  
25 provide a personalized instructional plan for

1 those students. At both facilities, East River  
2 Academy as well as Passages, there is a speech  
3 teacher on-site as well as a counseling teacher.  
4 For students that have OT or any other type of  
5 related services, we contract those services by  
6 way of SRA, and so our goal is to always make sure  
7 that the students are getting the services that  
8 they need as well as that we adhere to the  
9 requirements as outlined in the IEP because the  
10 goal is success for every single student that  
11 comes through our doors.  
12

13 CO-CHAIRPERSON JOSEPH: And those that  
14 miss their services, is there a way for them to  
15 make up because of absence, lockdowns, how does  
16 that work?

17 SUPERINTENDENT ESPERANCE: For any  
18 student that misses their services, there's always  
19 an opportunity, not only for lockdown but there  
20 are some students that are court-involved that  
21 might have to go to court that day or today might  
22 not be the day for me, I might get ill, so any  
23 student that doesn't have a service, we do do  
24 make-ups for them.  
25

CO-CHAIRPERSON JOSEPH: How did you handle that during the pandemic?

SUPERINTENDENT ESPERANCE: During the pandemic, I'm going to be transparent. I was not in the seat during the pandemic so I'm going to defer to my Principals for that.

PRINCIPAL RASHID: In terms of counseling mandates, we did have the opportunity to do teleconferencing through phone calls for our counseling services so those mandated counseling services were continued through that process.

CO-CHAIRPERSON JOSEPH: Can you explain the factors you consider when you modify the IEP into an SEP?

SUPERINTENDENT ESPERANCE: We don't modify. I just want to be very clear. The IEP and the SEP is comparable. We do not modify. The only thing that you might see a mild adjustment is that some IEPs come in as a 12 to 1 to 1 restrictive setting or a 15 to 1 to 1. Our classes by design in the secured settings are smaller, and so we are actually able to give them more personalized instruction versus what's requested in that IEP so we don't make modifications. We make adjustments

1 because we definitely recognize that our students  
2 are in secured settings but that shouldn't mean  
3 that instruction should be interrupted, whether  
4 they have an IEP or not.

5  
6 CO-CHAIRPERSON JOSEPH: Thank you. For  
7 Passage Academy, Crossroads, and Horizon, there's  
8 been reports recently of classrooms in two  
9 juvenile detention centers being used as makeshift  
10 jail cells during the school day, can you tell us  
11 more about that and what you know about the  
12 situation, if anything is being done to remedy  
13 that?

14 SUPERINTENDENT ESPERANCE: Thank you for  
15 that question. I just reiterate what was said by  
16 my partnering agency there's never been a time  
17 that we have been at our classrooms ready to  
18 receive children that we've witnessed students in  
19 those rooms.

20 CO-CHAIRPERSON JOSEPH: So that news  
21 article was false.

22 SUPERINTENDENT ESPERANCE: I mean to be  
23 quite honest. Whenever we are there at the doors  
24 ready to receive students, the classrooms are  
25 ready for the students.

1  
2 CO-CHAIRPERSON JOSEPH: When students  
3 are put in a cell for a period of time, do they  
4 get to make up the instruction they missed?

5 DEPUTY COMMISSIONER GINSBURG: In  
6 juvenile detention, we don't have cells. We don't  
7 put our young people in cells. If they are sick  
8 and they can't be moved to a classroom or they're  
9 in court, I'll let Miss Esperance speak to that.

10 SUPERINTENDENT ESPERANCE: If the  
11 students miss classes for any reason, if they're  
12 in court, if they're sick, if they needed a moment  
13 as what my colleague shared, what we will do is  
14 provide work for them and then they will also have  
15 the teacher who will assist them with the work or  
16 a one-to-one tutor so work is provided.

17 CO-CHAIRPERSON JOSEPH: They also stated  
18 in the article there was packets just given to the  
19 students so is that false as well?

20 SUPERINTENDENT ESPERANCE: No, that's  
21 false. We don't just give packets to the students.  
22 We give packets in the event if students can't  
23 have instruction for that day and we have already  
24 listed some of the reasons why, but we don't just  
25 give packets to student idly.

1  
2 CO-CHAIRPERSON JOSEPH: So students who  
3 do not attend class, they don't receive homework  
4 to complete on their own?

5 SUPERINTENDENT ESPERANCE: I'm going to  
6 go back again for the reasons. We do not give  
7 packets for students who are refusing instruction  
8 just to be very clear, but, if for some reason a  
9 student cannot make it to class, whether it be for  
10 the fact that they had to go to court or maybe  
11 they were sick, whether it be a physical sickness  
12 or a mental health day that they were taking, we  
13 will provide packets, but it won't be an extensive  
14 packet that they do for a course of over like  
15 weeks or so forth. It'll be a packet to make up  
16 the work that they have for that day. The  
17 expectation is that the tutor will go in and  
18 provide support as well as the teacher when they  
19 come back because we don't want to interrupt  
20 instruction.

21 CO-CHAIRPERSON JOSEPH: For our younger  
22 students, are their parents informed that they did  
23 not attend classes? How does that work? Your  
24 underage adolescents, if they don't attend  
25 classes, is the parent informed?

1  
2 SUPERINTENDENT ESPERANCE: I think this  
3 goes back to how we communicate and how we're  
4 always constantly taking the pulse of the students  
5 and keeping the parents in the loop, and so if we  
6 recognize that there's a trend in attendance that  
7 a student isn't showing up, that'll be something  
8 that's mentioned in those conversations that we  
9 have around the students about why they're not  
10 coming to school, if it's an extended illness, we  
11 keep those parents informed of those things.

12 CO-CHAIRPERSON JOSEPH: At our last  
13 hearing we had with you, you talked about students  
14 in East River Academy being screened for dyslexia.  
15 Is the plan put in place already or has it  
16 started, has it been implemented, or where are you  
17 in that?

18 SUPERINTENDENT ESPERANCE: With that  
19 plan, as you know, the screening for dyslexia is  
20 an initiative that we strongly back the Mayor as  
21 well as the Chancellor with regards to ensuring  
22 that every New York City resident is able to read.  
23 With regards to the dyslexia pilot that was in  
24 place, what we did do is begin in the spring that  
25 we started working very closely with New York City

1 Public Schools Special Education Department, and  
2 so where we are at right now is that we are  
3 continuing our professional development so that we  
4 could build the capacity of our teachers and then  
5 we're also not only building the capacity on how  
6 they're implementing the screener but we're also  
7 organizing our instruction to ensure that once  
8 students are screened and if they do come up with  
9 the screen of having traits of dyslexia that we  
10 have the resources and interventions in place so  
11 to answer your question in totality, we have moved  
12 along from when we first met back in April so I'm  
13 very proud of that. We have visited the sites,  
14 identified what teachers will be implementing  
15 them, and so the goal is to continue that work so  
16 that we can start initiating the screeners.

18 CO-CHAIRPERSON JOSEPH: How many  
19 teachers have you trained so far?

20 SUPERINTENDENT ESPERANCE: I don't have  
21 a specific number, but I know that we've targeted  
22 the teachers who deal with literacy and our  
23 reading specialists.

24

25

1  
2 CO-CHAIRPERSON JOSEPH: How do you  
3 recruit the students you want to screen? Are you  
4 screening all of them or some of them?

5 SUPERINTENDENT ESPERANCE: Our intention  
6 is to do all the students that we have with  
7 prioritizing our students that we know that have  
8 IEPs because we definitely recognize that we might  
9 have students who are coming in without an IEP  
10 that might be dyslexic, and so the goal is to  
11 prioritize the students with IEPs but then also  
12 use teacher observations to ensure that no one is  
13 slipping through the cracks.

14 CO-CHAIRPERSON JOSEPH: There will be  
15 ongoing PD for the teachers?

16 SUPERINTENDENT ESPERANCE: Constantly.  
17 Ongoing PD for the teachers is a must because as  
18 we continue to do this work and we get assessment  
19 as Council Member Narcisse said, not only are we  
20 tracking but we use that data to drive our  
21 instruction decisions.

22 CO-CHAIRPERSON JOSEPH: Quick question.  
23 What kind of de-escalation training and mental  
24 health trauma-informed training does the DOE, ACS,

1 and DOC staff use to interact with students that  
2 are incarcerated?  
3

4 SUPERINTENDENT ESPERANCE: In  
5 partnership with District 75, we do de-escalation  
6 training, but we also lean in onto TCIS. I don't  
7 want you to be offended by me asking if you're  
8 family with TCIS because I know we throw acronyms  
9 around, but TCIS is really targeted professional  
10 learning that really equips teachers with the  
11 skills to really de-escalate and just be mindful  
12 of not only what the child is doing but why it's  
13 happening and digging it deeper. We also partnered  
14 with Brain Power, which is an organization that  
15 really allows us to do team building as well as  
16 really being intentional on the mindfulness  
17 moments. We also have SEL, social-emotional  
18 learning, guide that we've created in-house so  
19 that our teachers are equipped with recognizing  
20 that every day there should be some type of  
21 mindfulness moment that's happening in the  
22 classroom.

23 I'll pass it over to my colleagues

24 (INAUDIBLE) ACS.

2 DEPUTY COMMISSIONER GINSBURG: All of  
3 our YDS staff receive trauma training provided by  
4 Bellevue clinicians when they're onboarded. We're  
5 actually doing a booster training now for our YDS  
6 staff who have been on staff, and Bellevue will be  
7 conducting that booster training. The DYFJ model  
8 is heavily focused on a counseling model. Our  
9 dedicated school liaisons are available to counsel  
10 the students along with their hall staff who are  
11 in the classroom with the students. The Bellevue  
12 Clinic that is on-site in each of our secure  
13 facilities who treat the majority of our young  
14 people who are in care also provide additional  
15 support for the students and the staff caring for  
16 them.

17 DEPUTY COMMISSIONER TORRES: Thank you  
18 for that question. All of our uniform members  
19 undergo rigorous training through our academy when  
20 they are first onboarded. Officers who are  
21 assigned to the school floors receive specialized  
22 training including training on de-escalation,  
23 conflict resolution, interpersonal communications  
24 skills, training related to young adults brain  
25 development as well as restorative justice

1 circles. Our program counselors, associate  
2 correctional counselors, social workers as well as  
3 intervention specialists are always trained by our  
4 own Assistant Commissioner assigned to counseling  
5 on evidence-based anger management, interactive  
6 journaling, trauma-informed care and more. Know  
7 that when it comes to mental health services, as a  
8 Department, we have a strong partnership and  
9 collaboration with CHS, and so any time that  
10 outside the purview of the DOE, we identify there  
11 are challenges, we make an immediate referral to  
12 mental health.  
13

14 CO-CHAIRPERSON JOSEPH: How often are  
15 they trained, your uniform officers?

16 DEPUTY COMMISSIONER TORRES: When it  
17 comes to our officers, the frequency varies.  
18 School officers are trained on an annual basis,  
19 and any time we onboard a new officer, before  
20 being assigned to the school floor, our  
21 educational services unit must train the officer.

22 CO-CHAIRPERSON JOSEPH: How many ENL  
23 students do you have in your program?

24 SUPERINTENDENT ESPERANCE: Thank you for  
25 that question. I'm just going to give you what we

1 have right now as of October 2, 2023. Give me one  
2 second. It's 6 percent at Passages and 25 percent  
3 at East River Academy.

4  
5 CO-CHAIRPERSON JOSEPH: Do you have  
6 bilingual staff on board?

7 SUPERINTENDENT ESPERANCE: Yes, we have  
8 bilingual staff at both facilities.

9 CO-CHAIRPERSON JOSEPH: And you provide...

10 SUPERINTENDENT ESPERANCE: And we  
11 provide the ELL services and we also do  
12 translation services to make the work accessible.

13 CO-CHAIRPERSON JOSEPH: You have ESL-  
14 certified teachers?

15 SUPERINTENDENT ESPERANCE: Yes, and then  
16 we also give, I know this is more information, but  
17 we also give the opportunity for our students who  
18 come in speaking Spanish and want to pursue a HSE,  
19 we do offer the GED in Spanish for them as well.

20 CO-CHAIRPERSON JOSEPH: Okay. Percentage  
21 you said, what percentage of students who received  
22 all their required services this school year  
23 compared to the previous?

24 SUPERINTENDENT ESPERANCE: Say that, so  
25 what percentage of the students received...

1  
2 CO-CHAIRPERSON JOSEPH: What is the  
3 current number and percentage of ELL students that  
4 receive all of their required services this school  
5 year?

6 SUPERINTENDENT ESPERANCE: To be very  
7 transparent with information like that (INAUDIBLE)  
8 the number of percentage of students, we have 90  
9 percent of our ELL students at Passages have  
10 received ELL services this year so far, and then  
11 all the ELL students at East River Academy on the  
12 HSE pathway and 51 percent are older than 21 years  
13 old. However, they're still receiving the  
14 services. In addition to that, we track it when we  
15 have our weekly conversations on how the students  
16 are doing.

17 CO-CHAIRPERSON JOSEPH: How does this  
18 compare to the previous school year?

19 SUPERINTENDENT ESPERANCE: I don't have  
20 that previous school year information at this  
21 time. Hold on a second. I just want to make sure  
22 I'm giving you the right information. What we do  
23 have is just the percentage of ELLs that we had in  
24 previous years. In previous years, we had 7  
25 percent ELL in East River Academy and then I can

1 give you in Passages, previous school year we had  
2 6 percent as well at Passages with regards to the  
3 number of students.  
4

5 CO-CHAIRPERSON JOSEPH: How many  
6 bilingual staff are assigned to work with ELL  
7 students in secure ACS facilities and at East  
8 River Academy?

9 SUPERINTENDENT ESPERANCE: I would have  
10 to come back to you with that specific  
11 information, but I do want to reassure that we do  
12 have bilingual staff at both facilities, and not  
13 only is just that we have bilingual staff, in  
14 Passages we have three ELL teachers and in East  
15 River Academy we have one ENL teacher, one  
16 bilingual counselor, and three Spanish-speaking  
17 teachers at East River Academy.

18 CO-CHAIRPERSON JOSEPH: Okay, so all of  
19 the services mandated, the ESL hours are being  
20 met?

21 SUPERINTENDENT ESPERANCE: Yes.

22 CO-CHAIRPERSON JOSEPH: What is the  
23 number of percentage of students in secure ACS and  
24 DOC facilities who have IEPs or 504 plans?  
25

1  
2 SUPERINTENDENT ESPERANCE: I'll give  
3 them to you by location.

4 CO-CHAIRPERSON JOSEPH: I'd like to  
5 recognize Council Member Shekar Krishnan.

6 SUPERINTENDENT ESPERANCE: In East River  
7 Academy, we have 46 percent as of October 2, 2023,  
8 and at Passages it's 59 percent.

9 CO-CHAIRPERSON JOSEPH: In your ACS or  
10 DOC facilities, IEP or 504 plan, how do you, as  
11 well as race, disability classification and gender  
12 and ELL status, is that how the category is for  
13 them?

14 SUPERINTENDENT ESPERANCE: Yeah.

15 (INAUDIBLE)

16 CO-CHAIRPERSON JOSEPH: What number and  
17 percentage of students with disabilities receive  
18 all their mandated IEP-services this school year,  
19 and how does that compare to the previous school  
20 years?

21 SUPERINTENDENT ESPERANCE: At this point  
22 right now, we have 87 percent of active East River  
23 Academy students who are eligible for IEP services  
24 have a special education plan and 100 percent of  
25

1 the active Passage students who are eligible for  
2 IEP services have a special education plan.

3  
4 CO-CHAIRPERSON JOSEPH: What percentage  
5 of students with disabilities receive 50 percent  
6 or more of their mandated service?

7 SUPERINTENDENT ESPERANCE: With 50  
8 percent or more of their mandated services, so I'm  
9 going to reiterate again, the numbers that I just  
10 shared with you is the percentage of students that  
11 we transitioned into their special education plan,  
12 and we use their special education plans as  
13 guidance throughout so they're receiving their  
14 services as outlined with the educational plan,  
15 and anything that can't be offered in-house we  
16 provide an SRA so that we can contract those  
17 services out.

18 CO-CHAIRPERSON JOSEPH: If students  
19 didn't receive all of their services, which ones  
20 didn't they receive and you said you made it up  
21 through SRA?

22 SUPERINTENDENT ESPERANCE: Yeah, we  
23 would make it up through the SRA. That specific  
24 data we don't have right now of how many received  
25 it versus who didn't, but we can follow up with

1 that because we do a lot of that stuff manually  
2 and in our conversations when we keep track of the  
3 students.  
4

5 CO-CHAIRPERSON JOSEPH: How many  
6 psychologists do you have at the East River  
7 Academy?

8 SUPERINTENDENT ESPERANCE: We don't have  
9 any psychologists, but we definitely have guidance  
10 counselors and social workers.

11 CO-CHAIRPERSON JOSEPH: How many  
12 psychologists are assigned to provide the special  
13 education evaluation to students at Crossroads,  
14 Horizon, and those attending...

15 SUPERINTENDENT ESPERANCE: I'm going to  
16 share with regards to the special education  
17 evaluations. We don't do the traditional triannual  
18 and annual reviews. It was based on a settlement  
19 with prior litigation with both agencies so that  
20 SEP is what we look at. With the SEP, there are  
21 guidelines that we have within a 30-day period  
22 that we extract the information from the IEP and  
23 we implemented, and those SEPs are valid for a  
24 year and then we do have annual conversations if  
25 it does go past a year with them in that space.

1  
2 CO-CHAIRPERSON JOSEPH: Okay. This was  
3 something I talked about earlier, and I want to  
4 circle back a little bit. Are there specific  
5 transition coordinators in each facility? I know  
6 you said that earlier, and our understanding is  
7 that the guidance counselors are now handling the  
8 transition for all students. However, these  
9 counselors do not have specialized knowledge or  
10 access to DOE information on placements for  
11 students who go to a different school from where  
12 they attended before being in detention so we  
13 often hear there's a gap, like I mentioned  
14 earlier, in enrollment in schools when they are  
15 released so I just wanted to reiterate that part.  
16 How do we close that gap?

17 SUPERINTENDENT ESPERANCE: That's an  
18 excellent question that we can go deeper in on. We  
19 do have access to where the students come from. I  
20 just want to be very clear on that because we use  
21 the ATS system that the DOE has so it's not that  
22 we're D79 separate of DOE even though we're in the  
23 incarcerated settings, we are an extension of so  
24 we have access to all the different programs that  
25 New York City Public Schools so we have access to

1  
2 CCIS (phonetic), we have access to ATS so we're  
3 very clear on where the students came, and the  
4 reason why we go a little bit deeper is that we  
5 want to make sure that what we're seeing in the  
6 system is accurate so that's why we always make  
7 contact with the home schools, and I'm going to  
8 reiterate again, it breaks my heart about what  
9 happened with that student, and I want to really  
10 dig deep to find out more information about that  
11 so that's not repeated because we have systems and  
12 structures in place to make sure that we're  
13 tracking students from the minute they arrive to  
14 when they move forward.

15 CO-CHAIRPERSON JOSEPH: What is the  
16 three months attendance rate for students post-  
17 discharge from Crossroads, Horizon, East River  
18 Academy, and what steps are DOE, ACS taking to  
19 improve that rate?

20 SUPERINTENDENT ESPERANCE: With East  
21 River Academy, the data is limited because many of  
22 the students once they leave Rikers Island will go  
23 upstate, many of them, so we don't have the data  
24 with regards to that. We only have three for that  
25 number.

1  
2           With regards to Passages, we have pre-  
3 and post-attend rate data for 103 students at  
4 Passages. Pre-attendance rate would be 44 percent.  
5 Post-attendance rate would be 52 percent rate, and  
6 post-attendance rate at least 70 percent is 31  
7 percent.

8           CO-CHAIRPERSON JOSEPH: Another  
9 question, how do you work with students who are in  
10 foster care that come in your care? How does that  
11 work, ACS?

12           DEPUTY COMMISSIONER GINSBURG: We have a  
13 dedicated crossover unit, and so when a young  
14 person who's in foster care enters a detention  
15 facility, the crossover unit contacts and  
16 coordinates with the foster care agency and then  
17 they work the case management unit in each  
18 facility so that visits can be arranged for the  
19 young people. The case managers will reach out to  
20 the foster care agencies to ensure that the foster  
21 care agencies are visiting, and, if those visits  
22 are not happening, then outreach is made to our  
23 crossover unit to work with the agencies to  
24 improve contact with our young people.

1  
2 CO-CHAIRPERSON JOSEPH: What's the plan  
3 when they are discharged? Let's say they are  
4 discharged. What's the plan between ACS and the  
5 foster care agency?

6 DEPUTY COMMISSIONER GINSBURG: If a  
7 child is in foster care, the foster care agency's  
8 relationship with that youth continues while the  
9 child is in care and so their planning  
10 responsibilities continue and they are expected,  
11 if that child returns to the foster care placement  
12 where they were prior to coming into detention,  
13 then the foster care resumes their oversight of  
14 that placement.

15 CO-CHAIRPERSON JOSEPH: Of course, they  
16 help re-enter that young person into schools or  
17 whatever.

18 DEPUTY COMMISSIONER GINSBURG: Yes.

19 CO-CHAIRPERSON JOSEPH: What kind of  
20 diagnostic assessment is done to determine a young  
21 person's learning level when they arrive in ACS or  
22 DOC court-ordered custody, when is it done, by  
23 whom, and how is the information used?

24 SUPERINTENDENT ESPERANCE: All students  
25 who arrive to us, after they have done the

1 orientation process with the respective agencies,  
2 we do our own internal assessments as well so we  
3 do a STAR assessment for math and literacy  
4 performance as well as TABE testing for 11th and  
5 12th for the HSE track. That's done within the  
6 first 10 days. In addition to that, we do ongoing  
7 assessments of the students, whether it be through  
8 one-to-one conversations with the teachers,  
9 classroom observations, and the work that they  
10 produce. We also make sure that we go back and do  
11 post-testing depending on how long the student is  
12 with us to measure progress and gains.

14 CO-CHAIRPERSON JOSEPH: Any challenges  
15 you ever face getting that work done?

16 SUPERINTENDENT ESPERANCE: I think the  
17 biggest challenge that we just face in  
18 incarcerated settings is that we don't know what  
19 tomorrow is going to be for the students because  
20 ultimately every day starts a different path so  
21 what we try to make sure that we do is that when  
22 they're in with us that they walk away learning  
23 something, and so we're really intensive and  
24 personalized. I want to say that's the biggest  
25 hindrance, just that we have students that are

1 with us for two days, sometimes people are with us  
2 for 45 days, sometimes people are with us for a  
3 year, it really depends on the system so that is  
4 probably the biggest hurdle.  
5

6 CO-CHAIRPERSON JOSEPH: That's the  
7 biggest hurdle? Okay. Does New York City Public  
8 Schools provide service to students, teachers, and  
9 parents at Passages Academy and East River  
10 Academy? If not, is the New York City Public  
11 Schools working towards collecting informative  
12 data from students, teachers, and parents in these  
13 facilities?

14 SUPERINTENDENT ESPERANCE: What we've  
15 done, because we are in secured sites, we don't do  
16 the traditional green envelope that tends to go  
17 out across the city, but we do have our Director  
18 of Data, Ben Mead (phonetic), who really leads the  
19 work on ensuring that we customize surveys so that  
20 we have it all our settings so we use the same  
21 company that's used for the green survey that's  
22 given around citywide, but we customize it so that  
23 the questions that are being asked are tailored to  
24 the students that we're serving and in those  
25 settings.

1  
2 CO-CHAIRPERSON JOSEPH: You're able to  
3 work one-on-one with the parent and the child so  
4 how do you get that data?

5 SUPERINTENDENT ESPERANCE: What we do is  
6 we do administrative surveys so the survey can be  
7 done on paper, it can be done electronically, and  
8 so we give a timeframe so that we can get  
9 information from them all. We also have exit  
10 surveys that we do with our students just to hear  
11 about their experiences as well as, as I lifted  
12 earlier, that we have the ongoing conversations  
13 through our student leadership council, and then  
14 we also have ongoing conversations with our  
15 parents. It's really important that, although  
16 these students are in a secured setting, that they  
17 still feel close to home and that they have that  
18 link so we have a parent newsletter that goes out  
19 as was already previously mentioned, we'll do our  
20 virtual parent/teacher conferences, and I've sat  
21 in on a couple of them where I've heard parents  
22 use that platform as a space of where my child  
23 called home or my family member called home and  
24 said this, is there a way that you can meet this  
25 need, or even calling to celebrate, you know what,

1 my child said that they're really being well-cared  
2 for and that there's somebody there to speak to  
3 and that they're appreciative of our work.

4  
5 CO-CHAIRPERSON JOSEPH: Okay. What type  
6 of curriculum is used in these facilities?

7 SUPERINTENDENT ESPERANCE: We use state-  
8 aligned curriculum with regards to math, science,  
9 ELA, and social studies so the same state standard  
10 aligned. The only modification, I hate the word  
11 modification, the only adjustments that we make,  
12 because modification means that we water it down  
13 and we don't, the only adjustments that we make is  
14 that we customize it to the needs and the  
15 performance levels of the students that are coming  
16 into us. As I mentioned earlier, we might have  
17 some students that come in at 17 years old that  
18 are non-readers so we don't give them second grade  
19 work, but we definitely will take and annotate and  
20 provide accessible tools so that they can access  
21 the work and we provide support instructions so  
22 that they can demonstrate progress. I would like  
23 to actually share a story about a student that  
24 came into us through Passages at a recent  
25 graduation. He came in at a second grade

1 performance level alternate assessment and within  
2 four years, because of the partnership that we did  
3 with ACS and the tutoring and how we pooled all  
4 our resources, he graduated with an HSE diploma so  
5 that would mean that he went from a second grade  
6 to a 12th grade performance level within four  
7 years.

9 CO-CHAIRPERSON JOSEPH: (INAUDIBLE)

10 success stories so like New York City Public  
11 Schools, I keep reminding them they need to  
12 celebrate those success stories as sometimes as  
13 the gloomy as the stories are but there are  
14 successes. There are kids who made it out and  
15 changed their lives, and I keep telling New York  
16 City Public Schools I hope you're listening and  
17 taking notes as I always reiterate the need to  
18 celebrate. Unfortunately, it's under those  
19 conditions, but, however, to make it out, to defy  
20 the odds that were stacked against you is a call  
21 for celebration. Thank you for that. That's  
22 important to note.

23 I know you have a GED program. How does  
24 your GED program work in these facilities? Can  
25 just walk me through?

2 SUPERINTENDENT ESPERANCE: The GED  
3 program is the HSE program so when we keep saying  
4 HSE, it is the GED so depending on where students  
5 come in determines what pathway that they'll take  
6 so if we have students, and I know Principal  
7 Threadgill mentioned this earlier, if we have  
8 students that come in with a high number of  
9 Regents and the most efficient pathway for them to  
10 get to the next level would be a high school  
11 equivalency, which is the GED, that's the path  
12 that we put them on because they have the Regents.  
13 Same in Passages, if there are students who once  
14 again are overage, under-credited, but they have  
15 Regents underneath their belt, that'll be the  
16 pathway that they take so HSE also known as the  
17 GED is offered in both spaces.

18 CO-CHAIRPERSON JOSEPH: You have an  
19 instructor there or this is done online?

20 SUPERINTENDENT ESPERANCE: No, it's an  
21 instructor so what will happen is because in East  
22 River Academy, there's a high population of  
23 students, 96 percent of the students, are on that  
24 HSE pathway and so instruction is done primarily  
25 to address those needs, but we do have teachers

1 that are supporting the students that are on the  
2 high school diploma track. In Passages, it's the  
3 flip, that we have students that are on the high  
4 school diploma track, but we do acknowledge that  
5 there are some students, because of their age and  
6 performance level, the HSE track is more of one  
7 that would give immediate success. We have those  
8 students that will have customized instruction for  
9 them and then they'll have tutors and teachers  
10 that guide them through the work.

12 CO-CHAIRPERSON JOSEPH: Okay. One of my  
13 Colleagues had asked me this question. They're  
14 concerned about the quality of educational  
15 programming for students who are pursuing the GED  
16 program. For students working towards GED,  
17 students have access to live instruction for GED.  
18 It's the same for both, Passages and East River?

19 SUPERINTENDENT ESPERANCE: Yes, it's the  
20 same for both, but the way, as I explained, in  
21 East River Academy, we have a high number of  
22 students that are on the HSE track and so they are  
23 all live instruction. That's what live  
24 instruction, like if you walk into a classroom,  
25 that's the HSE track. You might see students who

1 are on the diploma track that will be more small  
2 group targeted instruction, and it's the flip at  
3 Passages where the majority of our students are on  
4 the high school diploma track and so you'll see  
5 pockets of students that are working at the HSE  
6 with regards to the GED and so they have  
7 customized instruction and supports, and then  
8 there is a tutor or teacher that's guiding them  
9 through that.  
10

11 CO-CHAIRPERSON JOSEPH: How many  
12 students do you normally have in those classes?

13 PRINCIPAL RASHID: The classes are not  
14 separate. They are integrated so every day  
15 teachers are given a class list to identify their  
16 student groups so these students who are on the  
17 GED list are provided with their assignments, and  
18 it's in the class room so that's what the function  
19 of it is.

20 SUPERINTENDENT ESPERANCE: Let me just  
21 kind of dig in. With regards to what it is, is  
22 that our classes are differentiated so it doesn't  
23 matter, like the way we group our classes, all our  
24 teachers are always prepared to teach a wide range  
25 of students so if you have a class list where it

1 says that you might have three students on the HSE  
2 track and seven students doing the high school  
3 diploma, the teacher knows exactly who those  
4 students are and they're provided the resources so  
5 that they can tailor instruction.  
6

7 PRINCIPAL RASHID: Every day, it's not  
8 different. It's just as new students come in, you  
9 want to have the most updated information so we do  
10 daily class lists for new students coming in or if  
11 another student has come from a different hall so  
12 teachers have the most updated information every  
13 day.

14 PRINCIPAL THREADGILL: At East River  
15 Academy, with 201 students, 193 of them are on the  
16 HSE track. All instruction is provided by  
17 certified teachers in content areas in math,  
18 social studies, and ELA as well as an ENL teacher  
19 and then we have our CTE and digital literacy and  
20 culinary arts. Every classroom is based on the  
21 GED, and it's important for us to make sure that  
22 every student gets what they need so that's why I  
23 did create two classes, one an advanced GED class  
24 for those who are coming in with passed Regents  
25 that take the place of a subtest on the GED, and

1 then an enrichment literacy class to help those  
2 who come in at the lower reading levels to gain  
3 those fluency skills and comprehension skills so  
4 that they can at least make those gains in TABE in  
5 math and reading.  
6

7 CO-CHAIRPERSON JOSEPH: Thank you. What  
8 number of percentage of the students enter ACS or  
9 DOC custody from District 75 schools?

10 SUPERINTENDENT ESPERANCE: I don't have  
11 the specific number, but I do want to share that  
12 when you hear the percentage of how many students  
13 that we have in special education that are in  
14 these facilities, they don't all come from  
15 District 75. They're representative of the 1  
16 through 32 Districts as well as D75 so it's not  
17 all D75 students. We do have D75 students that are  
18 in the facilities, and so that's why we've been  
19 intentional to make sure that we have a  
20 partnership with the District 75 superintendent  
21 CTE team so that there's that smooth transition  
22 that there's no interruption in the services that  
23 the students need.

24 CO-CHAIRPERSON JOSEPH: Okay, thank you.  
25

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
you, Chair, and thank you so much to the  
Administration for your testimony today.

We will now be turning to public  
testimony. We'll be limiting public testimony  
today to three minutes each.

For our in-person panelists, please  
come up to the table once your name has been  
called.

For virtual panelists, once your name  
is called, a Member of our Staff will unmute you  
and the Sergeant-at-Arms will set the timer and  
give you the go-ahead to begin. Please wait for  
the Sergeant to announce that you may begin before  
delivering testimony.

For our first in-person panel, we have  
Elisabeth Bernard, Anna Arkin-Gallagher, and  
Husein Yatabarry. Please make your way to the  
desk. Thank you.

Elisabeth Bernard, you may begin your  
testimony.

ELISABETH BERNARD: Good afternoon. My  
name is Elisabeth Bernard, and I am a Staff  
Attorney for the School Justice Project at

1  
2 Advocates for Children of New York. As an attorney  
3 on the School Justice Project, I represent court-  
4 involved youth as they navigate the significant  
5 challenge of receiving educational services and  
6 special educational services both while they are  
7 in placement and as they are transitioning out of  
8 placement. In recent years, we have seen an effort  
9 to improve the educational services that youth  
10 receive while in juvenile detention and placement,  
11 but, despite these efforts, a high number of youth  
12 within these facilities and youth re-entering  
13 communities continue to face barriers to receiving  
14 an education. We see these issues every day in our  
15 work with the young people we serve. Recently,  
16 we've noticed that many youth who have re-entered  
17 their communities from detention are left with no  
18 school placement which causes further delays in  
19 their academic progress and delays in receiving  
20 IEP-mandated services. This year, I worked with a  
21 parent whose son served 10 months at Crossroads.  
22 When he released in August of 2023, he was given  
23 no school placement letter and not provided with  
24 any assistance to ensure a smooth transition into  
25 an academic setting. This was despite the fact

1 that engagement in school was a condition of his  
2 release. Instead, he was connected to AFC in  
3 September through a partnering ATI program that  
4 was struggling to find him a school placement  
5 after he was released. We were able to quickly  
6 assist once we learned about the situation, but  
7 the student missed school for weeks in the  
8 meantime. His mother later shared that he had not  
9 had an IEP or SEP meeting as testified earlier  
10 today in over a year, he did not take grade-  
11 appropriate classes while in placement at  
12 Crossroads, and he received no IEP-mandated  
13 services during his 10 months at Crossroads. This  
14 is a systemic issue that needs attention as  
15 numerous families experience these challenges.  
16 Intro. 542's requirement that agencies report on  
17 educational programming will help address the lack  
18 of data reporting focused on this population,  
19 allow for public access to this information, and  
20 create an avenue to assess what changes need to be  
21 made to improve educational programming and  
22 services in these facilities. Given the continued  
23 systemic issues outlined above, Advocates for  
24 Children of New York strongly supports Intro. 542  
25

1 to ensure transparency, monitoring, and  
2 accountability of children and youth in court-  
3 ordered settings. We, along with other advocates  
4 in this field, have a number of suggested  
5 recommendations to make this bill stronger and to  
6 allow for data to better be utilized for systemic  
7 change. We are attaching our recommendations to  
8 our written testimony. Thank you for the  
9 opportunity to testify, and I would be happy to  
10 answer any questions you may have for me.

12 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
13 you so much for your testimony. Anna Arkin-  
14 Gallagher.

15 ANNA ARKIN-GALLAGHER: Good afternoon.  
16 My name is Anna Arkin-Gallagher. I'm a Supervising  
17 Attorney and Policy Counsel on the Education  
18 Practice at Brooklyn Defender Services. Thank you  
19 for the opportunity to testify.

20 We provide legal representation and  
21 informal advocacy to our school-age clients and  
22 parents of children in New York City schools. Many  
23 of our clients are involved in the criminal legal  
24 system, and a number of our clients are  
25 incarcerated on Rikers Island or in juvenile

1 detention facilities. We believe children and  
2 young people learn best when they're in their  
3 homes and not behind bars. The best way to provide  
4 educational supports to the young people we serve  
5 is to avoid putting them in detention and focus on  
6 diverting them from the criminal legal system  
7 altogether, but, for those who are in jail and  
8 detention, we also believe the City must do more  
9 to improve the educational services they receive.  
10 Our written testimony will elaborate further on  
11 what that means for young people in non-secured  
12 detention and juvenile detention facilities, but,  
13 for my testimony today, I want to focus  
14 specifically on the needs of school-age people on  
15 Rikers Island. Young people on Rikers have a right  
16 to educational services through the school year in  
17 which they turn 21. Nevertheless, school age youth  
18 on Rikers continually struggle to access  
19 educational services, and, frankly, we've seen a  
20 quite different situation than the one DOC  
21 described earlier today. Every week, we learn of  
22 young people who wish to attend school on Rikers  
23 and are unable to do so. Some young people are  
24 placed in facilities on Rikers that don't have  
25

1 school services available. Others are housed in  
2 facilities that do have educational services  
3 available but are not being housed in one of the  
4 limited number of program units. Some of our  
5 clients who are not in program units have  
6 requested to transfer into program units but have  
7 not been moved for weeks or ever. Others confront  
8 the difficult decision of whether to transfer into  
9 a new and unfamiliar unit in order to attend  
10 school or to instead stay in more familiar  
11 surroundings and not have school access. One 18-  
12 year-old that we worked with, a special education  
13 student, requested to go to school immediately  
14 upon arriving at Rikers. He filled out a paper  
15 form to request educational services and  
16 repeatedly informed correction officers of his  
17 desire to attend school. He was on Rikers for the  
18 entirety of last school year and attended a single  
19 week of school. I learned just yesterday as I was  
20 writing this testimony that another one of our  
21 clients, an English language learner who thrived  
22 at East River Academy over the summer, has not  
23 been able to attend school since August. He has  
24 been told by correction officers that the school  
25

1 floor is "too crowded." In the last few weeks, we  
2 learned that several of our school age clients are  
3 being detained in the new enhanced supervision  
4 housing at RMSC, known as RESH, and have been told  
5 they are not able to access educational services  
6 until they leave restrictive housing. These  
7 stories are not outliers. We hear constantly from  
8 the young people we serve at Rikers that they want  
9 to use their time on Rikers to further their  
10 education and are being prevented from doing so.  
11 Coupled with the cuts to programming on Rikers  
12 Island, the people we represent are increasingly  
13 spending time there with nothing productive to do.  
14 All young people at Rikers who wish to attend  
15 school must be able to do so as is their right  
16 including students placed in restrictive housing  
17 units. Thank you for the opportunity to testify  
18 today.

20 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
21 you so much. Husein Yatabarry.

22 HUSEIN YATABARRY: Honorable Chair  
23 Joseph and all distinguished Members of the New  
24 York City Council, my name is Husein Yatabarry,

25

the new Executive Director of Muslim Community Network.

Firstly, I express my sincere gratitude for today's opportunity to testify for our approach for Intro. 542, which underscores the importance of detailing educational programs and services for justice-involved youth. MCN has been dedicated to conveying an accurate, unbiased portrayal of Muslims. Our endeavors span from youth empowerment to women's rights advocacy to hate crime mitigation and civic education promotion. Two points to speak upon for youth raised in Islam and reverts whose conversion occurred during their incarceration in prison because you really want to speak for that population. In 2023, we actually broadened our outreach to juvenile detention centers in the Bronx and Brooklyn during Ramadan in collaboration with the chaplain's office at Horizons and Crossroads juvenile detention centers. MCN provided workshops for newly converted Muslim youth and those curious about Islam. These sessions enhanced their understanding of Islamic principles, traditions, and practices, and delving

1 deep into the essence of Ramadan, the significance  
2 of the Five Pillars, and the rich (INAUDIBLE) of  
3 Muslim American history. For juvenile detention  
4 centers, this marked a pioneering moment, the  
5 first of many instances in recent memory of a  
6 Muslim organization facilitating such workshops.  
7 For the attendees, it was more than just an  
8 educational experience. It was an opportunity to  
9 reflect on the virtues like forgiveness, hope,  
10 gratitude, vulnerability, while debunking  
11 prevailing misconceptions about their faith. The  
12 importance of such programs and their subsequent  
13 reporting cannot be stressed enough as an  
14 influence to allocation of resources for similar  
15 educational ventures. My personal commitment was  
16 evident when I celebrate Eid al-Fitr in April with  
17 incarcerated youth at Horizons. We are indebted to  
18 A.C. Thomas for granting us access, and it's  
19 imperative to commend Abdul Sankare (phonetic)  
20 whose role as Youth Detention Specialist at  
21 Horizons Juvenile Detention Center has been  
22 pivotal in forming connections and ensuring our  
23 nurturing atmosphere and extending educational  
24 support.  
25

1  
2           In tandem, we've conceived a New Moon  
3 initiative for forthcoming Ramadan, an endeavor  
4 reflecting the rejuvenation and alignment with our  
5 mission to uplift the young residents at Horizons.  
6 This is a program that we have started pitching to  
7 ACS as of this week. We are also optimistic that  
8 this program will (INAUDIBLE) significant positive  
9 transformations and align with MCN's core values.  
10 We trust such initiatives will bolster ACS'  
11 efforts to encourage more youth of Islamic faith  
12 to embrace education and to turn them from violent  
13 altercations.

14           Also, the recent surge in the Middle  
15 East linked violence which resonated in local  
16 demonstrations and tensions amplify the urgency  
17 for endeavors like Resolution 476 which MCN has  
18 pitched forth since last year. It's been endorsed  
19 by 15 co-sponsors. The resolution aspires to  
20 instill religious diversity curriculum across all  
21 grade levels, and we believe that this resolution  
22 will have high impact within youth detention  
23 facilities for youth who are battling with their  
24 religious faith and who have been suffering  
25 religious discrimination within these facilities.

1  
2 In conclusion, we extend our heartfelt  
3 thanks to the Council for hearing our testimony.

4 CO-CHAIRPERSON JOSEPH: Thank you. You  
5 mentioned overcrowding, reason students are denied  
6 programming at Rikers. Are there any other reasons  
7 you've heard about?

8 ANNA ARKIN-GALLAGHER: Yeah. I mean the  
9 biggest thing we hear when I reach out to the  
10 school directly, to East River directly regarding  
11 students enrolling in school, the most common  
12 thing I hear back is they're not in a program unit  
13 so we'll submit a request for educational  
14 services, but then the subsequent transfer into a  
15 program unit either takes a very long time to  
16 happen or doesn't happen at all.

17 CO-CHAIRPERSON JOSEPH: What's the  
18 timeline to transfer into a program? Let's say one  
19 of your clients applies to transfer into a  
20 program. How long does it normally take?

21 ANNA ARKIN-GALLAGHER: I have not had a  
22 lot of success getting the transfer to ever  
23 happen. I have had clients who I have reached out  
24 several times about who have not been moved into  
25 program units every.

1

CO-CHAIRPERSON JOSEPH: Ever.

2

ANNA ARKIN-GALLAGHER: Since the

3

transition to what seems like the model that DOC

4

described earlier. Additionally, I have not had

5

success in having young people who are in non-

6

program units go to school. I know DOC did

7

indicate earlier that that could happen. That has

8

not been my experience. I have worked with many

9

young people who the longer they spend on one

10

unit, the become more reluctant to transfer into a

11

different unit if they feel relatively comfortable

12

where they are, and so it would be great if

13

students in that situation were able to go to

14

school, but I have not seen that happen

15

personally.

16

CO-CHAIRPERSON JOSEPH: Miss Bernard, in

17

your testimony, you talked about a student that

18

did not receive all of their IEP services, and

19

earlier you heard the Administration testify and

20

said that was not the case. Can you elaborate?

21

ELISABETH BERNARD: Sure. We've seen

22

multiple students that have been placed at both

23

Crossroads and Horizons not receive any of the

24

IEP-mandated services. Earlier today, someone

25

1 testified that an IEP is comparable to the SEP.  
2  
3 However, we've heard from multiple parents that  
4 SEP or IEP-mandated services or that meeting never  
5 actually even takes place, and so there is a gap  
6 here in terms of what is being testified and what  
7 we're witnessing from our clients day to day.

8 CO-CHAIRPERSON JOSEPH: Thank you. How  
9 many young people have you interacted and worked  
10 with in your Muslim project?

11 HUSEIN YATABARRY: Our recent visits  
12 during Ramadan, we interacted with three Muslim  
13 converts, and then we have somebody there, Abdul  
14 Sankare, who is also now he's saying there's about  
15 eight Muslims in total. He says sometimes some of  
16 the lack of understanding of other peers leads to  
17 conflict over their faith. Some of them do wear  
18 kufis when they want to pray and certain things  
19 like that so I think definitely just more  
20 religious tolerance and understanding within the  
21 facility will kind of aid and help some of the  
22 other students feel more comfortable in these  
23 educational settings within the classrooms. We  
24 think that's going to be helpful.

1  
2 CO-CHAIRPERSON JOSEPH: That's why you  
3 think we should pass that resolution?

4 HUSEIN YATABARRY: Yes.

5 CO-CHAIRPERSON JOSEPH: And you bring  
6 that into facilities for young people?

7 HUSEIN YATABARRY: Yes. I mean we think  
8 because the resolution is for all DOE programming  
9 so we're assuming that once the DOE knows how to  
10 implement this program within their curriculum,  
11 this will also be inside of juvenile detention  
12 facilities as well as part of programming.

13 CO-CHAIRPERSON JOSEPH: The resolution  
14 is just a suggestion? It's not a law binding,  
15 because as the Education Chair, I can't tell them,  
16 but I can suggest and probably work with our State  
17 partners to make it a reality.

18 HUSEIN YATABARRY: Yeah.

19 CO-CHAIRPERSON JOSEPH: Thank you so  
20 much. Thank you for all the work that you do.

21 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
22 you so much to our first panel.

23 Our next panel will just include  
24 Paulette Healy. Please make your way to the front.

1  
2           If there's anybody else in the room who  
3 wishes to testify, please make sure to fill out a  
4 slip at the Sergeant-at-Arms' desk.

5           You may begin your testimony.

6           PAULETTE HEALY: Thank you so much for  
7 the opportunity to testify. My name is Paulette  
8 Healy, and I sit on the Citywide Council on  
9 District 75. I'm also a member of Parents for  
10 Responsive Equitable Safe Schools, or PRESS NYC,  
11 and I'm a parent of two students with disabilities  
12 attending New York City Public Schools.

13           I spent the last two hours listening to  
14 Directors and Principals talk about ATS process,  
15 education plans, intentions in the handling of our  
16 students while they're in their care and post  
17 release. Entering a student into the system does  
18 not guarantee a provider has been assigned, and,  
19 on average, it takes about a month for a child  
20 tagged as needing home instruction in a  
21 traditional sense let alone as a part of a  
22 transition plan post incarceration. Our students  
23 with disabilities are over-represented in the  
24 population attending these alternate school  
25 settings so, as we discuss the school to prison

1 pipeline, we cannot ignore that our District 75  
2 students mainly with classifications of emotional  
3 disturbance or disabilities are being steered down  
4 this pathway and feeding into our prison system.  
5 Of the 11,000 students that were given  
6 superintendent suspensions last year, 7,700 were  
7 restrained and were identified as students with  
8 disabilities so then what? A report by the Federal  
9 Attorney in Manhattan accused the Department of  
10 Correction of failing to protect the  
11 Constitutional rights of approximately 500  
12 adolescent inmates who are subjected to  
13 "unnecessary and excessive force from jail  
14 employees." Some of the worst abuses have taken  
15 place in the classrooms, hallways, and stairwells  
16 of the facilities, school spaces where  
17 surveillance is lacking according to the report.  
18 Our students are on a continued pathway for  
19 behavior modification through excessive force,  
20 physical and mental harm, and fear. This is not  
21 reform. This is population control. What am I  
22 asking for? Under this particular Administration,  
23 our Chancellor has introduced amendments to  
24 Regulation A412 which legislates what security and  
25

1 safety looks like in our schools. The suggested  
2 amendments increase NYPD presence, give more  
3 access to parent designated spaces to school  
4 safety agents, and removes notification to parents  
5 and replaces direction to contact General Counsel  
6 in the event of a crime instead of contacting the  
7 parent. These amendments are slated to be approved  
8 at the November PEP meeting on November 29th. My  
9 ask is for our Members of City Council and this  
10 Committee to join parent and community advocates  
11 in demanding that this Chancellor does not violate  
12 parent and student rights when it comes to how we  
13 observe security in our schools. With locked  
14 doors, increased policing, sporadic metal detector  
15 searches, the perception of this Chancellor is  
16 preparing our students for a future in prison  
17 instead of college, and we can't let that stand.  
18 The first line of defense when it comes to keeping  
19 our children safe are our parents, and if we  
20 circumvent this process and we have this direction  
21 from this Chancellor that the schools need to  
22 contact General Counsel before they contact the  
23 parent when there is a crime happening in the  
24 school that concerns their children, not only is a  
25

1 violation of student and parent rights but it's  
2 also a civil rights violation, and we can't  
3 continue reinforcing this pathway to prison by  
4 conditioning our children to make this an  
5 acceptable environment. Thank you.

6  
7 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
8 you so much for your testimony.

9 We will now move on to our virtual  
10 panelists. Our first panel, Daniel Gerard, Crystal  
11 Baker-Burr, and Melissa Andra.

12 Daniel Gerard, you may begin your  
13 testimony.

14 DANIEL GERARD: Thank you. I'm just  
15 waiting to unmute. Thank you very much. Chairs and  
16 Committee Members, I'm Daniel Gerard, Senior Staff  
17 Attorney at Children's Rights. We advocate on  
18 behalf of young adults on Rikers and support  
19 Council Member Narcisse's legislation.

20 Social science and neurological  
21 research that guide best practices for working  
22 with older youth show that adolescent development  
23 does not end at age 18. Young people continue to  
24 mature well into their mid-20s, making them  
25 uniquely vulnerable and impressionable. This is

1 especially true for young adults in child welfare  
2 and criminal justice systems. These young people  
3 require supports that respond to their unique  
4 needs. During this critical period, the  
5 opportunity to interact with supportive adults and  
6 practice reasoning, decision-making, and self-  
7 regulating skills strengthens young people's  
8 ability to function in the years ahead. Youth have  
9 better outcomes if their unique needs are  
10 addressed, and they are not required to navigate  
11 systems created for older adults. The programming  
12 that will no longer be offered by qualified  
13 personnel on Rikers includes training and  
14 financial literacy, drug relapse prevention, and  
15 anger management. Removing access to these  
16 resources will have tangible negative impacts for  
17 both young adults and older adults on Rikers, more  
18 than 80 percent of whom have not been convicted of  
19 a crime and thus are more likely to return to  
20 their communities. This is especially true  
21 regarding educational programming. Packets are no  
22 substitute for quality education. For the hundreds  
23 of young adults on Rikers and those up to age 25,  
24 any available education is disrupted by violence.  
25

1 Attendance is severely hampered by the lack of  
2 escorts, which must not be dismissed as a  
3 challenge. It is the direct result of AWOL COBA  
4 members. On top of everything else, young adults  
5 are shackled to desks. Education is key to rehab  
6 and re-entry. Our young people are not so much  
7 garbage to be tossed away. Young adults  
8 desperately need the tools provided on a  
9 consistent basis by qualified professionals to  
10 help them survive the months and sometimes years  
11 they spend in the hell that is Rikers. They need  
12 these tools to transition back to the community  
13 and improve their chances of stable and productive  
14 lives. We believe programming must be made  
15 available for all incarcerated youth and,  
16 furthermore, should not be used a reward system.  
17 Education is a critical part of this programming.  
18 Programming and educational opportunities will  
19 benefit both the young adults on Rikers and their  
20 communities at large as young people gain skills  
21 that will allow them to productively contribute to  
22 their communities and stay out of jail. Education,  
23 including vocational training, is an essential  
24 element of a foundation for true public safety,  
25

1 not the fearmongering that passes for public  
2 safety policy these days. I refer you to my  
3 written testimony for more detail. Thank you for  
4 the opportunity to testify today.

5  
6 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
7 you so much for your testimony. Crystal Baker-  
8 Burr.

9 CRYSTAL BAKER-BURR: Thank you. My name  
10 is Crystal Baker-Burr, and I'm the Director of the  
11 Education Defense Project at the Bronx Defenders.  
12 Thank you, Chairs Rita Joseph, Diana Ayala,  
13 Carlina Rivera, and Members of the Committees for  
14 the opportunity to present our testimony today.

15 In my testimony, I will be sharing  
16 client stories. The name I use is a pseudonym, but  
17 the experiences are very real.

18 Manny's story illustrates a number of  
19 serious issues. There are disproportionate numbers  
20 of students arrested and detained from District 75  
21 schools. I want to thank Jeannette Healy for  
22 demonstrating this disturbing pipeline in your  
23 testimony earlier. Unreasonable delays and denials  
24 in student enrollments at East River Academy.  
25 Thank you, Anna Arkin-Gallagher, for your

1 testimony earlier about that issue. And that  
2 students are inappropriately languished in  
3 detention and jails because of lack of appropriate  
4 educational placements upon release, and students  
5 with disabilities have been denied a free and  
6 appropriate public education and the accompanying  
7 due process rights afforded such students. Thank  
8 you, Elisabeth Bernard, for testifying about that.

9  
10 We urge the Council to take immediate  
11 action. We strongly believe that the reporting  
12 bill proposed as Intro. 542 with additional  
13 advocate edits as referred to Elisabeth's  
14 testimony is a part of necessary actions that must  
15 be taken to ensure access to education for all  
16 students in New York City.

17 Manny is a student with an emotional  
18 disability. Manny attended J.M. Rapport High  
19 School, which is a District 75 high school in the  
20 Bronx. It serves students with emotional  
21 disabilities and other classifications. His  
22 attendance dropped while he was attending that  
23 school. He felt the school was unsafe because  
24 there were constant fights. When he was in class,  
25 he felt like the teachers had to focus on managing

1 the classroom rather than engaging students. He  
2 stopped attending and never earned any credits  
3 from that high school. When Manny was first  
4 arrested, he was detained at Horizons. He attended  
5 Passages Academy. He earned some of his first  
6 credits. Then there was a fight on his unit and  
7 the whole facility was locked down for three days.  
8 He missed instruction. He went to school two days  
9 that week but found it was hard to remember some  
10 of the information he had learned the week prior.  
11 Then the facility was locked down again, and he  
12 didn't know why this time, but he missed a week of  
13 school. His education was constantly disrupted,  
14 which made it hard for him to build momentum and  
15 fully retain the knowledge he was learning.  
16 However, he did earn credits for the first time  
17 and felt really good about that. Manny was  
18 released from detention and was motivated to  
19 continue his education and build off the progress  
20 he had made. Unfortunately, Manny didn't have any  
21 supports when he was released. No transition  
22 counselors followed up with him. He wanted to  
23 transfer to a better school but didn't know how  
24 to. His IEP said he had to be in a specialized  
25

1 District 75 school, and there weren't many options  
2 for him. The schools in his district wouldn't take  
3 him because of his IEP, and he felt stuck and he  
4 gave up. Then, he was arrested again.  
5

6 SERGEANT-AT-ARMS: Time expired.

7 CRYSTAL BAKER-BURR: But this time he  
8 was older and he went to Rikers. While  
9 incarcerated, Manny continually requested to be  
10 enrolled at East River Academy. Months went by,  
11 and Manny was never produced to the school floor  
12 to finalize his enrollment. Our office advocated  
13 for Manny to be enrolled at East River Academy,  
14 but his housing unit was never changed and,  
15 because of that, he was never offered access to  
16 his education. Unfortunately, Manny's mental,  
17 physical, and emotional health deteriorated while  
18 incarcerated. Manny was assaulted after a verbal  
19 dispute and was placed in enhanced security house,  
20 ESH. While incarcerated at ESH, Manny had no  
21 opportunity to access even the minimum three hours  
22 a day of educational programming offered at  
23 program houses at RNDC. Our office was told that  
24 even students that have 12 months school as a  
25 service on their IEPs are not given access to

1 education while at ESH. Our office was able to  
2 force an IEP meeting for Manny, and District 79  
3 and 75 staff agreed to a non-public school  
4 placement as the appropriate placement on his IEP.  
5 Manny has waited for over five months for a non-  
6 public school placement to accept him. Manny has  
7 been rejected by every single residential special  
8 education school in New York state that he has  
9 applied to, over 17 of them. While his  
10 applications are pending, Manny is forced to  
11 remain incarcerated because the judge has said he  
12 will only release Manny out of Rikers to an  
13 appropriate educational setting. There should be  
14 other ways to meet his educational and support  
15 needs, especially since all parties have  
16 recognized that jail is not appropriate and that a  
17 residential specialized educational setting is  
18 what he truly needs.

19  
20 Denials of access to education for our  
21 young people that are incarcerated are not  
22 occurring in a vacuum. Many of the young people we  
23 work with are in need of greater educational  
24 supports and educational placements that truly  
25 meet their needs prior to any juvenile or criminal

1 legal system involvement. An ACS/DOE reporting  
2 bill should help us get useful data to make  
3 systemic changes for students prior to their  
4 arrests. We need to know where students are coming  
5 from, which specific schools. I know earlier Chair  
6 Joseph asked the question how many students are  
7 coming from D75 placements, and that couldn't be  
8 answered at today's hearing. We need to know that  
9 information. We believe Intro. 542's advocate  
10 edits that we have attached to our written  
11 testimony further this goal and that those edits  
12 should be adopted. The data collected should have  
13 a purpose and should be used to drive change.  
14

15 Finally, Rikers Island just needs to  
16 close. There is no redeeming it. There has been a  
17 reporting bill on the books for years, there has  
18 been an active class action since 1996, the  
19 Handberry case, there have been monitors, but  
20 access to education has not gotten better, and  
21 real people are suffering because of it on top of  
22 the trauma clients experience every day from the  
23 violence, abuse, and death that occurs there.  
24 Thank you for your time to offer this testimony.  
25

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
you so much for your testimony. Melissa Andra.

MELISSA ANDRA: Good afternoon. May I  
start?

COMMITTEE COUNSEL JEAN-FRANÇOIS: Yes,  
you may begin.

MELISSA ANDRA: I want to thank  
Chairperson Joseph, Chairperson Rivera, and  
Chairperson Ayala as well as the Committees on  
Education, General Welfare, and Criminal Justice  
for holding this oversight hearing. I also want to  
thank Council Member Narcisse and all the sponsors  
of Introduction 542 for introducing this important  
legislation to provide increased transparency and  
accountability for the DOE, ACS, and DOC to our  
vulnerable youth. We, along with the other  
advocates who have spoken today, support the  
passage of Introduction 542 with some  
recommendations for changes which were drafted  
with other advocates and which I will submit with  
our written testimony.

Through the Juvenile Rights Practice in  
our Criminal Defense Project, the Legal Aid  
Society represents the majority of youth who are

1 charged in New York City criminal and family  
2 courts. Hundreds of these young people are  
3 detained or incarcerated each year. We represent  
4 these young people both in their individual cases  
5 and through systemic advocacy. Young people are  
6 entitled to receive a free public education until  
7 they either graduate from high school or until the  
8 end of the school year when they 21 years old.  
9 However, as others have described, young people in  
10 New York City's detention facilities are  
11 frequently denied this right at the critical  
12 moment when an education could have the greatest  
13 impact on the future trajectory of their life.  
14 When high school aged youth are denied the right  
15 to attend high school, pursue further education or  
16 vocational training, we are limiting their future  
17 opportunities and condemning them to a future in  
18 which they'll be unable to earn a living wage.  
19 Despite the fact that 27 years ago, the Legal Aid  
20 Society filed a class action against DOE and DOC  
21 about the education of youth housed at Rikers  
22 Island, we continue to hear stories from our  
23 clients about not being provided with appropriate  
24 educational services. There continue to be grave  
25

1 violations of these children's rights in DOC and  
2 now ACS facilities. Since Raise the Age, 16- and  
3 17-year-olds are now in ACS facilities. Our  
4 attorneys regularly speak with our clients at  
5 Rikers and at the secure and non-secure detention  
6 facilities run by ACS. We continue to hear  
7 complaints from our clients that they're prevented  
8 from attending school. Students in non-secure  
9 detention who are housed in a different location  
10 from their schools at Bellmont and Bronx Hope,  
11 Passages Academies are frequently transported late  
12 to school causing them to miss morning classes or  
13 not transported at all. We also continue to hear  
14 reports that classrooms are being used as holding  
15 cells, a report that was denied today...

17 SERGEANT-AT-ARMS: Thank you. Your time  
18 is expired.

19 MELISSA ANDRA: By DOE and DOC staff.  
20 Two weeks ago, we heard from a client that he was  
21 sleeping on the floor of the classroom with four  
22 other students and, when we inquired of ACS, we  
23 were told that that information was incorrect  
24 because he had been provided with a mattress so he  
25 was not sleeping on the floor. Just last week, two

1 of our attorneys went to ACS' Crossroads facility  
2 and were forced to interview their client in the  
3 hallway. They asked for a private room to speak  
4 with their client and were denied, and the child  
5 reported to them that the private interview rooms  
6 are being used as sleeping spaces. This was  
7 confirmed when the attorney looking through the  
8 window to one of the rooms saw bedding stacked on  
9 a table. Passages stopped employing transition  
10 coordinators and now puts that responsibility for  
11 the smooth educational transition of children on  
12 counselors and social workers. Far from the  
13 seamless transition described by Miss Esperance,  
14 we see more difficulties for youth attempting to  
15 return to their home schools or enroll in new  
16 programs. We have no information about whether  
17 these guidance counselors and social workers  
18 continue to track these youth to ensure a  
19 successful transition, but, given the difficulties  
20 that our clients face in re-entering their  
21 communities, we don't believe that there is any.  
22 Earlier we heard a great deal of information about  
23 higher educational offerings, but ACS and the DOE  
24 should have to report on the number of youth who  
25

1 are actually able to participate in these  
2 programs. Last spring, I visited a program, and we  
3 asked the Principal how many students do you have  
4 that are actually doing college, and we were told  
5 that there was one at his location. In 2021, the  
6 Superintendent that supervised Passages Academy,  
7 Tim Lisante at the time, reported to the Education  
8 Committee that 65 percent of the youth attending  
9 school in detention were identified as children  
10 with disabilities, but there's no current  
11 reporting about the special education services  
12 that are available to those children. There is a  
13 single school psychologist at Passages, who is  
14 assigned to four different Passages sites, and we  
15 have been told that the IEP reviews that are  
16 required by federal law do not regularly happen,  
17 which means some of those students who are re-  
18 entering the community are leaving without a  
19 current IEP. Education is the single factor that  
20 has the greatest potential to lift families out of  
21 poverty, and it's an essential element of  
22 rehabilitation. We thank the Council for your  
23 attention to the educational needs of young people  
24  
25

1 in ACS and DOC custody, and we urge you to pass  
2 Introduction 554 (sic). Thank you.

3  
4 CO-CHAIRPERSON JOSEPH: Thank you so  
5 much. Earlier the Administration denied that  
6 classrooms are being used for cells to hold  
7 students, what have your clients told you about  
8 that?

9 MELISSA ANDRA: As I mentioned, two  
10 weeks ago we had a client who complained he had  
11 been sleeping on the floor of a classroom. ACS  
12 denied that that was true, although they kind of  
13 admitted it because they told us no, he wasn't  
14 sleeping on the floor, he had a mattress, they  
15 called it a (INAUDIBLE) bed. Again, last weeks,  
16 two attorneys reported that their client had told  
17 them that they were sleeping in the attorney  
18 interview room at the facility so it's still  
19 occurring. Despite ACS' protestations, our clients  
20 continue to report that that is happening.

21 CO-CHAIRPERSON JOSEPH: How long has it  
22 taken for your clients to attend class or attend  
23 some kind of educational programming?

24 MELISSA ANDRA: At Passages Academy or  
25 at the juvenile detention facilities, it is

1 usually pretty quick. The students at Rikers are  
2 certainly having a much more difficult time in  
3 accessing any kind of education at all. We  
4 frequently hear from them as other advocates have  
5 testified that the students in restrictive housing  
6 units are not permitted to attend school at all.  
7 Students that are not in the designated  
8 educational units are not allowed to attend  
9 school. Although it was indicated earlier, I  
10 believe it was by Miss Torres, that students in  
11 other units are permitted to attend school, that  
12 has not been the experience that our clients have  
13 reported to us. I tend to believe when young  
14 person, teenagers can be school-resistant, and  
15 when a teenager is telling me I want to go to  
16 school and they're not letting me, I'm inclined to  
17 believe them.

18  
19 CO-CHAIRPERSON JOSEPH: Thank you.

20 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank  
21 you so much for your testimony, and thank you to  
22 our virtual panelists.

23 Just as a reminder, if you did not  
24 submit testimony, you may do so at

25 [www.council.nyc.gov/testify](http://www.council.nyc.gov/testify) for written testimony.

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If there is anybody else on the Zoom who wishes to testify, please use the raise hand feature.

No hands. That concludes our virtual testimony. Thank you.

CO-CHAIRPERSON JOSEPH: This concludes our hearing. Thank you. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 25, 2023