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Testimony to the New York City Council
General Welfare, Education and Criminal Justice Committees
October 13, 2023

Oversight—Educational Programming in Detention Facilities
Int. 542-2022, Requiring DOE, ACS and DOC to report on educational
programming

Good morning. My name is Nancy Ginsburg, and I am the Deputy Commissioner for the Division of Youth and Family Justice (DYFJ) at the Administration for Children's Services (ACS). I want to thank Deputy Speaker Ayala, Chair Joseph, Chair Rivera and members of the General Welfare, Education and Criminal Justice Committees for holding today's oversight hearing on educational programming in detention facilities.

DYFJ oversees and manages the continuum of services from prevention for youth in the community to those young people facing charges in Family and Supreme Court. Our services include intensive family counseling, alternative to detention programs in Family court, non-secure and secure detention and Close to Home placement facilities. With regard to detention, ACS manages two secure detention facilities, Horizon in the Bronx and Crossroads in Brooklyn, and oversees 7 nonsecure detention facilities operated by our non-profit partners.

Education is essential for the youth across our continuum, so that they can reach their full potential. I have spent my career focused on education for court-involved youth, and since coming to ACS I have prioritized strengthening all that ACS can do to enhance and further the education and education outcomes for youth generally, and the youth in detention more specifically. I want to thank my colleagues at New York City Public Schools (NYCPS, formerly DOE) for all that they do each and every day to teach and support the students in detention and throughout our continuum.

As their testimony explains in more detail, Passages Academy within NYCPS provides the education on-site in our secure detention facilities and at Bronx Hope and Belmont for youth in non-secure detention. The Passages Academy teachers, and

leadership focus on engaging the young people in school and providing them with the knowledge and skills to succeed in life is critical and I thank them for all that they do.

While NYCPS is responsible for education in detention, ACS is responsible for encouraging and escorting youth to school, and enhancing educational services by coordinating college courses, tutoring services, after-school programming, and vocational training for youth in detention. ACS and NYCPS have increased our commitment to collaboration to enhance and improve educational options for young people in custody. I will focus my testimony on updating the Council on these aspects of our work.

Engaging Youth in Education

In secure detention, all youth who are compulsory school age are required to go to school. Compulsory school age in NYC is the year you turn 17 (measured at July 1st of the year). There are many youth in detention who are older than compulsory age and not legally required to go to school, but we encourage these youth to attend school, be it high school, GED or college courses. Youth placed in non-secure detention are also required to go to school.

Many young people in detention were disconnected from or behind in school prior to entering detention. A key component of our work is engaging or re-engaging youth in education. We have done this by encouraging an environment that embraces and supports education. As a result of this work, secure detention produced a record number of graduates—in the 2022-2023 school year: 34 students achieved their graduation goals (7 students graduated from middle school; 13 students received a high school diploma and 14 students completed their GED).

In the 2022-2023 school year, ACS recruited staff members to serve as school liaisons in both secure detention facilities to promote the focus on education. This school-based team is responsible for encouraging young people to attend and participate in school, which significantly improved engagement and attendance across both facilities. Not only did this increase attendance but it helped to change the culture, building facility-wide enthusiasm in support of education.

As the population in secure detention is older, and includes more young people ages 18-20 who are not compulsory age, we have been increasing opportunities for high school equivalency options and college courses. ACS and NYCPS worked collaboratively to adapt classroom spaces into computerized testing spaces, including physically retrofitting the space, to allow NYCPS to administer the GED exams. Since this advance, we have had a number of youths obtain their GED diplomas (14 young people last year.)

We also offer on-site SAT testing and tutoring, and are continually expanding our relationships with college partners and college access organizations that support youth in achieving their educational goals. We are partnering with several community colleges within the CUNY network including Bronx Community College, Kingsborough Community College and private institutions including Manhattan College, to offer college exploration and credit-bearing options for youth in detention and Close to Home.

This past summer, ACS offered a new course, "Juvenile Justice Ethics," in partnership with Manhattan College's E3MC program (multi-partner initiative that offers free college level courses to those incarcerated and formerly incarcerated in New York City) and three students earned college credit.

In partnership with Passages Academy, students can access 33 CLEP preparation courses on the Modern States Education Alliance platform available on DOE Chromebooks. Taught by college professors, these asynchronous courses prepare students to pass the CLEP Exam in order to earn college credit. In November, Future Now Bronx Community College will offer their 2 Week English Preparatory Writing Workshop to prepare students to help them meet the CUNY proficiency requirement in English, and Manhattan College will offer their 3-credit course in May and June at Horizon. In addition, through the Center for Community Alternatives (CCA) and as part of their programming at Crossroads, Hunter College plans to offer their Introduction to Sociology course (Soc 101) in the fall at Crossroads, and potentially at Horizon in the Spring. Lastly, we continue to collaborate with Passages Academy counselors in planning for College and Career Week in the spring to expose young people to college knowledge and vocational opportunities in the community.

It is also critical for us to provide vocational training opportunities for youth in detention. We offer exploration courses in Real Estate, Construction, and Automotive Engineering; personal trainer training; entrepreneur and small business training; and barbering as well as OSHA accreditations. This fall, a menu of vocational services will be provided by Bard Prison Initiative 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 benefit from access to tutoring. In addition to supports from NYCPS's 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, 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 will assume responsibility for tutoring. Additionally, coaching will be added to the menu of services.

Int. 542-2022

Int. 542-2022 (Nurse) would require ACS (and other agencies) to report on educational programming data for juvenile delinquents, juvenile offenders and adolescent offenders. ACS appreciates the Council's interest in the educational programming provided in secure detention, and the impact it has on the youth in our care. We look forward to discussing this bill in more detail.

Conclusion

In conclusion, I want to take a moment to thank all of my colleagues who work in the detention facilities, including the YDS, case managers, program counselors and school liaisons, as well as the NYCPS teachers and District 79 administration, for all that they do each and every day to support, care for and educate the youth in detention. The commitment to their success does not go unnoticed by myself, the young people in care or their families. And finally, I want to once again thank the Council for your

interest and commitment to ensuring youth in detention are able to achieve their fullest potential.



**Testimony of NYC Public Schools
on Educational Programming in Detention Facilities
Before the NYC Council Committees on Education, Criminal Justice, and General Welfare
October 13, 2023**

Good morning, Chairs Joseph, Rivera, and Deputy Speaker Ayala, and all the Members of the Committees on Education, Criminal Justice, and General Welfare here today. My name is Glenda Esperance, and I am the proud Superintendent of District 79 (D79) Alternative Schools and Programs at New York City Public Schools (NYCPS). I am joined by Shareef Rashid, one of the principals at Passages Academy, and Tonya Threadgill, Principal of East River Academy, as well as other colleagues from NYCPS, the Administration for Children’s Services (ACS), and the Department of Corrections (DOC). 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.

Overview of District 79

As background, District 79 is a citywide district that is re-imagined by design. It is composed of 10 distinct programs, serving approximately 50 thousand students, operating in about 350 sites across the city. Those range from multi-classroom settings co-located with NYCPS high schools on large campuses to individual classrooms inside community-based organizations or other partner agencies. In addition, we have targeted programming to support youths connected to the court system.

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

District 79 includes the following programs:

- Career and Technical Education at Coop Tech
- Services for Student Parents at LYFE
- Restart Middle Schools- Services for our over-age/under-credited middle schoolers
- The Judith S. Kaye HS and YABCs, which provide services for overage/under-credited students working towards earning a HS diploma
- Pathways to Graduation, addressing our Under-21 High School Equivalency
- District Adult Education, serving our 21 and over learners
- Students Serving Superintendent Suspensions receiving services through our Alternate Learning Centers
- ReStart Academy serving our treatment population



- Passages Academy and East River Academy serving our youth justice and detention population

Each program is tailored to provide a distinct pathway to graduation focused on improving social-emotional and academic outcomes. Our district’s priority is to:

- Provide targeted support addressing the individual needs of our students to help them: Earn a high school diploma, high school equivalency (HSE) and/or CTE certification
- Build the skills necessary to succeed in post-secondary opportunities, including career and college.
- Provide supports and interventions that help students gain the social-emotional skills necessary to become confident and productive members of society.

Education Programming in Detention Centers

As the leader of D79, I endeavor each day to ensure that enriched opportunities become the standard for all students, regardless of zip code, classification, or demographics. I was born and raised in Brooklyn to immigrant parents and am a proud product of NYC Public Schools. I come to this work with 40 years of experience in public education as a student, a special education and adult education teacher, Literacy Coach, Assistant Principal, Principal, Director of School Quality, Director of Special Education, and Superintendent. My roles have given me an essential grounding and insight into the challenges of teaching and learning across various educational settings. My broad and intense knowledge of academic and social-emotional learning inspires me to find ways to navigate the barriers that our students face in detention centers.

Providing high-quality instruction to detained and incarcerated youth is both a legal and moral obligation that we continue to invest in and work hard to improve. D79 is committed to empowering and helping students earn gateway credentials toward college and career opportunities. We collaborate consistently with other city agencies to provide students with instruction and support on a daily basis. To this end, D79 operates two schools— Passages Academy, in partnership with ACS and East River Academy in partnership with DOC.

D79 provides detained students with access to the same courses and many similar extracurricular activities as their peers in traditional schools. We understand that the traditional model doesn’t work in detention facilities. Therefore, we offer our students flexibility to ensure successful outcomes in this 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

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 educational needs of these students. The coursework is aligned to State instructional standards, and at the high school level provides college-ready support systems and follows the New York State high school graduation requirements. Teachers are held to the same standards as their colleagues in district schools. Our class sizes are small and personalized as part of our continued efforts toward knowing students well so that we may better meet students' individualized academic and social emotional needs.

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

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

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

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

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



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

DOC – East River Academy

I would now like to turn to East River Academy (ERA), which is a program operated by NYCPS 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 18-21 are offered the opportunity to enroll in East River Academy to pursue either a high school or a high school equivalency pathway, depending on their age, accumulated credits, and preference.

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

To further prepare those ready for college, East River Academy works hand-in-hand with the Borough of Manhattan Community College (BMCC). Through Program Impact, BMCC students in the justice system are provided with mentorship, emergency funding, and support for the college registration process. If they have a diploma, they go right to BMCC to take classes toward a college degree. It's a completely free program.

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

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



At our recent graduation, the keynote speaker stated, “Unfortunately, we come from neighborhoods where the mentality that most of the young men live with is a survival mindset... But the problem with living in survival mode is that it’s hard to see a future for yourself.”

Our keynote speaker spent 11 months on Rikers Island, where he enrolled in East River Academy. After earning his GED from East River Academy, he pursued a degree in sociology and African American studies at Columbia University, founded the Justice Ambassadors Youth Council at Columbia University’s Center for Justice in 2019, and in 2021, became a Truman Scholar at Columbia University’s School of General Studies.

He said, “Earning a college degree was the biggest predictor towards a stable, healthy, and productive life after incarceration.” He also shared the following closing statement to the graduates: “Proper preparation prevents poor performance.... You will need a solid plan to follow as a guide. Don’t leave anything to chance. Don’t leave here with the same mentality you had when you came in. Don’t leave here without knowing what you want to do with your life.” That vision is what we aspire to for all our students in East River Academy.

New and Expanded Initiatives

I would be remiss if I didn't address the fact that our entire city battled through a pandemic, which took a toll on each of us. The interrupted instruction caused by COVID-19 shined a glaring light on the need for our programs to continue prioritizing high quality academic instruction and emotional support for students and staff. That experience led us to launch new initiatives and expand work on existing priorities. Those include:

- Increasing instructional programming to nurture the needs of the whole child, including enrichment and social-emotional learning programs.
- Strengthening our partnership with District 75 as well as the NYCPS Special Education central offices to facilitate professional learning to all teachers in detention centers with an emphasis on de-escalation, relationship building and specially designed instruction for pedagogues.
- Creating a student steering committee that meets regularly, to ensure the inclusion of student voice

Proposed Legislation

Let me briefly now turn to the proposed legislation, Intro No. 542, which requires reporting on educational programming for juvenile delinquents, juvenile offenders, and adolescent offenders. We support the goals of this bill and look forward to working with Council to ensure that the reporting requirements align with our current programming model and practices.



Conclusion

We are committed to ensuring that NYC students have access to a high-quality education in all settings. Our city has a distinct, unified district dedicated not only to supporting the education of our students in detention and jail but also designed to promote smoother and more thoughtful pathways to high schools, transitional programs, and continuing education upon reentry.

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

**Testimony before the
New York City Council
Committees on Criminal Justice, General Welfare, Education
Chairs Carlina Rivera, Diana Ayala, Rita Joseph**

**By
Francis Torres, Deputy Commissioner of the Division of Programs and Community
Partnerships
NYC Department of Correction**

October 13, 2023

Good morning, Chairs Rivera, Ayala, and Joseph and members of the Committees on Criminal Justice, General Welfare, and Education. I am Francis Torres, Deputy Commissioner of the Division of Programs and Community Partnerships. I thank you all for this opportunity to discuss how the New York City Department of Correction (“Department” or “DOC”) supports individuals in achieving academic success while in our care. Access to education is proven to reduce recidivism and improve outcomes. We make every effort to encourage those in our care, especially all 18-through 21-year-olds, to participate in the array of educational services available to them because it is their right.

Early this year we fully staffed our Educational Services Unit, who support these efforts, with one Program Manager and three Education Specialists. Our staff meet with all 18- through 21-year-olds who are admitted to the Department’s custody to inform them of their right to access educational services provided by the New York City Public Schools (“NYCPS”). We ensure NYCPS has dedicated spaces throughout our facilities; and we carefully identify, select, train, and assign uniformed staff members to support NYCPS’ daily operation, including escorts to and from school. Over the 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 house at the Rose M. Singer Center ("RMSC"), 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 of this initiative, we continue to open dedicated school housing areas to meet growing demand so that our young adults have every opportunity for success.

As an agency, we have also been very focused on leveraging technology to improve operations and expand opportunities. We have been diligently working on the computerization of the GED exam at our school sites so that students can take the exam online and receive their score in minutes. The first computerized GED exam was offered at RNDC last year, and we have since expanded computerized testing to RMSC and the George R. Vierno Center ("GRVC), with plans to open another site at the Otis Bantum Correctional Center in the near future. We also offer the *KA Lite* application on the tablets issued to persons in custody, which affords educational content including math, science, economics and finance, arts and humanities, computing, SAT test prep, partner content, college, careers, and more.

Finally, we recognize that learning does not only take place in a classroom and is not reserved solely for young people. We proudly partner with Columbia University, Manhattan College, and most recently LaGuardia Community College to offer credit-bearing courses in different interest areas; students who complete their course are admitted to the institution to continue their pursuit of a college degree upon release. Our partnerships with colleges and

universities have allowed 233 individuals to earn 3 college credits each while in our care. To celebrate this achievement, the end of each semester is marked by a ceremony which includes the student's family members.

Through our partnership with NYCPS and community-based providers, we offer a robust menu of workforce development programs, including certificate and certification courses. Certificate courses offer introductory, hands-on vocational training for in-demand trades, including cosmetology, carpentry, culinary arts, welding, driving, and barbering. Since the beginning of this Administration, we have had over 1,800 enrollments and over 1,600 completions. In fiscal year 2024 alone, there have been 122 enrollments in certificate courses and 122 successful completions. Certifications are credentials that verify legitimacy and competency to meet certain criteria and perform a job, and include various OSHA training courses, flagging, scaffolding, and CPR/First Aid. From January 2022 to present we have had nearly 5,000 enrollments and over 4,500 certifications earned. So far, this fiscal year, there have been 58 enrollments in certification courses, and 58 certifications earned. Workforce development courses are afforded primarily in dedicated classrooms within the schools or at any of our programmatic centers. The P.E.A.C.E. (Programs, Education, and Community Engagement) Center, located at RNDC, consists of dedicated spaces to conduct automotive, carpentry, digital literacy, driving simulation, welding, and other courses. It also includes amenities such as a film screening room, engineering and music studio, and video and table-top games. In November 2022, the Department opened its B.E.A.C.O.N. (Building, Educating, Advancing, and Creating Opportunities for Networking) Center at GRVC to afford similar opportunities to individuals housed within that facility. Individuals who participate in workforce development programs while in the jails are connected to community-based workforce programs to continue training and exploring opportunities made available through our partners post-release.

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



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEES ON CRIMINAL JUSTICE,
EDUCATION, AND GENERAL WELFARE
OCTOBER 13, 2023**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chairs Rivera, Joseph, and Ayala and the members of the Committees on Criminal Justice, Education, and General Welfare for holding this hearing.

Under Section 3202.7 of the New York State Education Law, all incarcerated youth under the age of 21 who do not have a high school diploma are entitled to educational services, including youth who have an equivalency degree. These services are crucial, as a majority of incarcerated youth do not return to school upon their release.¹ Justice-involved youth are disproportionately likely to have unmet educational needs and learning and intellectual disabilities,² and students who need special education services are still entitled to them in their detention placement. Many students, particularly Black and Brown students and students with disabilities, are pushed out of school and into the youth legal system. Studies have shown that disruptions in education, irregular classroom hours, and uneven learning materials also feed into a lack of academic achievement for incarcerated youth.³⁴

Despite this high need, youth detention facilities across the country frequently fail to provide adequate, quality education to those in their custody, and New York City is no exception. In June, Gothamist reported that children in ACS detention facilities are routinely locked in classrooms, without staff, “from 5 a.m. until 11 p.m. with at most a sheet and a box of cards if they are lucky enough.”⁵ A staffer interviewed for the article reported that there is no educational programming on these days. There are about 200 youth at the city’s two ACS detention centers, Crossroads in Brooklyn and Horizon in the Bronx.

It is important to note that Mayor Adams has made literacy one of the cornerstones of his administration, and this includes screening public school students for dyslexia. Studies have

¹ <https://www.urban.org/urban-wire/incarcerated-youth-deserve-quality-education-and-many-dont-get-one>

²

<https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-i-principles-responding-2>

³ <https://kidsimprisoned.news21.com/education-juvenile-detention/>

⁴

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/education-for-youth-in-the-juvenile-justice-system.pdf>

⁵ <https://gothamist.com/news/classrooms-serve-as-cells-at-nycs-troubled-juvenile-detention-centers>

shown that people who are incarcerated are more likely to have dyslexia,⁶ a disparity I sought to address with Intro 349—now enacted city law—which requires the Department of Correction to screen those in city jails without a high school diploma for dyslexia. Preventing the children held in secure detention from accessing educational services is especially detrimental to those students with disabilities, as it is yet another day that they are falling behind in their learning. We should be taking their time in detention as an opportunity to address their unmet learning needs, not reinforcing school as a place that they cannot succeed.

The root of this problem is low numbers of staff with increasing numbers of youth. Last year, during an increase in violent incidents in the facility, 90 staffers at Horizon quit,⁷ and the populations at both Horizon and Crossroads were the highest seen in a decade. Like at the jail on Rikers Island, these facilities have a pervasive problem of staff bringing in contraband—including weapons—as a means to control the youth in their custody, ultimately resulting in more dangerous incidents. Students cannot learn if they are not and do not feel safe—and in fact safety concerns are so severe that students are often not even offered the opportunity to learn. At a time when the city needs to be increasing staffing and resources for its youth detention facilities, the mayor is directing agencies to cut their budgets by 15 percent by spring of next year.

It is never acceptable to deprive children in detention centers of their right to an appropriate education. Students cannot meet or exceed expectations that are not even set. We cannot reasonably expect these students to re-enroll in school upon their release when we do not demonstrate to them that education is a priority and their progress and success is valued.

Thank you.

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<https://www.motherjones.com/crime-justice/2019/04/people-in-prison-are-way-more-likely-to-have-dyslexia-the-justice-system-sets-them-up-to-fail/>

⁷ <https://gothamist.com/news/violence-rising-staff-quitting-bronx-juvenile-detention-center-report>



**United Federation of Teachers Testimony before the
New York City Council Education Committee Jointly with the Committee on
General Welfare and the Committee on Criminal Justice
Oversight Hearing on Educational Programming in Detention Facilities**

October 13, 2023

Good morning. My name is Jeffrey Povalitis, the director of safety and health of the United Federation of Teachers. I would like to acknowledge the three City Council committees before us — the Committee on Education, the Committee on Criminal Justice and the Committee on General Welfare — and thank their respective chairs — Rita Joseph, Carlina Rivera and Diana Ayala — for allowing us to share our testimony regarding educational services for incarcerated youth.

On behalf of UFT members and our union's president, Michael Mulgrew, we appreciate the opportunity to submit testimony on the critical issue of oversight on educational programming in detention facilities. We are proud to represent the staff of District 79, a group of programs and schools that serves young people who face some of the greatest challenges, including the incarcerated students who are the focus of today's hearing.

Our District 79 educators work with incarcerated students in multiple programs and schools tailored to serve their unique needs, including:

- The Restart program, for students in drug rehabilitation and temporary or involuntary settings.
- The East River Academy, for incarcerated students at Rikers Island.
- Passages Academy, for students 17 years old and younger who are detained in secure and non-secure facilities.

The teachers and staff in these programs work hard to make a difference and to help their students understand that they matter and that they are too young to give up on life. After all, they will have a future once they get out, so getting a student working toward a GED or earning credits toward graduation are big victories. Gaining self-respect and confidence is an added bonus.

These schools desperately need additional resources and support, both for the educators and the students they serve. It's important to note that since we last testified on this issue in 2016, we have been engaged in multiple meetings with the Department of Corrections, the Administration for Children's Services and the Department of Education to improve the working and learning conditions for staff and students in educational settings for incarcerated youth. While some positive changes have been

made as a result of these conversations, we would like to draw your attention today to several areas of continuing concern.

First, in response to the local law being proposed to require the Department of Education, the Administration for Children's Services and the Department of Correction to report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders, the UFT always welcomes the collection of accurate data about public schools. This data can include the number of students in incarcerated settings, the types of services they are receiving, their status as English language learners or students with disabilities, their class sizes and attendance rates, and their rate of completion of diplomas.

That said, our original concerns that some of this reporting could violate the Federal Educational Rights and Privacy Act remain. In addition, we are concerned that collecting some of this data will become a logistical nightmare given the specific situations and contexts present in these schools and programs, in contrast with other parts of the public school system where it may be more straightforward to gather and analyze this data. In each of these programs and schools, incarcerated students are not present for class on a regular basis as they meet with their lawyers and families and make court appearances. They also regularly transfer between these programs and schools and other schools outside of District 79 as their status changes. Who's going to keep track of those shifts, especially as it relates to attendance data or class size?

Attributing students' academic progress, credit accumulation and diploma completion to specific programs or schools in these contexts is also an incredible challenge. For the average and median number of accumulated credits or the process for recording diplomas, it's not realistic to expect that many or most incarcerated students will earn credits or complete graduation requirements for diplomas during their short time enrolled in these programs. District 79 educators engage these students, make sure their education continues and advocate for them in any appropriate way. But the fact remains that academic progress can't be statistically captured by data drawn from such short periods of time. Again, while we welcome efforts to more accurately collect information that can assist us in serving our students, the process of data collection for these District 79 schools and programs will need to look vastly different than the usual methods used elsewhere in the system.

In terms of specific concerns around conditions in these schools, we strongly recommend that the policy around door locking in Passages Academy be reviewed and revised as soon as possible in the interest of both staff and student safety. Currently, both students and staff are locked inside classrooms with no way of exiting the classroom other than through calling for a security guard or other staffer to unlock the door from the outside hallway. This is a clear safety hazard if there were a need to exit the classroom quickly in an emergency or due to a conflict between students. A current proposal that the door remain locked from the inside but only the teacher be given a key is unacceptable, since the ACS staff who work in these classrooms must also have the ability to unlock the door in case of emergency. We strongly advise that the door

locking policy at Passages be changed to mirror the policy used at East River Academy on Rikers, where the doors can be opened from the inside without a key but cannot be opened from the outside without a key.

If Passages instituted the same door-locking policy as East River Academy, ACS and other city agencies would need to develop and implement procedures like those at East River Academy to ensure the safety of students and staff if and when a student inmate exits a classroom without permission. Students at Passages are the same age as the students enrolled at East River Academy and have sometimes been incarcerated for the same reasons, but the policies around staff options for detaining students differ between the two schools. We recommend that the policies at Passages should be amended as soon as possible to ensure the safety of students and staff in classrooms and hallways. If this and other policy changes are not possible without a change to state law, we request that the City Council and other stakeholders work as quickly as possible to advocate for any needed legislative changes. We look forward to collaborating with you to accomplish this urgently needed policy shift.

Another area of concern at Passages is the furniture supplied for use in its classrooms. For a brief and unfortunate period, traditional school desks with attached chairs were replaced by bean bag chairs in many classrooms at the school. This change led to continuous discipline issues, so the bean bags are being replaced with more appropriate furniture. However, as this process moves forward, the number of desks being allocated to each classroom is not always correctly aligned with either the size of the classroom or the number of students being assigned to the room over the course of the day and the week. Given the specific and unique needs of the students at these schools, including the wide range of ages and developmental levels and the histories of conflict between students both in the program and in residential settings, some classrooms may normally have only one student in them while others have 15. Despite this variation in class size, our educators are finding that a standard placement of around 10 desks per classroom is being allotted no matter what is needed. This is a common-sense fix that should be resolved as quickly as possible in the interest of both student and staff safety and creating an appropriate learning environment.

We also want to reiterate the calls we have made since 2016 for better access to mental health and counseling services for both students and staff in programs for incarcerated students. We have found that the most disruptive students are often the ones who need mental health interventions and that a lack of access to these services is an urgent problem. Our students need counseling and therapy to help them process and move forward from the often tragic circumstances that have brought them into the justice system. We need to provide out-of-cell treatment for students with serious mental illness to reduce violence. Their social workers, psychologists and peer counselors work incredibly hard to help these students through everything from low self-esteem to substance abuse problems, but these programs still do not have enough staff on site to meet the growing need. The more services we can give these kids, the more likely it will be that they won't go back to jail once they're released. Without help, many of them will be back.

In addition, our students are not the only ones who need counseling. Working with incarcerated students, including those who are behind bars, takes an emotional and physical toll on UFT members. They report times of extreme anxiety, intense stress or bleak depression. Although they love their work and do experience success, they often watch students in a downward spiral from which there's no return. They witness fights, cruelty and, sometimes, injustice. They don't want to leave their jobs; they want support while doing them. We also must provide more training on mental illness for everyone who works with our incarcerated students, and we must teach de-escalation and positive reinforcement techniques to everyone as well.

Given the scale of the need, we recommend that the DOE and other stakeholders consider partnering with the UFT's Member Assistance Program (MAP) to expand these programs' capacity for direct services to students and staff, and to train staff to address issues of mental health. MAP already includes a focus on addressing the impact of a range of stressors on both students and staff, and has partnerships with child psychologists with experience helping students develop stronger skills in communicating their emotions rather than resorting to physical conflict. While in-person forms of support are ideal, MAP has also developed the capacity to provide services by phone and virtually — an especially important option for students whose access to off-site mental health supports is limited by their incarceration.

Examples of possible phone and virtual supports already include the union's BRAVE anti-bullying hotline and MAP's Zoom sessions for staff to learn effective ways to improve both their own mental health and to support their students' needs in this area. We would welcome the opportunity to partner with the Council and other stakeholders to develop services tailored to the urgent needs of our students and staff in these programs, perhaps beginning with meetings for current social workers and counselors in these settings to discuss how we can help support their work.

In closing, many of the young people in District 79 programs and schools for incarcerated students did not attend school regularly before their enrollment. We can all work together in making their learning experiences in these settings ones that inspire them to continue their educational journey after their release rather than continuing to drift away from school, which can make all the difference in their lives. We believe our recommendations will help turn around lives. We look forward to working with the Council to make that happen.

Honorable Chairs Joseph, Ayala, Rivera, and Distinguished Members,

My name is Husein Yatabarry, the new Executive Director of the Muslim Community Network (MCN). Firstly, I express my sincere gratitude for today's opportunity to testify my push for Introduction 542, which underscores the importance of detailing educational programs and services for justice-involved juveniles and adolescents.

MCN has been dedicated to conveying an accurate, unbiased portrayal of Muslims. Our endeavors span from youth empowerment and women's rights advocacy to hate crime mitigation and civic education promotion.

Our flagship program, MYNYC, stands as a testament to our unwavering commitment to the youth. Through this program, we engage and mentor young Muslims, especially those at risk, from a myriad of backgrounds. This initiative has shaped over 500 youths, arming them with the necessary skills and knowledge to become proactive and responsible community members.

Two points to make for youth raised in Islam and reverts, whose conversion occurred during their incarceration.

In 2023, we broadened our outreach to juvenile detention centers in the Bronx and Brooklyn. During Ramadan, in collaboration with the Chaplain's Office at Horizon and Crossroads juvenile 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, delving deep into the essence of Ramadan, the significance of the five pillars, and the rich tapestry of Muslim American history.

For both juvenile centers, this marked a pioneering moment — the first instance, in recent memory, of a Muslim organization facilitating such workshops. For the attendees, it was more than just an educational experience; it was an opportunity to reflect on virtues like forgiveness, hope, gratitude, and vulnerability, while debunking prevailing misconceptions about their faith. The importance of such programs and their subsequent reporting cannot be stressed enough, as they influence the allocation of resources for similar educational ventures.

My personal commitment was evident when I celebrated Eid-al Fitr with incarcerated youth at Horizons. We are indebted to AC Thomas for granting us access, and it's imperative to commend Abdul Sankaray, MCN's Justice-Involved Youth Liaison, for his invaluable collaboration. Abdul's role as a Youth Development Specialist at Horizon Juvenile Center has been pivotal in forming connections, ensuring a nurturing atmosphere, and extending educational support. In tandem, we've conceived the New

Moon Initiative for the forthcoming Ramadan, an endeavor reflecting rejuvenation and aligning with our mission to uplift the young residents at Horizons. This is a program we have begun pitching to ACS today.

The New Moon Initiative encompasses:

- Faith and Wellness
 - Forgiveness and Reconciliation
 - Family connections
- Mentoring
 - Sambou Camara, manager to an artist from the Bronx, A Boogie, is a Gambian Muslim who would be honored to contribute.
- Advocacy
 - Teach young people to orally or in written forms, advocate for their needs and interest
 - Feedback
- WorkforceDevelopment
 - CDL-Freeworld
 - Digital Literacy
 - Entrepreneurship
 - Creative Arts

We are optimistic that the New Moon Initiative will catalyze significant positive transformations in line with MCN's core values. We trust that such initiatives will bolster the ACS's efforts to encourage more youths to embrace education and deter them from violent altercations.

The recent surge in Middle East-linked violence, which resonated in local demonstrations and tensions, amplifies the urgency for endeavors like Resolution 476. Last year, MCN publicized a report at City Hall, highlighting an alarming spike in hate crimes against young Muslim New Yorkers. We beseech the Education Committee to prioritize a discourse on NYC Council Resolution 476. Endorsed by 15 co-sponsors, this proposal champions a religious diversity education curriculum, an essential tool to eradicate misconceptions and cultivate tolerance. We've been witnesses to the discord stemming from ignorance, as some youth berate their peers over religious practices. Such tensions jeopardize the harmony among students, parents, and educational institutions. What we are seeing on the news right now is not reflective of faith and the peace all faiths

Res. 476 aspires to instill a religious diversity curriculum across all grade levels, provide dedicated training for educational staff, guarantee accurate hate crime data

representation in annual reports, and champion a zero-tolerance policy towards religious discrimination. This resolution is a beacon of hope, aiming to eradicate baseless prejudices and promote understanding.

In conclusion, I extend my heartfelt thanks to the Council for their steadfast support and this Committee for championing our students' educational rights. Together, we can sculpt a future defined



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Anna Arkin-Gallagher – Supervising Attorney and Policy Counsel, Education Practice

BROOKLYN DEFENDER SERVICES

Presented before the New York City Council

Committees on Education, General Welfare and Criminal Justice

Oversight Hearing on Educational Programming in Detention Facilities.

October 13, 2023

My name is Anna Arkin-Gallagher, and I am a Supervising Attorney and Policy Counsel in the Education Practice at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. We thank the City Council Committees on Education, General Welfare, and Criminal Justice and Chairs Joseph, Ayala, and Rivera for holding this important hearing on educational programming in detention facilities.

BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of traditionally underserved clients in a comprehensive way. This includes helping young people and their families navigate the public education bureaucracy during and after contact with the criminal legal and family court systems.

Our Education Unit delivers legal representation and informal advocacy to our school-age clients and to parents of children in New York City schools. Many of the people we serve are involved in the criminal legal system or in family court proceedings. A significant number of the students we work with qualify as “over-age and under-

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credited” and have been retained at least one grade, and more than half of the students we work with are classified as students with disabilities. We also represent parents in Article 10 proceedings in family court and advocate for their children to access educational resources while placed in the foster system. As an interdisciplinary legal and social work team, we work to improve our clients’ access to education and that of their children. A significant portion of our advocacy is to ensure youth have access to the special education services they are entitled to as well as to defend youth in school discipline proceedings to ensure they have access to an education. We also have expertise in educational matters related to those who are in detention and jails and work to ensure our clients who are incarcerated or leaving incarceration are able to access the education to which they are entitled or alternative pathways to graduation.

We believe that children and young adults learn best when they are in their homes, and not behind bars. The best way to provide educational supports to the young people we serve would be to avoid putting them in detention and focus on diverting them from the criminal legal system all together.

Education Access in NYC jails

Young people on Rikers Island have a right to educational services through the school year in which they turn 21,¹ and should be enrolled in school within 10 days of requesting educational services.² Nevertheless, school-aged youth on Rikers Island continually struggle to access educational services. For years, young people have reported to our staff that they were not aware education services were available on Rikers Island, were not told of their eligibility for school, were not brought to school after enrolling, were inconsistently escorted to school, or were not permitted to enroll in school at all. Every week, we learn of more students who wish to attend school and are unable to do so. Some young people are placed in facilities on Rikers Island that do not have school services available to them. Others are housed in facilities that do have educational services, but are not being housed in one of the units where people are permitted to attend school. Some of our clients on these “non-program units” have requested to transfer into a program unit, and have not been moved for weeks – or ever. Others are faced with the difficult decision of transferring into a new, unknown unit in order to attend school, or staying in more familiar surroundings and continuing to be

¹ Every school-aged person on Rikers Island – including students in restrictive housing – must be provided at least three hours of educational services each school day. *Handberry v. Thompson*, No. 96CIV6161GBDJCF, 2015 WL 10570793 (S.D.N.Y. Dec. 2, 2015), *report and recommendation adopted*, No. 96CIV6161GBDJCF, 2016 WL 1268265 (S.D.N.Y. Mar. 31, 2016) (citing *Handberry v. Thompson*, 446 F.3d 335, 347–51, 355 (2d Cir. 2006)).

² City of New York Department of Correction, Directive # 3503R, “Inmate Access to Board of Education Services” (effective date July 1, 1999).

prevented from going to school. Recently we have heard that there is a blanket restriction on anyone living in restrictive housing units from attending school.

One 18-year-old we work with – a special education student – requested to go to school immediately upon his arrival on Rikers Island by filling out a paper form to request educational services, and then repeatedly making verbal requests to DOC correction officers and program staff to attend school. He was on Rikers Island for the entirety of last school year and attended approximately one week of school. Another young person was attending school and making progress towards earning his GED when DOC transferred him into a non-program unit. After advocacy from our office, he was finally offered the chance to switch into a program unit to attend school. However, having experienced a number of safety issues while on Rikers Island, he was too scared to leave a unit with which he was familiar to move into a new housing area. He ultimately declined to transfer units, and was thus not permitted to attend school and earn his GED. Yet another young person we have worked with – a special education student who is reading and writing on an elementary school level – has wanted to go to school since arriving on Rikers Island last fall. However, DOC has continually moved him into and out of program units, and he has never been able to attend school for more than a week or two at a time. He is eager to return to school, telling us that he believes attending school on Rikers Island will be his last opportunity to earn his GED. In the last few weeks, we learned that DOC is detaining several of our school-aged clients in the new Enhanced Supervision Housing at RMSC (RESH), and DOC staff has told our clients that they are not able to access any educational services until they leave these units.

These stories are not outliers. We hear constantly from the young people we serve at Rikers that they want to use their time on Rikers Island to further their education and DOC is preventing them from doing so. Coupled with the cuts to programming on Rikers Island, the people we represent are increasingly spending time on Rikers with nothing productive to do. DOE and DOC must work together to create a plan to provide the opportunity for regular instruction for students at Rikers. All young people at Rikers who wish to attend school must be able to do so, including students placed in restrictive housing units.

While lack of access to *any* educational services on Rikers Island remains the most serious concern regarding education in New York City jails, when young people are enrolled in school at East River Academy, the services these students receive are not always adequate to meet their learning needs. While many students enter ERA with IEPs from their last school, our clients at Rikers have told us that they do not always receive special education supports, and that the required Special Education Plans (“SEP”s) are not always timely created.



Educational Services in Secure and Nonsecure Juvenile Detention

Students who attend Passages Academy at Crossroads Juvenile Center, Horizon Juvenile Center, and in nonsecure detention also struggle to access high-quality educational services – and sometimes have trouble accessing educational services at all. Young people have reported to us occasions in which individual students – and sometimes even entire units – have been prevented from attending school for disciplinary reasons or due to staff shortages, and have not received adequate alternative instruction, as required by law.

At Passages, students attend classes based on what housing unit they are placed in. This often results in students working at many different grade levels being placed in classes together. We have worked with some students who have entered Passages Academy and who have been enrolled in classes they have already taken, or who have not been able to access the classes they need to graduate. Other students have reported feeling disengaged in classes where students are performing on vastly different grade levels, either unable to keep up with coursework or bored by work at too low a level. Finally, we have seen a number of students with disabilities fail to receive the special education services to which they are entitled. ACS and DOE must work to ensure every student at Passages has access to varied and engaging educational services and programming, as well as the supports they need to be successful in school. When a student enters detention, the DOE must quickly evaluate which classes an entering student needs to graduate and ensure that any class needed by a student to make progress towards graduation is available.

Students at Passages are also often not given the transitional support they need to reintegrate into their home schools or transfer into appropriate schools when they leave Passages and return home. We have worked with a number of students who have been unable to seamlessly reenroll in their former school after leaving Passages. When students are released from detention, DOE is supposed to immediately place these students back on the roster of their home school, but we have seen some cases in which this did not happen, and students were thus unable to attend school until the DOE corrected this issue. In other cases, students have desired to switch schools upon returning home – either to enroll in a credit-recovery school or to obtain a new start in a different school than that which they attended before their incarceration – and were left on their own to figure out how to transfer schools. In all of these cases, students have missed days or weeks of school while waiting to begin school again, and in some cases have lost the opportunity to earn credits as a result of delayed reenrollment. Our office recently worked with a student who wanted to transfer high schools after being released from a detention facility, but who was initially provided no support in securing this transfer by the Department of Education. It was only after our office assisted with connecting him to the DOE enrollment office that a new placement was issued for the student. Dedicated school staff at Passages should work with students before their



release to plan for education upon their return home, and assist students in securing their desired educational placement to minimize any disruption for students.

Int. 542

BDS supports Int. 542, which will help to address the lack of data reporting focused on education in New York City's juvenile detention facilities, and allow for increased transparency to improve educational programming and services in these facilities.

We recommend strengthening reporting requirements regarding special education services, programming for English language learners, and instances in which students miss school for disciplinary reasons, staff shortages or other issues.

Specifically, we propose adding reporting requirements for the special education services students receive, including the classroom placement and related services recommendations for students with Individualized Education Programs (IEPs), the number and percentage of students who receive the classroom placement and/or related services recommended in their IEPs, and the number and percentage of students who receive special education evaluations while in custody.

Similarly, we also propose adding data reporting related to programming for English language learners, including the number and percentage of students identified as having English language learner status who are receiving language services.

Finally, we suggest adding reporting requirements that will reflect the number of students prevented from attending educational programming, disaggregated by the reason the student was prevented from attending programming (whether for medical reasons, behavioral reasons, staff shortages, or due to another issue).

Conclusion

Students at both East River Academy and Passages Academy have been ill-served by the educational services they have received (or, in many cases, failed to receive) and the city must ensure that every young person entitled to receive educational services can consistently access high-quality educational services. Thank you for holding this important hearing and for your consideration of our comments. If you have any questions, please feel free to contact me at aarkingallagher@bds.org or (646) 971-2719.



Testimony of

Nicole Tarangelo

Forensic Social Worker, Youth Advocacy Unit

New York County Defender Services

Before the

Committees on Criminal Justice, Education, and General Welfare

Joint Oversight Hearing on Educational Programming in Detention Facilities

October 13, 2023

My name is Nicole Tarangelo and I am a forensic social worker in the Youth Advocacy Unit at New York County Defender Services (NYCDS). NYCDS is a public defense office that represents New Yorkers in thousands of cases in Manhattan’s Criminal Court, Supreme Court, and Family Courts every year. Our Youth Advocacy Unit represents children in felony “Raise the Age” cases in both Supreme Court and Family Court. Thank you, Chair Joseph, Chair Ayala, and Chair Banks for holding this hearing to investigate this important matter.

I. Background and Overview

NYCDS’s Youth Advocacy Unit represents some of the most vulnerable people in our city, children charged with crimes, some of whom are incarcerated, and many of whom are disengaged from school and in dire need of educational support. However, the disengagement and subsequent

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barriers to education for our justice-involved youth does not begin at entry to detention; rather, the issues begin in their public schools and persist long after their re-entry into the community. Thus, we implore City Council to go beyond the introductions proposed, and make the meaningful changes discussed in detail later in this written testimony.

The Department of Education (DOE) and the Administration for Children’s Services (ACS) have a responsibility to create a safe and welcoming learning environment for all students. In order to create that environment, we must ensure that we are not perpetuating policies that lead to school pushout, and are instead are using our resources to engage and support young people. That includes building a network of robust mental health support in our schools that does not rely on law enforcement, and ensuring that young people have access to high quality education both inside and once they leave detention facilities. Not only does every child have a right to quality and intentional education, but research indicates that when a young person is engaged in their education, they are significantly less likely to become or continue to be involved in the criminal and family court systems. With that, City Council has a responsibility to uphold the standards of educational institutions, and the standard of education that all young people deserve.

NYCDS calls on City Council to pass Intro 542 with the amendments we recommend below.

II. Current Programming in Youth Detention Centers

There are an overwhelming number of youth entering our detention centers who are significantly disengaged from their education. The disengagement is a response to what is wrong with the current state of public education, and it is on our schools to respond appropriately. Many of the older youth entering detention or placement have not regularly attended school for months or even years prior to their detention. To address that, Passages Academy offers two educational paths for youth in custody: a traditional path towards a High School diploma and a path to earn a High School Equivalency (“HSE”) Diploma. I have had several clients enter these facilities completely disengaged from school who have made significant strides at Passages Academy in terms of engagement and motivation. However, it is incredibly rare that this translates to actual progress towards either a high school diploma or HSE, both because of the quality and level of instruction in Passages, and how the work at Passages is credited by community-based institutions.

Passages Academy does work to engage chronically disengaged students in their academics, but there are limits to what Passages offers these young learners. Gothamist reported on the myriad issues with education at ACS-run detention facilities in June of this year.¹ Reports from our clients echo the concerns raised by that reporting, and show that there is room for significant improvement.

- I have had clients not be able to attend school for weeks due to the classroom SMART board being broken.
- I have had clients receive only packets as their main form of instruction, rather than live instruction.

¹ Bahar Ostadan, *Classrooms Serve as Cells at NYC’s Troubled Juvenile Detention Centers*, *Gothamist* (June 14, 2023), <https://gothamist.com/news/classrooms-serve-as-cells-at-nycs-troubled-juvenile-detention-centers>.

- I have had clients only attending school two to three days a week because the detention facility does not have adequate staff to support bringing each of the halls to school five days a week.
- In one instance, a client was under the impression that he was making strides toward completing his HSE while in detention, and he was credits away from finishing. Upon his release, he attempted to pick up where he left off at a community-based program but he was nowhere near ready to take the exam and his scores were below proficient across the board. Not only did this completely upend his progress towards his educational goals, but it was an extreme blow to his self-esteem and perceived self-efficacy.

It is for this very reason that we are calling for more meaningful attention be paid to quality of education our young people are receiving.

Another area where educational programming in detention is lacking is its near failure to provide substantive one-to-one tutoring and other specialized educational services for youth with special needs. Many youth in detention and jails have an Individualized Education Program (“IEP”). Under Federal Law, schools in juvenile detention centers are required to identify, locate and evaluate all children with disabilities who may need special education and related services. 20 U.S.C Sec.1412(a)(30(A). It is the responsibility of jails and juvenile detention centers to assess and evaluate all students that they believe may have special needs to ensure that they are connected with the necessary supports, particularly where students have been disengaged with school and may not have updated evaluations. Students with identified learning challenges may struggle in a traditional classroom setting, and will likely struggle with packets of work they are expected to complete independently. Greater access to one-to-one tutoring will provide these young learners who are struggling in Passages Academy individualized educational instruction, which is required by law, and will make their time spent in custody more meaningful to their future.

III. Intro 542 -2022 and Barriers to Re-Entry

Nationwide, over two-thirds of youth leaving custody do not return to school,² and anecdotally, we worry that the numbers in New York City reflect that. Critical attention needs to be paid to facilitating successful re-entry of young people back into their communities. The stigma and challenges associated with re-entering into public school settings after a period of detention cannot be understated, nor can they be overlooked.

A client of mine was already disengaged from school prior to his arrest; he was in middle school, dealing with transitional homelessness and struggling. Once in detention, he started attending school regularly and began to re-engage with school. When he was released, he should have returned back to the school he was attending prior to his arrest, but when it came time to re-enroll him there, he was met with pushback from the administration. This child sat in a meeting with teachers, social workers, the principal, and other support staff, and had to listen to them tell him that “this behavior would not be tolerated in [their] school,” citing previous poor attendance and other factors outside of his control. This client was trying to continue his positive trajectory, and

² *Education for Youth Under Formal Supervision of the Juvenile Justice System*, Office of Juvenile Justice and Delinquency Prevention, 6 (Jan. 2019), available at <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/education-for-youth-under-formal-supervision-of-the-juvenile-justice-system.pdf>.

was met with stigmatization. After being turned away from his previous school, this student was out of school for two weeks while his defense team coordinated an emergency school transfer. What that principal said that day left a mark on my client and is forever burned into my mind.

We cannot go back and change the circumstances that lead to our clients' arrests, but we can give them every single opportunity to be successful in their communities going forward, and that starts with our schools. It is for that very reason that we are advocating for there to be robust re-entry plans for youth leaving detention, with a heavy focus on transitions back into community schools, transitions to vocational programming, and transitions to post-secondary education. There need to be efforts made to ensure that students returning back into their communities can enroll in school the same day they are released.

Recommendation: NYCDS supports passage of Intro 0542 – 2022, with amendment.

City Council can and should go further in requiring data reporting on schools in detention facilities. Specifically, we urge the Council to focus on obtaining data that will reflect the *quality* of education young people are receiving while in detention facilities, and the success of re-entry.

It would be helpful to collect data on, for example, the number of hours of live instruction per student in detention, the number of days between release and re-enrollment in a community school, credits earned while in detention, and data regarding IEP evaluation and re-evaluation.

The issue is that there is rarely a successful continuation of educational services, and we need both qualitative and quantitative data that will reflect the reality of education in these facilities. We need to ensure that our young people receive a standard of education that is equivalent to what they would get in their community and that they are supported in continuing their engagement upon re-entry. More specific data collection will help to ensure that every young person is getting the education to which they are entitled.

IV. Conclusion

The current reality of public education both in the community and in detention centers is not adequately supporting our clients, who are most in need of support. Policies pertaining to young people in school need to reflect the developmentally appropriate interventions that promote the development of the social emotional skills, good decision making, academic success and ability to cope with life changes. Data collected about the academic instruction within detention centers needs to capture the reality of that experience not only while young people are in detention, but long thereafter. Every single child has the right to an education that is meaningful for them should they chose to take advantage of it, and it is our job to ensure that there is something worth taking advantage of.

We urge City Council to consider our proposed amendments to Intro. 542 and to enact meaningful change in our schools inside and out of detention facilities. We thank you for your consideration and attention to this critical issue. If you have any questions about my testimony, please feel free to email policy@nycds.org.

**The Bronx
Defenders**

**Redefining
public
defense**

**New York City Council
Committee on Criminal Justice, Committee on Education, Committee on General Welfare
Oversight - Educational Programming in Detention Facilities.
October 13, 2023**

**Written Testimony of The Bronx Defenders
By Crystal Baker-Burr and Kim Lonzo**

Chairs Rita Joseph, Diana Ayala, Carlina Rivera and Members of the Committees, my name is Crystal Baker-Burr and I am the Director of the Education Defense Project at The Bronx Defenders (“BxD”)¹ thank you for the opportunity to present our testimony.

INTRODUCTION

“If you do not educate, you will incarcerate.’ But once they are incarcerated, we cannot give up on people. We must do all we can to support and rehabilitate those who come through our system.”

This is what New York City mayor, Eric Adams wrote on November 7, 2022, in his op-ed to the Village Sun, an online newspaper.² His words mirror those of Mayor Robert F Wagner, who spoke in December of 1959 a few months after the opening of Riker’s Island High school.

¹ The Bronx Defenders is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

² Adams, Eric. “Mayor’s op-ed: After decades of dysfunction, Rikers reform is underway,” November 7, 2022. The Village Sun (accessed online [Mayor's op-ed: After decades of dysfunction, Rikers reform is underway - The Village Sun](#))

He too spoke of the duty to educate incarcerated youth with the goal of restoring them to society. These words stand in stark contrast to the institutionalized barriers to education throughout the city's vast jail system and most especially at Rikers's Island. Frankly, New York City has failed young, incarcerated people by violating most of their fundamental human rights, denying students' an education is one of them.

BACKGROUND

Riker's Island is New York City's main incarceration facility. Although Rikers Island is a jail—meant to house individuals held by the courts and awaiting trial and those sentenced to one year or less of jail time—some individuals' cases have persisted for years. In 2022, Rikers Island had an average daily inmate population of 5,559, with 17,803 admissions over the course of the year. In the last three months of 2022, according to a DOC report, about 1,100 incarcerated people between the ages of 18 and 25 were admitted to Riker's Island.³

In New York State, Section 3202(7) of the Education Law and Part 118 of the Regulations of the Commissioner require that school districts provide education to incarcerated persons under 21. From the “Audit Report on the Educational Services Offered by the Departments of Correction and Education to Young Inmates at Rikers Island,” New York City Comptroller Brad Lander lays out what rights are afforded these students,

Under New York State regulations, an inmate is eligible to receive educational services if he/she is under 21 years of age, has not received a high school diploma, and has been (or can reasonably be expected to be) incarcerated in a correctional facility for 10 or more calendar days. The regulations further require that DOC, within 10 days of admission, advise eligible inmates 16-21 years of age of the availability of educational services. In addition, according to a DOC Directive

³ New York City Comptroller. “Department of Corrections Dashboard.” (Accessed online [Dashboard : Office of the New York City Comptroller Brad Lander \(nyc.gov\)](https://www.nyc.gov/site/doc/dashboard))

entitled Inmate Access to Board of Education Services, new admission inmates under 22 years old are required to complete and sign a Rikers Island Schools Request for Educational Services form. Moreover, under New York State regulations, correctional facility staff must submit requests for educational services to the school district by the end of the next school day after the inmates complete the form.⁴

In this same report Lander points out that both the DOC and DOE fail to provide documentation on whether young people that are incarcerated have been advised of these rights or whether educational services are being provided after the 11th day, respectively.⁵ Despite this obfuscation, systemic barriers to education are evidenced by one metric that is reported: absenteeism. However, this data point alone misses important information about the nature of the grave education denials.

Attendance in class is under the sole control of the DOC and ACS because they are responsible for transporting students from their housing area to the schools in their respective facilities. For the students who try to enroll in and regularly attend school, lockdowns, restrictions on which housing areas can access DOE programs, and a lack of correction officer escorts have kept students out of class at Rikers Island.⁶ In ACS run juvenile detention centers, which detain students, most of whom are of mandatory school attendance age, entire housing units are often deprived access to their education because of lockdowns, lack of staff, and mismanagement. As of November of 2022, only about 46% of the roughly 200 students enrolled in East River Academy, their District 79 high school, were attending daily. For reference, in the 2019 fiscal year, the average daily attendance in DOC school programs was 77%, according to

⁴ New York City Comptroller, “Audit Report on the Educational Services Offered by the Departments of Correction and Education to Young Inmates at Rikers Island.” March 28, 2017 (Accessed online at [Audit Report on the Educational Services Offered by the Departments of Correction and Education to Young Inmates at Rikers Island : Office of the New York City Comptroller Brad Lander \(nyc.gov\)](#))

⁵ Id.

⁶ Rosenberg, Liz, “Rikers lockdowns and other restrictions stifle attendance at its East River Academy.” Chalkbeat. December 21, 2022 (Accessed online at <https://ny.chalkbeat.org/2022/12/21/23520921/rikers-lockdowns-east-river-academy-chronic-absenteeism>)

an agency report. It crept down to 60% the next year, and then 11% in 2021.⁷ In the 2022 fiscal year, which ended in June, the average attendance was 32%.⁸ The failure to produce incarcerated students for their classes is directly linked to an ongoing DOC staffing crisis and poor planning and priority setting.^{9,10}

This was also cited as an obstacle to education in the graduation speech of a recent East River Academy salutatorian who asked the DOC commissioner to “to do more to ensure detainees could make it to classrooms each day.”¹¹ The DOC has blamed low production rates on inmate behavior and lockdowns. But evidence has shown that some altercations that lead to lockdown situations are attempts by inmates to get the attention of DOC officers so that they can be escorted to classes.¹² These intentional school access denials rob people who are incarcerated of opportunities. People who are incarcerated that participate in correctional education programs are 28% less likely to be re-arrested when compared with people who did not.¹³

IMPACT OF DENIALS OF ACCESS TO EDUCATION

These intentional denials of access to education for young people that are incarcerated are not occurring in a vacuum. The school-to-prison pipeline is well-documented in New York

⁷ New York City Comptroller, “Audit Report on the Educational Services Offered by the Departments of Correction and Education to Young Inmates at Rikers Island.” March 28, 2017 (Accessed online at [Audit Report on the Educational Services Offered by the Departments of Correction and Education to Young Inmates at Rikers Island : Office of the New York City Comptroller Brad Lander \(nyc.gov\)](#))

⁸ Rosenberg, Liz, “Rikers lockdowns and other restrictions stifle attendance at its East River Academy.” Chalkbeat. December 21, 2022 (Accessed online at <https://ny.chalkbeat.org/2022/12/21/23520921/rikers-lockdowns-east-river-academy-chronic-absenteeism>)

⁹ Ranson, Jan & Raubsbaum, William. “At Rikers, Piling Up Sick Days While Investigating Sick-Leave Abuse.” January 16, 2023. (accessed online at <https://www.nytimes.com/2023/01/16/nyregion/rikers-guards-sick-leave.html>)

¹⁰ Ransom, Jan & Pallaro, Bianca. “Behind the Violence at Rikers, Decades of Mismanagement and Dysfunction.” The New York Times, December 31, 2021. (accessed online at <https://www.nytimes.com/2021/12/31/nyregion/rikers-island-correction-officers.html>)

¹¹ Rosenberg, Liz, “Rikers lockdowns and other restrictions stifle attendance at its East River Academy.” Chalkbeat. December 21, 2022 (Accessed online at <https://ny.chalkbeat.org/2022/12/21/23520921/rikers-lockdowns-east-river-academy-chronic-absenteeism>)

¹² Id.

¹³ Id.

City.¹⁴ School disproportionate discipline proceedings contribute heavily to the school-to-prison pipeline; so do bad policies and ineffectual special education programs.¹⁵ Unfortunately, our students with disabilities are disproportionately incarcerated, and further denied a Free and Appropriate Public Education (FAPE).¹⁶ A report by the National Council on Disability found that “up to 85 percent of youth in juvenile detention facilities have disabilities that make them eligible for special education services, yet only 37 percent receive these services while in school.”¹⁷ At the City Council Hearing on October 13, 2023, DOE representatives openly acknowledged the disproportionate number of students with disabilities enrolled at East River and Passages Academies.¹⁸ Many of the young people we work with are in need of greater educational supports and educational placements that truly meet their needs. Instead, when student needs aren’t met, many of these students are pushed out of school and ensnared in the criminal legal system. When we are able to convince a prosecutor and a judge that a specialized school placement is more appropriate than incarceration for our client, oftentimes that same client will languish for months awaiting school acceptances, which sometimes never come. However, there are cases that show how impactful it is when a student has the opportunity to pursue their education rather than endure additional compounding trauma during the important developmental period of adolescence.

MANNY AND KELCEY-SCHOOL TO PRISON PIPELINE

¹⁴ Editorial Board. “Opinion Editorial-The School-to-Prison Pipeline.” The New York Times, May 29, 2013. (accessed online <https://www.nytimes.com/2013/05/30/opinion/new-york-citys-school-to-prison-pipeline.html>)

¹⁵ Id.

¹⁶ National Council on Disability. “National Disability Policy: A Progress Report.” 2011, (accessed online at http://www.ncd.gov/progress_reports/Oct312011#_edn92).

¹⁷ National Council on Disability. “Breaking the School to Prison Pipeline for Students with Disabilities” June 18, 2015, (accessed online at <https://www.ncd.gov/publications/2015/06182015>).

¹⁸ City Council Hearing. “Committee on Education Jointly with the Committee on General Welfare and the Committee on Criminal Justice.” October 13, 2023. (Testimony of Glenda Esperance)

As an example, our office represented two students, Manny and Kelcey.¹⁹ Both were students with emotional disabilities. Manny and Kelcey were both incarcerated and they were both offered deals in their criminal cases that hinged on their acceptance at a residential nonpublic school.

While incarcerated, Manny continually requested to be enrolled at East River Academy. Months went by and Manny was never produced to the school floor to finalize his enrollment. Our office advocated for Manny to be enrolled at East River Academy, but his housing unit was never changed, and because of that, he was never offered access to his education. Manny was accepted and subsequently released into a nonpublic school that accepted him as a residential student. This school offered guitar lessons, animal therapy, structured and tiered educational supports, small classes, and more. The residential component of the school provided structure as well as medical and psychiatric supports when needed. Our client was able to work with an involved and supportive team that communicated about his education and his psychiatric treatment. Manny had trouble acclimating back into the community at first, but the school had the specialized supports to meet his needs. The education team was invested in his success, and had the resources to provide him with what he needed in terms of psychiatric treatment, and holistic care, which included music and art therapy, in addition to more traditional supports. Manny graduated within a year of attendance and has not been rearrested.

Kelcey has waited for more than five months for a nonpublic school to accept him. Kelcey has been rejected by every residential special education school in New York State that he has applied to—over 17 of them. While his applications are pending Kelcey is forced to remain incarcerated because the Judge has said he will only release Kelcey to an “appropriate” educational setting. There should be other ways to meet his educational and support needs,

¹⁹ Pseudonyms, the experiences are real blended stories of multiple clients, as to ensure anonymity.

especially since all parties have recognized that jail is not appropriate and that a residential specialized educational setting is what he truly needs. Unfortunately, Kelcey is deteriorating physically, mentally and emotionally while incarcerated. Kelcey was assaulted after a verbal dispute and was placed in Enhanced Security Housing (ESH). While incarcerated at ESH, Kelcey has no opportunity to access even the minimum three-hours a day of education programming offered at program houses at RNDC.

Manny and Kelcey's experiences illustrate a number of serious issues:

- Disproportionate number of students arrested and detained from District 75 schools
- Unreasonable delays or denials in student enrollment at East River Academy;
- Students inappropriately languish in detention and jails because of a lack of appropriate educational placements;
- Students with disabilities have been denied a Free and Appropriate Public Education (FAPE), and the accompanying Due Process Rights afforded such students;

We urge the Council to take immediate action.

A. Disproportionate number of students arrested and detained from District 75

The school-to-prison pipeline from District 75 is startling. In any reporting bill, it is important to track the numbers of students arrested from individual schools, so punitive, harmful, and traumatizing schools can be shutdown and healing centered, restorative District 75 programs that meet students' needs can be expanded with additional resources.

During the 2019-2020 school year, five of the top nine schools with the highest rate of handcuff and restraint usage were in the Bronx. The JM Rapport School in the Bronx, was the school with the most frequent use of restraints (metal handcuffs and velcro restraints). Indeed, JM Rapport utilized restraints more than it used formal school suspension procedures.²⁰ JM Rapport is a District 75 High School, where a large portion of students have a disability

²⁰ DeRosa, Christine, "NYPD Disproportionately Restrains Students Of Color During School Crises, New York City Agency Data Shows," Youth Today (<https://youthtoday.org/2021/01/nypd-disproportionately-restrains-students-of-color-during-school-crises-new-york-city-agency-data-shows/#>)

classification of emotional disturbance, and all students have IEPs. As a specialized school that serves students with disabilities, JM Rapport should be teaching students coping skills and giving students tools and techniques to self-regulate and de-escalate when they are becoming dysregulated or triggered. Instead, JM Rapport has made harmful practices such as metal and velcro restraints the norm. In the 2019-2020 school year, JM Rapport made up close to 11% of the total number of incidents in which restraints were used across all the schools in the city. JM Rapport is also a very segregated school, serving a student population that is 94% Black and Latinx. Its reflexive use of punishment and carceral interventions pushes far too many students into the juvenile and criminal legal systems, after not receiving the appropriate special education services or supports they need to deal with triggering events or impulsivity.

B. Unreasonable Delay in Enrollment at East River Academy

Young people who want to enroll in educational services on Rikers Island have to request that a correction officer provide them with a 3503B form and make a request for a tablet, which, as we know from testimony by DOC staff, are currently not being made available to students. There are often long delays in this process, and students miss out or lose their motivation. Out of the 26 clients we interviewed in April of 2023, 8 had obtained their highschool diplomas or GEDs prior to their arrest and incarceration, 18 self-identified that they were students with disabilities who had IEPs, and **15 requested education advocacy**. Out of those 18 students that did not already have their high school diploma or GED, only 3 were enrolled in school prior to our advocacy.

Students are denied access to education arbitrarily based on their assigned housing unit and whether or not DOC staff are assigned to transport that unit to the school floor. In some cases, DOC refuses to produce students, citing the student's "dangerousness," which goes against State and Federal Law, as well as the Handberry agreement entered into by the City. As a

form of punishment, young people are often moved from RNDC to ESH, which is the de facto solitary confinement unit. Another consequence of ESH placement is that our clients' State and Federally protected education rights are being violated. When a client is moved to ESH, they are denied access to education. We have represented multiple students enrolled in school at East River Academy, who, when transferred to ESH, are no longer provided with education and special education services. We represent many young clients with disabilities, who are entitled to additional legal protections when it comes to their education. Those students when placed at ESH are likewise denied their special education services. We represented a student who is entitled to 12-month school services. When this student was placed in ESH, his education was immediately disrupted. There are no education services available at ESH. This violates the Handberry Agreement, as well as State and Federal Law. It also is extremely disruptive. When a student is learning a difficult subject, such as math, a 60-90 day absence from their schoolwork is detrimental to their progress. There is immediate learning loss, and the class has moved on by the time the student returns to classes. This practice leaves the student behind their peers without the foundation for the new work they will be expected to complete. This applies to all academic subjects. We have filed and won Education Impartial Hearings based on these sorts of denials of access. However, the remedies we win are also not being implemented.

C. Students inappropriately languish in detention and jails because of a lack of appropriate educational placements

Kelcey's story is one of many young people whose needs are not being appropriately addressed. During the summer of 2022, East River Academy did not have a school psychologist assigned to conduct annual evaluations, or support the placement process for students who could potentially be released to more appropriate school settings, or more supportive schools back in their community. During this past school year, Passages Academy only employed one school psychologist to meet the needs of every single Passages Academy student. This one person was

responsible for coordinating and conducting evaluations, facilitating IEP meetings, and drafting IEPs and Behavior Intervention Plans (BIPs) as well as being a liaison to specialized school placements and scheduling interviews for detained students.

With the disproportionate number of students with disabilities that are detained and incarcerated, the number of school psychologists supporting them should be much greater. During City Council live testimony on October 13, 2023, Glenda Esperance from the DOE, openly admitted that East River Academy does not have a school psychologist and that Passages Academy only has one. She further admitted that at East River Academy, they do not move forward with triennial evaluations.²¹ A student should never spend a single moment in an incarceratory setting when everyone agrees a supportive school placement is what they truly need. This process should be streamlined and supported. Decarcerating our students should be all hands on deck and more resources should be allocated to support students transitioning out of jails. Additionally, students with improved IEPs and new evaluations can rejoin their communities with more supports in place in their community schools as well. Transition counselors, a role that was created during the initial implementation of Raise the Age, should be revived and fully funded to support students as they leave Passages Academy or East River Academy and return to their home schools.

D. Students with disabilities have been denied a Free and Appropriate Public Education (FAPE), and the accompanying Due Process Rights afforded such students;

²¹ City Council Hearing.” Committee on Education Jointly with the Committee on General Welfare and the Committee on Criminal Justice.“ October 13, 2023. (Testimony of Glenda Esperance)

In April, 2023, our office surveyed our incarcerated and detained clients that were age eligible to enroll in school. Of the clients we were able to speak with, over two-thirds were students with disabilities. Our office has increased our special education advocacy for our clients, which includes advocating for appropriate placements, seeking evaluations (even when clients are incarcerated), and filing impartial hearings when issues are not reasonably resolved. Unfortunately, even when our office files impartial hearing requests for incarcerated students, and win, the remedies are not implemented. Our office has won comp-ed services, which are additional hours of education to be paid for by the Department of Education, however, our clients do not have access to technology nor the opportunity to access those additional services awarded to them as an acknowledgement of the illegal denials. Our clients are being denied their State and Federal Due Process Rights under 8 N.Y.C.R.R. § 200.5(i), and the Individuals with Disabilities Education Act (IDEA).

CONCLUSION

Access to education is a fundamental human right. This Council must act to not only improve access to education for currently detained and incarcerated clients, but go steps further, and push for an overhaul of the educational options and supports for all students, including students with disabilities. In order to prevent the disproportionate push down the school-to-prison pipeline of black and brown students with disabilities, the City must recognize the history of harm and segregation of these students,²² and fully reimagine the education system that will truly support them.

²² Almash, Francine. "New York City "600" Schools And The Legacy Of Segregation In Special Education" The Gotham Center for New York City. June 21, 2022 (accessed online at <https://www.gothamcenter.org/blog/new-york-city-600-schools-and-the-legacy-of-segregation-in-special-education>)



Advocates for Children of New York

Protecting every child's right to learn

**Testimony to be delivered to the New York City Council
Committee on Education, Committee on General Welfare,
and Committee on Criminal Justice**

**RE: Oversight: Educational Programming in Detention Facilities and
Int. No. 542-2022 Requiring DOE, ACS and DOC to report on educational
programming for students in court-ordered settings.**

October 13, 2023

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My name is Elisabeth Bernard, and I am a Staff Attorney for the School Justice Project at Advocates for Children of New York. For over 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students from immigrant families, students who are homeless, students with mental health needs, court-involved youth, and students in foster care. As an attorney on the School Justice Project, I represent court-involved youth as they navigate the significant challenge of receiving educational services and special education services both while they are in placement and as they are transitioning out of placement.

In recent years, we have seen an effort to improve the educational services that youth receive while in juvenile detention and placement. Despite these efforts, a high number of youth within these facilities and youth reentering communities continue to face barriers to receiving an education due to a lack of school stability for youth in the juvenile legal system, the poor quality of education programs offered at many juvenile facilities, and a lack of infrastructure and supports in the juvenile and education systems to ensure youth successfully re-enter schools in the community.

We see these issues every day in our work with young people. Recently, we assisted youth with and without Individualized Education Programs (IEPs) being held at Crossroads Juvenile Center, disengaged from school for weeks and often months at a time due to a lack of staff and COVID-19 related incidents. As a result, these students are left without IEP-mandated services and other specialized services they are entitled to receive. For example, in April 2023, a student housed at Crossroads was out of school for more than three weeks due to being exposed to COVID-19. Although he did not have COVID, he did not receive any of his instruction or IEP-mandated services during this time; nor was he allowed to leave his unit for any academic-



related activities. As a result, he shared that he no longer saw a point in going to school while in detention; this isolation not only leads to a lack of school engagement while in detention but can also result in a lack of interest in reenrolling once students reenter their communities.

It is clear that young people in both juvenile placement and detention are in desperate need of targeted academic support and services that help meet their individualized needs. More than half of youth in juvenile detention have been classified with disabilities, so it is critical they receive appropriate academic, special education, and mental health services. However, instead we often see students who are not provided with access to education or IEP-mandated services while they are in detention or placement.

We have also seen youth forced to engage in course work that they already completed while in their schools before entering detention, causing youth to reenter their communities as over-aged and under-credited students. Even if students are engaged in education services, those services are not tailored to meet their academic needs. For example, a student we worked with housed at Crossroads would have been considered a rising eleventh grader in his original school. However, while at Crossroads, he was forced to take subjects which he had already completed during his ninth-grade year. Upon reentry, he was behind and did not meet the credit criteria to be placed in his appropriate grade. He lost nearly a year of schooling due to the inappropriate educational services while in detention.

Further, many youth who re-enter their communities from detention are left with no school placement, which causes further delays in their academic progress and delays in receiving IEP-mandated services. This year, we worked with a parent whose son served 10 months at Crossroads. When he was released in August 2023, he was not given a school placement letter or provided with any assistance to ensure a smooth academic transition. This was despite the fact that engagement in school was a condition of his release. Instead, he was connected to AFC in September through a partnering Alternative to Incarceration (ATI) program that was struggling to find him a school placement after he was released. We were able to quickly assist once we learned about this situation, but the student missed weeks of school in the meantime. His mother later shared that he had not had an IEP meeting in over a year, did not take grade-appropriate classes, and received no IEP-mandated services during his 10 months at Crossroads. This is a systemic issue that needs attention as numerous families experience similar challenges.

Int. 542's requirement that agencies report on educational programming will help address the lack of data reporting focused on this population, allow for public access to this information, and create an avenue to assess what changes need to be made to improve educational programming and services in these facilities. Given the continued systemic issues outlined above, AFC strongly supports Int. 542 to ensure transparency, monitoring, and accountability of children and youth in court-ordered settings. We, along with other advocates in this field, have a number of suggested recommendations to make the bill stronger and to allow for the data to be better utilized for systemic change. We are attaching our recommendations to our written testimony. Thank you for the opportunity to testify. I would be happy to answer any questions you may have.

Int. No. 542

By Council Members Narcisse, Hanks, Williams, Cabán, Abreu, Louis, Ung, Gutiérrez, Restler, Won and Sanchez

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’s services and the department of correction to report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders

Be it enacted by the Council as follows:

1 Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is
2 amended by adding a new section 21-922 to read as follows:

3 § 21-922 Education report for juvenile delinquents, juvenile offenders and adolescent
4 offenders. a. Definitions. For the purposes of this section, the following terms have the following
5 meanings:

6 ACS division. The term “ACS division” means the ACS division of youth and family
7 justice.

8 Adolescent offender. The term “adolescent offender” means any individual who is charged
9 pursuant to the criminal procedure law as an adolescent offender, as such term is defined in
10 subdivision 44 of section 1.20 of the criminal procedure law, and who is in custody.

11 Assault. The term “assault” means any action taken with intent to cause physical injury to
12 another person.

13 Children and youth in ACS division facilities. The term “children and youth in ACS
14 division facilities” shall include all children between the ages of 13 and 22 who are in custody
15 pursuant to a court order on a juvenile delinquency, juvenile offender, or adolescent offender
16 matter and that is run by or overseen by the ACS division.

17

1 Compulsory educational programming. The term “compulsory educational programming”
2 means educational programming required pursuant to part 1 of article 65 of title 4 of the education
3 law.

4 Custody. The term “custody” means the holding of an individual by the ACS division or
5 the department of correction through detainment, placement or sentencing.

6 Department of education site. The term “department of education site” means any site (i)
7 that is operated by the department of education that offers educational programming to individuals
8 who are entitled to receive a public education pursuant to NY Educ. Law 3202 and New York City
9 Chancellor's Regulation A-101(I)(C)(5) ~~aged 21 years or younger~~ who are in custody pursuant to
10 a court order on a juvenile delinquency, juvenile offender or adolescent offender matter and (ii)
11 that is located on property that is either under the control of the department of education ~~or, ACS~~
12 ~~or the department of correction~~ or that is subcontracted by the department of education ~~or, ACS or~~
13 ~~the department of correction.~~

14 Department of education staff. The term “department of education staff” means any
15 employee of the department of education assigned to work at a department of education site.

16 Detainment. The term “detainment” means the remand of a juvenile delinquent in the
17 custody of the ACS division, the remand or holding on bail of a juvenile offender in the custody
18 of the ACS division or the remand or holding on bail of an adolescent offender in the custody of
19 the ACS division ~~or the department of correction.~~

20 Educational programming. The term “educational programming” means any educational
21 services that the department of education offers to juvenile delinquents, juvenile offenders and
22 adolescent offenders in custody.

1 High school equivalency diploma test. The term “high school equivalency diplomacy test”
2 means any test that the New York state education department offers for the purpose of establishing
3 the equivalent of a high school diploma, including but not limited to a general education
4 development test or the test assessing secondary completion.

5 Individualized education program. The term “individualized education program” has the
6 same meaning as is set forth in paragraph (1) of subsection (d) of section 1414 of title 20 of the
7 United States code and any regulations promulgated thereto.

8 Juvenile delinquent. The term “juvenile delinquent” means any individual in the custody
9 of the ACS division who is charged pursuant to the family court act as a juvenile delinquent, as
10 such term is defined in subdivision 1 of section 301.2 of the family court act.

11 Juvenile offender. The term “juvenile offender” means any individual in the custody of the
12 ACS division who is charged pursuant to the criminal procedure law as a juvenile offender, as
13 such term is defined in subdivision 42 of section 1.20 of the criminal procedure law.

14 Placement. The term “placement” means the court ordering of any juvenile delinquent to a
15 placement pursuant to section 353.3 of the family court act.

16 Sentencing. The term “sentencing” means the conviction of any adolescent offender
17 resulting in a period of incarceration not greater than one year, pursuant to section 70.20 of the
18 penal law.

19 b. The department of education and ~~ACS~~ ~~and the department of correction~~ shall each
20 produce an annual report on educational programming for ~~children and youth under the age of 22~~
21 ~~charged with being~~ juvenile delinquents, juvenile offenders and adolescent offenders ~~in ACS~~
22 ~~division or department of correction facilities~~ who have been detained, placed or sentenced ~~in ACS~~
23 ~~division facilities~~. No later than 90 days after the final day of the 202318-202419 school year and

1 no later than 90 days after each subsequent school year, the department of education and, ACS and
2 ~~the department of correction~~ shall post the reports on their respective websites and provide links
3 in each such report to the reports of the other two agencies.

4 c. The department of education report shall include, but need not be limited to, the
5 following information, provided that no information shall be reported in a manner that would
6 violate any applicable provision of federal, state or local law relating to the privacy of information
7 respecting ~~juvenile delinquents, juvenile offenders or adolescent offenders~~ children and youth
8 placed in ACS division facilities or that would interfere with law enforcement investigations or
9 otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5
10 ~~such delinquents or offenders~~ such children and youth, or allows another category to be narrowed
11 to between 1 and 5 such ~~delinquents or offenders~~ children and youth, the number shall be replaced
12 with a symbol. A category that contains zero shall be reported as zero, unless such reporting would
13 violate any applicable provision of federal, state or local law relating to the privacy of student
14 information. The report shall include data about children and youth placed in ACS division
15 facilities ~~juvenile delinquents, juvenile offenders and adolescent offenders~~, in total and
16 disaggregated by category.

17 1. The number and percentage of ~~juvenile delinquents, juvenile offenders and adolescent~~
18 ~~offenders~~ children and youth enrolled in educational programming at department of education
19 sites, both in total and disaggregated by age. Such number and percentage shall be reported for the
20 entire school year and for each month. Such percentage shall be calculated on the final day of each
21 month by dividing the number of ~~juvenile delinquents, juvenile offenders and adolescent~~
22 ~~offenders~~ children and youth -enrolled in educational programming by the respective number of

1 ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in custody on
2 such date.

3 2. The number of hours of compulsory educational programming offered to ~~juvenile~~
4 ~~delinquents, juvenile offenders and adolescent offenders~~ children and youth in ACS division
5 facilities on each school day and the curriculum subject areas included in educational
6 programming.

7 3. The number of children and youth in ACS division facilities whose educational
8 programming is designed to meet elementary school program requirements.

9 4. The number of children and youth in ACS division facilities whose educational
10 programming is designed to meet middle school program requirements.

11 5. The number of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
12 and youth in ACS division facilities whose educational programming is designed for the Skills and
13 Achievement Commencement Credential, the number of children and youth in ACS division
14 facilities whose educational programming is designed for a local or Regents diploma, and the
15 number of children and youth in ACS division facilities ~~juvenile delinquents, juvenile offenders~~
16 ~~and adolescent offenders~~ whose educational programming is designed for a high school
17 equivalency diploma test.

18 46. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
19 ~~juvenile offenders and adolescent offenders~~ who completed elementary school program
20 requirements for matriculation to middle school while in custody.

21 57. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
22 ~~juvenile offenders and adolescent offenders~~ who completed middle school program requirements
23 for matriculation to high school while in custody.

1 68. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
2 ~~juvenile offenders and adolescent offenders~~ who graduated or exited from high school while in
3 custody, in total and disaggregated by the number of children and youth who received a Skills and
4 Achievement Commencement Credential, a Local Diploma, or a Regents Diploma..

5 79. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
6 ~~juvenile offenders and adolescent offenders~~ to whom a high school equivalency diploma test was
7 administered while in custody.

8 810. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
9 ~~juvenile offenders and adolescent offenders~~ who passed a high school equivalency diploma test
10 while in custody.

11 11. The number of youth in ACS division facilities who are enrolled in college level
12 coursework.

13 9142. The average functional level of children and youth in ACS division facilities~~juvenile~~
14 ~~delinquents, juvenile offenders and adolescent offenders~~ on tests such as the STAR assessment,
15 the test of basic adult education or similar testing. The average functional level may be calculated
16 by adding the percentage results achieved by ~~juvenile delinquents, juvenile offenders and~~
17 ~~adolescent offenders~~children and youth in ACS division facilities on the last such test administered
18 each school year and dividing this sum by the respective number of children and youth in ACS
19 division facilities ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ to whom such
20 last test was administered. This data about children and youth in ACS division facilities~~juvenile~~
21 ~~delinquents, juvenile offenders and adolescent offenders~~ shall be disaggregated by category and
22 not reported in total.

1 10132. The number and percentage of children and youth in ACS division facilities;juvenile
2 delinquents, juvenile offenders and adolescent offenders who are enrolled in educational
3 programming and have individualized education programs. Such number and percentage shall be
4 reported for the full school year as well as for each month. Such percentage shall be calculated by
5 dividing the number of children and youth juvenile delinquents, juvenile offenders and adolescent
6 offenders so enrolled on the final day of each month by the respective number of juvenile
7 delinquents, juvenile offenders and adolescent offenderschildren and youth in custody on such
8 date.

9 14. The number of children and youth in ACS division facilities who, as of the date of
10 enrollment in educational programming, had an individualized education program
11 recommendation of:

- 12 (i) related services only;
- 13 (ii) special education teacher support services;
- 14 (iii) integrated co-teaching services;
- 15 (iv) special class in a community school;
- 16 (v) special class in a specialized school; or
- 17 (vi) non-public school placement.

18 1415. The number and percentage of children and youth who have Special Education
19 Plans (SEPs) created for them within 30 days of enrolling in educational programming.

20 165. The number and percentage of children and youth juvenile delinquents, juvenile
21 offenders and adolescent offenders who have individualized education programs and are receiving
22 the classroom placement indicated in their individualized education programs. full range of special
23 education services indicated in their individualized education programs. This information shall be

1 further disaggregated by whether such children and youth ~~juvenile delinquents, juvenile offenders~~
2 ~~and adolescent offenders~~ have been detained, placed or sentenced.

3 1517. The number and percentage of children and youth who have individualized education
4 programs and are receiving the related services indicated in their individualized education
5 programs. This information shall be further disaggregated by each related service, and whether
6 such children and youth have been detained, placed or sentenced.

7 1618. The number and percentage of children and youth who have individualized
8 education programs and have received special education evaluations, while in custody. This
9 information shall be further disaggregated by the type of evaluation (initial evaluation, mandated
10 triennial reevaluation or related service evaluation), and whether such children and youth have
11 been detained, placed or sentenced.

12 121964. The number and percentage of ~~juvenile delinquents, juvenile offenders and~~
13 ~~adolescent offenders~~ students enrolled in educational programming whom the department of
14 education identifies as having an English language learner status. Such number and percentage
15 shall be reported for the full school year as well as for each month. Such percentage shall be
16 calculated by dividing the number of ~~juvenile delinquents, juvenile offenders and adolescent~~
17 ~~offenders~~ children and youth so enrolled on the final day of each month by the respective number
18 of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in custody
19 on such date.

20 1520. The number and percentage of children and youth in ACS division facilities enrolled
21 in educational programming who are identified as having an English language learner status who are
22 receiving language services, in total and disaggregated by the type of instruction (whether services

1 by a certified English as a New Language teacher, bilingual education, bilingual special education
2 programs, or language specific high school equivalency test preparation).

3 13216. The number of full-time equivalent teachers working at department of education
4 sites, in total and disaggregated by general education teachers ~~and, English as a new language~~
5 teachers, and special education teachers assigned to teach ~~juvenile delinquents, juvenile offenders~~
6 ~~and adolescent offenders~~ children and youth in ACS division facilities.

7 142276. The number of department of education staff other than teachers assigned to work
8 at department of education sites, in total and disaggregated by staff role and by those working with
9 ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in ACS
10 division facilities.

11 15823. The average class size for educational programming that the department of
12 education provides to ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
13 and youth in ACS division facilities. This information shall be further disaggregated by facility
14 location.

15 16924. The number of ~~juvenile delinquents, juvenile offenders and adolescent~~
16 ~~offenders~~ children and youth in ACS division facilities participating in department of education
17 vocational training, the nature of such training, including whether it constitutes career and
18 technical education, and the number of ~~juvenile delinquents, juvenile offenders and adolescent~~
19 ~~offenders~~ children and youth who complete such training.

20 1719205. The average and median number of credits per semester that ~~juvenile delinquents,~~
21 ~~juvenile offenders and adolescent offenders~~ children and youth in ACS division facilities who are
22 enrolled in high school educational programming accumulate while in custody. This paragraph

1 only applies to those ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and
2 youth who are in custody for a sufficient period during the reporting period to have earned credits.

3 182610. The number of ~~juvenile delinquents, juvenile offenders and adolescent~~
4 ~~offenders~~ children and youth in ACS division facilities enrolled in physical education.

5 19272. The average and median rate of attendance in a department of education school for
6 ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in ACS
7 ~~division~~ facilities while in custody, upon six months after their release from custody and upon one
8 year post-release, both overall and disaggregated by student age.

9 202382. The plans, if any, of the department of education to ensure the educational progress
10 of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ students who are released
11 from custody.

12 d. The ACS ~~and department of correction~~ reports shall include, but need not be limited to,
13 the following information, provided that no information shall be reported in a manner that would
14 violate any applicable provision of federal, state or local law relating to the privacy of information
15 respecting ~~juvenile delinquents, juvenile offenders or adolescent offenders~~ children and youth in
16 ACS division facilities or that would interfere with law enforcement investigations or otherwise
17 conflict with the interests of law enforcement. If a category contains between 1 and 5 such
18 ~~delinquents or offenders~~ children or youth, or allows another category to be narrowed to between
19 1 and 5 such delinquents or offenders, the number shall be replaced with a symbol. A category that
20 contains zero shall be reported as zero, unless such reporting would violate any applicable
21 provision of federal, state or local law relating to the privacy of student information. The reports
22 shall provide data about ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
23 and youth in ACS division facilities, in total and disaggregated by category.

1 1. The number of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
2 and youth in ACS division facilities that ACS ~~or the department of correction~~ prevented from
3 attending educational programming, in total and disaggregated by reason the student was
4 prevented from attending programing (including, but not limited to, days a student was prevented
5 from attending school due to a behavioral issue of the student, staff shortages, quarantines, or other
6 issues.)

7 2. The number of incidents of use of physical restraints at a department of education site,
8 in total and disaggregated by whether such physical restraints were used on a juvenile delinquent,
9 juvenile offender or adolescent offender.

10 3. The number of incidents of use of mechanical restraints at a department of education
11 site, in total and disaggregated by whether such mechanical restraints were used on a juvenile
12 delinquent, juvenile offender or adolescent offender.

13 4. The number of incidents of use of chemical restraints, including pepper spray and other
14 chemical agents, at a department of education site, in total and disaggregated by whether such
15 chemical restraints were used on a juvenile delinquent, juvenile offender or adolescent offender.

16 5. The number of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
17 and youth in ACS division facilities who participate in educational programming while placed in
18 mechanical restraints, including but not limited to restraint desks or shackles, and the number of
19 days each such juvenile delinquent, juvenile offender or adolescent offender is so restrained.

20 6. The number of incidents resulting in injuries to children and youth in custody at a
21 department of education site.

22
23 § 2. This local law takes effect immediately.

Session 12

IP

LS #8465

5/23/22 3:12pm

Session 11

JJ

LS #5993

Int. #1224-2018



October 13, 2023

Hon. Rita Joseph, Chair
New York City Council Committee on Education
Hon. Carlina Rivera, Chair
New York City Council Committee on Criminal Justice
Hon. Diana Ayala, Chair
New York City Council Committee on General Welfare
250 Broadway
New York, NY 10007
VIA EMAIL

Re: Hearing on Oversight: Educational Programming in Detention Facilities, October 13, 2023

Dear Chairs Joseph, Rivera, and Ayala, and Committee Members:

Since 1995, Children's Rights has been a national advocate for youth in state systems. We are also a member of the New York City Jails Action Coalition. Our experience with adolescents and young adults in foster care and juvenile justice systems often brings us into contact with young adult and youth corrections policy, as our clients are disproportionately represented in young adult and juvenile correction facilities. We advocate on behalf of young adults, 18- to 21-years old, incarcerated on Rikers Island.

We support Council Member Narcisse's legislation, Intro. No. 542, with the advocates' comments, requiring the Department of Education, the Administration for Children's Services, and the Department of Correction to report on educational programming for juvenile and adolescent offenders. Currently, there is little to no transparency regarding education for young adults and others on Rikers.

We support Speaker Adams's emphasis in the New York City budget on closing Rikers on schedule in 2027 in accordance with the law. We wholeheartedly disagree, however, with the failure to adequately fund programs and services to keep young adults off Rikers in the first place, including ending the foster-care-to-prison pipeline, and supporting young people once they are no longer incarcerated. By eliminating \$17 million for social service providers in the jails, the Adams administration is also gutting programs that help incarcerated people get jobs and housing, stay clean and sober, and reconnect with their loved ones after they are released from Rikers.¹

¹ <https://gothamist.com/news/mayor-adams-cuts-classes-and-re-entry-services-at-rikers-to-save-17-million-in-nyc-budget>

Young adults on Rikers will be especially harmed by the Administration’s shortsighted policies. Social science and neurological research that guide best practices for working with older youth show that adolescent development does not end at age 18. Young people continue to mature well into their mid-twenties, making them uniquely vulnerable and impressionable.² This is especially true for young adults in child welfare and criminal justice systems. These young people require supports that respond to their unique needs.³

During this critical period of development in adolescence and young adulthood, the opportunity to interact with supportive adults and practice reasoning, decision-making, and self-regulating skills strengthens young people’s ability to function in the years ahead. Youth have better outcomes if their unique needs are addressed, and they are not required to navigate systems created for older adults.

The programming that will no longer be offered by qualified personnel on Rikers includes training in financial literacy, drug relapse prevention, and anger management.⁴ Removing access to these resources will have tangible, negative impacts for both young adults and older adults on Rikers, more than 80% of whom have not been convicted of a crime and thus are more likely to return to their communities.⁵

This is especially true regarding educational programming. Packets are no substitute for quality educational programming. For the hundreds of young adults on Rikers, and those up to age 25, any available education is disrupted by violence. Attendance is severely hampered by the lack of escorts, which must not be dismissed as a “challenge”; it is the direct result of longstanding practices by the Correction Officers’ Benevolent Association. On top of everything else, young adults are shackled to desks.⁶

Education is key to rehabilitation and re-entry. Our young people are not so much garbage to be tossed away. Young adults desperately need the tools, provided on a consistent basis by qualified professionals, to help them survive the months and sometimes years they spend in the hell that is Rikers.⁷ They need these tools to transition back to the community and improve their chances of stable and productive lives.

² Schiraldi, Western, and Bradner “Community-Based Responses to Justice-Involved Adults” (Sept. 2015) <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

³ See December 19, 2014 Public Comment submitted by Children’s Rights—Older Youth Development: Insights from Child Welfare and Implications for New York City Department of Correction Policy and Practice.

⁴ <https://gothamist.com/news/mayor-adams-cuts-classes-and-re-entry-services-at-rikers-to-save-17-million-in-nyc-budget>

⁵ <https://www.vera.org/its-a-torture-chamber#:~:text=The%20notorious%20jail%20complex%20Rikers,as%20they%20wait%20for%20trial> and <https://greaterjusticenyc.vera.org/nycjail/>

⁶ <https://www.thecity.nyc/2023/9/18/23875715/eight-rikers-detainees-slashed-shackled-restraint-desks>

⁷ <https://greaterjusticenyc.vera.org/nycjail/>

We believe programming must be made available for all incarcerated youth upon arrival in detention, instead of being used as a reward system. Education is a critical part of this programming. Programming and educational opportunities will benefit both the young adults on Rikers and their communities at large as young people gain skills that will allow them to productively contribute to their communities. Education, including vocational training, is an essential element of true public safety. Denying our incarcerated youth opportunities to be in the classroom only helps feed the fear mongering that passes for public safety “policy” these days.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniele Gerard", with a stylized flourish at the end.

Daniele Gerard
Senior Staff Attorney
dgerard@childrensrights.org



**Testimony of Rebecca Charles and Caitlyn Passaretti, Policy and Advocacy Associates
Citizens' Committee for Children of New York**

**Committee on Education, Committee on General Welfare,
and Committee on Criminal Justice
Oversight: Educational Programming in Detention Facilities
October 13th, 2023**

Since 1944, Citizens' Committee for Children of New York has served as an independent, multi-issue child advocacy organization. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce; our priority is improving outcomes for children and families through civic engagement, research, and advocacy. We document the facts, engage and mobilize New Yorkers, and advocate for solutions to ensure that every New York child is healthy, housed, educated, and safe.

We would like to thank Chairs Joseph, Ayala, and Rivera and all the members of the New York City Council Education, General Welfare, and Criminal Justice Committees for holding this important hearing on improving our city's youth detention centers.

CCC believes strongly in the right to education for youth who are placed in juvenile detention centers and therefore supports Int. 542 that will require data collection on students in detention to ensure their learning needs are met and supported.

Despite efforts to improve the educational services that youth receive while in juvenile detention, a high number continue to struggle to access the education to which they are legally entitled. It is crucial for students to keep up with their credits and remain on track for promotion (middle school) and graduation (high school), as it will promote more successful reentry and ensure continued educational attainment. Young people with emotional disabilities make up close to half the students enrolled at schools in New York City's juvenile detention centers and in the Rikers Island jail.ⁱ Students with IEPs are required to receive the services named in their IEPs while detained, yet many are not provided with access to education or IEP-mandated services while they are in detention or placement.ⁱⁱ

While progress has been made in facilitating educational resources for students in detention, the COVID-19 pandemic has negatively impacted students' ability to learn. Due to COVID restrictions, the restructuring of school during the onset of the pandemic, and risk of exposure within detention, education can continuously be interrupted, and students can be denied their legal right to support and learning. Therefore, this bill is of even more importance to ensure that every student is accounted for and to ensure transparency, monitoring, and accountability of youth in detention.

We know education can be a positive structure in students' lives and we urge the Council to ensure that all students, especially those court-involved, remain connected to schooling and are able to access future opportunities. Int. 542 would work to address the lack of transparency and data reported on educational programming in youth detention centers. We recommend that the bill language be modified to clarify that educational programming is provided through the Department of Education and ACS, rather than through the Department of Correction. We also urge the bill authors to request additional data on whether or not students receive specific IEP services, the number/percentage of children who have English Language

Learner status and who received language services, and the reasons students were prevented from attending educational programs. These data will help community advocates and city leaders to identify programmatic or systems challenges within juvenile detention, leading to improved advocacy efforts and sustainable solutions for young people.

We hope the data collected can inform the commitment of resources to the system to improve the available support and outcomes for youth.

Thank you for providing the opportunity to testify.

ⁱ Kramer, A. (2022). Public Schools Are NYC's Main Youth Mental Health System. Where Kids Land Often Depends on What Their Parents Can Pay. *ProPublica*. Accessed: <https://www.propublica.org/article/nyc-schools-kids-mental-health-special-education>

ⁱⁱ Advocates for Children (2023). AFC Guide for Court-Involved Students: Understanding the Education Rights of New York City Students In & Coming Out of the Legal System. Accessed: https://www.advocatesforchildren.org/sites/default/files/library/court_involved_youth_guide.pdf?pt=1

TESTIMONY

The Legal Aid Society
to
The New York City Council
Committee on Education
Committee on General Welfare
Committee on Criminal Justice

Oversight: Educational Programming in Detention Facilities

And

Int. No. 542-2022 Requiring the Administration for Children's Services, Department of Corrections and the Department of Education to Report on Educational Programming for Students in Court Ordered Settings

October 13, 2023

Presented by:
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Introduction

The Legal Aid Society thanks Chairperson Joseph, Chairperson Rivera and Chairperson Ayala and the Committees on Education, General Welfare and Criminal Justice for holding this oversight hearing focusing on educational services for children and youth in New York City detention facilities. In September 2022, we provided testimony to this body about the needs of students with disabilities and encouraged the council to introduce legislation requiring the New York City Department of Education (DOE), the Administration of Children’s Services (ACS) to report on the educational needs of children in the custody of the Department of Youth and Family Justice (DYFJ), and also to consider amendment of Local Law 168/17 to provide more information about the educational services available to youth in the custody of the Department of Corrections (DOC) DOC. We therefore wish to thank Council Member Narcise and all the sponsors of Int. 542 for introducing this important legislation to provide increased transparency and increase the accountability of ACS, DOC and DOE toward vulnerable youth. The Legal Aid Society supports the passage of Int. 542 and joins other advocates in recommending the edits suggested below.

The Legal Aid Society is the nation’s largest and oldest provider of legal services to low-income families and individuals. From offices in all five boroughs, the Society annually provides legal assistance to low-income families and individuals in some 300,000 legal matters encompassing three practice areas: the Criminal Defense Practice (CDP), the Civil Practice (CP), and the Juvenile Rights Practice (JRP). Our Criminal, Civil and Juvenile practices all represent children and young people who are entitled to receive educational services from the New York City Department of Education (DOE).

Our Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Our Juvenile Rights staff typically represents a total of more than 33,000 children each year, many of whom are in ACS custody.

Our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct last year. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are school-age teenagers and young adults who need and are legally entitled to receive educational services.

The Kathryn A. McDonald Education Advocacy Project advocates for the educational rights of children and youth who are represented by the Legal Aid Society due to involvement with child welfare, juvenile or criminal justice systems. Many of our clients are students with disabilities, students with mental health needs, and students in foster care. A significant number of Legal Aid clients are held in incarceratory settings including those run by the NYC Administration for Children's Services (ACS) and by the NYC Department of Corrections (DOC). These placements include Rikers Island Jail, as well as secure and non-secure juvenile detention facilities.

Our perspective comes from our daily contacts with children, adolescents, and their families, and also from our frequent interactions with the courts and city agencies including the NYC Department of Education (DOE), DOC and ACS.

In addition to providing direct representation to these youth each year in trial and appellate courts, and in their education matters, the Legal Aid Society also pursues impact litigation and other law reform initiatives on behalf of our clients.

Young people who are detained in New York City’s juvenile facilities or who are incarcerated at Rikers Island waiting for their cases to be heard, and who are still of school age, attend one of two New York City public schools which are run onsite. Youth in juvenile detention (ages 13-17) attend Passages Academy,¹ and youth detained at Rikers Island (ages 18-21) attend Island Academy. These are often youth whose cases have not yet been heard or who are awaiting disposition.

High School Eligible Young People at Rikers Island

In 1996 the Legal Aid Society’s Prisoners’ Rights Project (“PRP”) filed *Handberry v. Thompson* (“*Handberry*”), No. 96-cv-6161 (S.D.N.Y.) (GDB), a class action lawsuit on behalf of young people under age 21 at Rikers Island, challenging the DOC and the DOE’s failure to provide them with a high school education as mandated by law. At the time of filing, children as young as 16 were housed at Rikers Island and fewer than half of eligible youth at Rikers received their high school education.² Of those fortunate enough to go, most were denied the special education services to which they were entitled. The federal court found that New York City’s sorry state of affairs violated the Constitution and federal law.³

Under *Handberry*, the DOC and DOE are required to provide three hours of education per school day to anyone age 21 or under who does not have a high school diploma or GED and wishes to pursue their education.⁴ There are no exceptions for people in any housing area, including restrictive housing like Enhanced Supervision.⁵ As a direct result of sustained pressure

¹ Passages Academy has four sites in New York City (Horizon & Crossroads serve youth in secure detention onsite. Belmont and Bronx Hope serve youth in non-secure detention and placement who ACS transports from their housing each day).

² See Complaint, *Handberry v. Thompson*, No. 96-cv-6161 (S.D.N.Y.).

³ *Handberry v. Thompson*, 92 F. Supp. 2d 244 (S.D.N.Y. 2000).

⁴ See *Handberry v. Thompson*, No. 96-cv-6161 (S.D.N.Y.), Mar. 31, 2016 Order, ECF No. 250 (“Remedial Order”), ¶ 1.

⁵ *Id.*, ¶ 2.

in *Handberry*, many jailed youth who otherwise would not have had access to education while in custody have received a high school education and at least some special education services. But this progress has been intermittent and fragile, leaving many high schoolers behind.

New York City Administrative Code 9-151 (NYCAC 9-151), amended by this body in 2017 by Local Law 168, requires that the DOE report on the number of students enrolled in Island Academy, the number and percentage of students in these programs who had been identified as having disabilities and the number of students receiving special education services. This law aimed at providing greater accountability by requiring annual reporting by both the DOC and the DOE about the education of school aged youth housed at Rikers Island. In April of 2017, New York State passed “Raise the Age,” a law that raised the age at which many youth are treated as adults in the criminal justice system. In addition, on October 1, 2018, all 16- and 17-year-olds were moved off Rikers Island and were placed in juvenile detention facilities.

In 2018, a court appointed monitor in *Handberry* found that educational programming for 18- to 21-year-old students—the group of students that remains in DOC custody after younger students were moved off Rikers—was still a “persistent problem.” During the pandemic there were grave violations of the rights of young people in detention to receive educational services, a topic on which PRP provided testimony to this body in the spring of 2021.

DOC currently relies on a “program house” model to facilitate access to school in the Robert N. Davoren Complex (“RNDC”), the building where traditionally most people under age 22 are housed. Those individuals housed in a housing unit that has been designated a “program house” generally attend school, while those who are not housed in a “program house” do not. Although housing students together in the same housing units has advantages, the DOC’s implementation of this model has left school off limits to those who are not housed in these units.

The Legal Aid Society has spoken to numerous young people who are eligible for school, wish to attend school, and have requested to attend, but who have been told that they cannot attend because they are not in a program house. On occasion, after advocacy by themselves or others, a young person is transferred to program houses, but often they are not, nor are they told what they have to do to be moved into one. We also have heard reports from young people who were lucky enough to be housed in a program house that they were transferred out, resulting in the immediate end to their access to education. Every time someone in DOC custody who is eligible for school and wishes to enroll is not provided access to school, the DOC and DOE have violated their rights.

We have likewise heard reports that education is not accessible to young people housed in mental observation units,⁶ the Otis Bantum Correctional Center, the North Infirmery Command, and general population in GRVC. It is critical that high school enrollment and attendance is not precluded or interrupted by DOC's housing decisions. Each time a school-eligible person is moved within or among facilities, or when facilities open or close, provision of high school services for the affected population must be secured.

Handberry requires that students are escorted to and from school in a timely manner.⁷ We have heard many reports of students missing school because escorts arrived late or did not arrive at all. This problem appears to be especially pronounced in the Rose M. Singer Center, which houses women (other than in RESH, which houses men). Students recently have told us that they miss school often—sometimes three or four times a week—because of a lack of escorts.

⁶ Mental observation units offer “individuals with mental illness and/or intellectual/developmental disabilities” “a higher level of care than General Population housing.” NYC Health and Hospitals: Correctional Health Services, *Subject: Mental Observation Unit*, Policy #: MH 26, at 1.

⁷ Remedial Order, ¶ 4.

In addition, based on our conversations with *Handberry* class members, it appears DOC and DOE have not provided access to education to people in restricted housing. Enhanced Supervision Housing (“ESH”) is DOC’s current version of restricted housing. ESH was previously housed in the George R. Vierno Center (“GRVC”), but, in late June, it was moved to the Rose M. Singer Center, where the restricted housing area is called RESH. In recent months, we have spoken to several young people who have not been provided with any educational services while in ESH in GRVC or RESH, even though they are eligible to enroll in school and have asked to enroll. In fact, none of the young people we have spoken to has been provided with school while in restrictive housing in 2023.

Our concerns about the education of youth in DOC custody are not based solely on our conversations with Legal Aid clients and DOC staff. According to the DOE Report required under NYCAC 9-151, in School Year 2021-22, only 15-22% of youth housed at Rikers Island who were eligible to attend high school were enrolled.⁸ When tested, 40% of enrolled students were reading at a fourth or fifth grade reading level, and 69% were performing at a fourth or fifth grade level in mathematics.⁹ Another 37% were reading at a middle school reading level, even though these are all students over the age of eighteen.¹⁰ Between 13%-47% were English Language Learners (varies by month).¹¹ Less than 5% were enrolled in vocational programs.¹²

According to the DOE Report required by NYCAC 9-151, in School Year 2021-22, between 46- 70% (varies by month) of the young adults enrolled in Island Academy were identified as students with disabilities who had Individualized Education Plans (IEPs).¹³ We are

⁸ NYCAC 9-151 Report – Available at <https://saintrafileprod01.blob.core.windows.net/prd-intra/docs/default-source/reports/local-law-168-d79---4-13-23.pdf>

⁹ *Id.* p. 3.

¹⁰ *Id.*

¹¹ *Id.* p. 3-4.

¹² *Id.*

¹³ *Id.* p.4.

concerned both that DOC is not enrolling and transporting many eligible youth who are entitled to receive special education services to school as required by *Handberry* and the Individuals with Disabilities in Education Act (“IDEA”), 20 U.S.C § 1400 *et. seq.*¹⁴, and about the level of special education services and supports that the DOE provides to eligible students at Island Academy. Young people to whom we have spoken who have been lucky enough to attend school at Rikers and who received special education services when they were in school before they were incarcerated are doubtful that they are receiving such services while attending school in DOC custody. Students lose their IDEA eligibility at age 21. It is therefore crucial that DOE comply with the requirements of IDEA expeditiously, as special education lost today is unlikely to be regained later.

Need for Reporting on the Education of Youth in ACS Detention Facilities

We are able to provide information about the percentage of eligible youth at Rikers Island who are enrolled at Island Academy, their levels of academic achievement, and the percentage who are eligible to receive special education services under the IDEA for youth ages 18-21 only because of the reporting required of the DOC and DOE by City Council under NYCAC 9-151. When passed, NYCAC 9-151 included reporting for 16–17-year-olds who were then detained at Rikers Island – however those youth are now housed at ACS facilities. As a result, there is a hole in the reporting which Int. 542 seeks to fill.

Students with court involvement need access to meaningful academic experiences and career pathways, and need services to support their social-emotional well-being, just as all

¹⁴ Remedial Order, ¶ 5.

young people do. A 2013 report by RAND, found that education in correctional facilities reduced recidivism by 43%, and improved future job prospects.¹⁵

However, we frequently hear from our clients under the age of 18, who are placed in secure and non-secure detention with ACS DYFJ, that they are not taken to school consistently. Because the DOE and ACS do not currently report on these populations we do not know how widespread this problem is. Our clients have told us that if two or three youth in their housing unit refuses to get up, no one is taken to school and the entire group sits in the unit all day. ACS has reportedly hired school liaisons to help address this program for youth in secure detention at DYFJ's Horizon and Crossroads facilities, but we do not have data about what effect they are having. In June, there were reports that Horizon and Crossroads were repurposing classrooms as holding cells, and that on days they are held in classrooms, the youth do not attend school.¹⁶ Sadly, this is still an issue, as we spoke with a client last week who told us that due to overcrowding, he was sleeping on the floor of a classroom at Crossroads with four other youth. The repurposing of classroom space results in fewer classrooms that are available for children to receive instruction.

For youth in ACS' non secure detention facilities, who must be transported to Passages Academy sites at Belmont, we are told that ACS lacks sufficient vans to get children to school on time and that the limited vehicles that are available are often occupied bringing youth to court in the mornings.

¹⁵ "Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook", Rand Corporation, 8/22/13 <https://www.rand.org/news/press/2013/08/22.html>

¹⁶ Bahar Ostadan, "Classrooms serve as cells at NYC's troubled juvenile detention centers", Gothamist, 6/14/23, https://gothamist.com/news/classrooms-serve-as-cells-at-nycs-troubled-juvenile-detention-centers?oref=csny_firstread_nl. See also WNYC News <https://www.wnyc.org/story/classrooms-serve-cells-nycs-troubled-juvenile-detention-centers/> and Kyle Lawson, "NYC Classrooms Used as Jail Cells Amid Spike in Violence at Juvenile Detention Centers, Report Says," SILive, 6/15/23 <https://www.silive.com/crime-safety/2023/06/nyc-classrooms-used-as-jail-cells-amid-spike-in-violence-at-juvenile-detention-centers-report-says.html>

Juvenile detention facilities are run by ACS. Neither NYCAC 9-151 nor *Handberry* apply. We cannot say how widespread these problems are because neither ACS nor DOE are currently providing information about the education of youth in detention. It is therefore vitally important that City Council pass Int. 542, to impose reporting requirements, similar to those in NYCAC 9-151, so that policy makers can have the information that is needed to improve educational programming for youth.

Unmet educational needs are a risk factor for involvement in juvenile legal and adult criminal legal systems. When students with disabilities are detained, they are often deprived of the educational services they need and to which they would otherwise be entitled, even when they are attending public schools. We need information not only about the registration and attendance of youth in ACS custody, but also information about their educational needs, and about the services and programs that are available to them while they are detained. Some studies estimate that nationally between 65-70% of youth involved with the juvenile legal system meet the requirements for a disability.¹⁷

At a New York City Council hearing held on April 21, 2021, the DOE's Executive Superintendent overseeing the DOE's Alternative Schools District, which includes both Passages Academy and Island Academy, testified that at that time approximately 65% of students at Passages (the school serving youth under the age of 18 detained in juvenile facilities) were identified as having disabilities and had an IEP which mandated Special Education services.¹⁸ This reflects a rate more than three times higher than that in the general community of

¹⁷ Catherine Y. Kim, Daniel J. Losen, and Damon T. Hewitt, *The School-To-Prison Pipeline; Structuring Legal Reform*, New York University Press, pp.112-114, 2012.

¹⁸ Testimony of Dr. Tim Lisante, NYC Department of Education Superintendent, District 79 at *Oversight: Educational Programming in Jails and Juvenile Detention; Joint Hearing Before New York City Council's Committees on Education, Criminal Justice, and General Welfare*. April 21, 2021, video available at [about:blank https://legistar.ccouncil.nyc.gov/Calendar.aspx](https://legistar.ccouncil.nyc.gov/Calendar.aspx).

New York City students¹⁹ and is likely an underestimate as it does not account for students who may have disabilities, but who have not been identified as such due to lack of formal testing.

The DOE used to have two school psychologists assigned to the Passages Academy sites, until one retired in June 2022, and to our knowledge he has not been replaced. Consequently, one school psychologist is expected to serve a very high needs population at four different Passages locations. While it is possible for parents to request psycho-educational evaluations of their children who are attending Passages Academy, it is not possible for one school psychologist to adequately serve the demand and we have been told that annual reviews are not held for those children.

In order to serve this vulnerable population, it is important to have a thorough understanding of their needs and to ensure that the services they require are available to them at all DOE schools, including those schools that students attend while detained. We believe that the proposed reporting requirements will assist educators, the City Council and the community to ensure that the educational needs of court involved youth are being adequately addressed. Attached to this testimony, we have provided a number of suggested recommendations developed with other advocates, which we believe would strengthen the reporting requirements and allow for the data to be better utilized for systemic change.

Conclusion

¹⁹ It is estimated that approximately 19% of New York City students have IEPs. *What are the Contours of NYC's Special Education Landscape?*, The Research Alliance for New York City Schools, New York Univ., available at <http://steinhardt.nyu.edu/research-alliance/research/spotlight-nyc-schools/what-are-contours-nycs-special-education-landscape#:~:text=But%20students%20in%20New%20York,just%207%20percent%20in%20Houston>. Earlier reporting with respect to East River Academy finds about 39% of students had IEPs. Rikers Island Education Report: Educational Programming for Adolescents and Young Adults at Rikers Island - New York City Administrative Code 9-151 N.Y.C. Dep't. of Educ., available at https://infohub.nyced.org/docs/default-source/default-document-library/local-law-168-d79-english.pdf?Status=Temp&sfvrsn=7cc4ef53_2.

We thank the Committees on Education, General Welfare and Criminal Justice and Chairperson Joseph, Chairperson Rivera and Chairperson Ayala, as well as the sponsors of Int. 542 for your attention to this issue. Education is a critical component of rehabilitation and reintegration, and we implore the City Council not to forget the high-school eligible people held in juvenile detention centers run by ACS and Rikers Island.

The right to an education is a human right and when we deprive young people of that right, we deprive them of critical opportunities to create a better future. ACS, the DOC and DOE have not only a legal, but also a moral, obligation to provide educational services to those in its custody who are eager to receive it, and we urge the Council to hold officials accountable.

Many thanks for the opportunity to provide testimony. We are happy to answer any questions you may have.

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Int. No. 542

By Council Members Narcisse, Hanks, Williams, Cabán, Abreu, Louis, Ung, Gutiérrez, Restler, Won and Sanchez

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’s services and the department of correction to report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders

Be it enacted by the Council as follows:

1 Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is
2 amended by adding a new section 21-922 to read as follows:

3 § 21-922 Education report for juvenile delinquents, juvenile offenders and adolescent
4 offenders. a. Definitions. For the purposes of this section, the following terms have the following
5 meanings:

6 ACS division. The term “ACS division” means the ACS division of youth and family
7 justice.

8 Adolescent offender. The term “adolescent offender” means any individual who is charged
9 pursuant to the criminal procedure law as an adolescent offender, as such term is defined in
10 subdivision 44 of section 1.20 of the criminal procedure law, and who is in custody.

11 Assault. The term “assault” means any action taken with intent to cause physical injury to
12 another person.

13 Children and youth in ACS division facilities. The term “children and youth in ACS
14 division facilities” shall include all children between the ages of 13 and 22 who are in custody
15 pursuant to a court order on a juvenile delinquency, juvenile offender, or adolescent offender
16 matter and that is run by or overseen by the ACS division.

17

1 Compulsory educational programming. The term “compulsory educational programming”
2 means educational programming required pursuant to part 1 of article 65 of title 4 of the education
3 law.

4 Custody. The term “custody” means the holding of an individual by the ACS division or
5 the department of correction through detainment, placement or sentencing.

6 Department of education site. The term “department of education site” means any site (i)
7 that is operated by the department of education that offers educational programming to individuals
8 who are entitled to receive a public education pursuant to NY Educ. Law 3202 and New York City
9 Chancellor's Regulation A-101(I)(C)(5) ~~aged 21 years or younger~~ who are in custody pursuant to
10 a court order on a juvenile delinquency, juvenile offender or adolescent offender matter and (ii)
11 that is located on property that is either under the control of the department of education ~~or, ACS~~
12 ~~or the department of correction~~ or that is subcontracted by the department of education ~~or, ACS~~ ~~or~~
13 ~~the department of correction.~~

14 Department of education staff. The term “department of education staff” means any
15 employee of the department of education assigned to work at a department of education site.

16 Detainment. The term “detainment” means the remand of a juvenile delinquent in the
17 custody of the ACS division, the remand or holding on bail of a juvenile offender in the custody
18 of the ACS division or the remand or holding on bail of an adolescent offender in the custody of
19 the ACS division ~~or the department of correction.~~

20 Educational programming. The term “educational programming” means any educational
21 services that the department of education offers to juvenile delinquents, juvenile offenders and
22 adolescent offenders in custody.

1 High school equivalency diploma test. The term “high school equivalency diplomacy test”
2 means any test that the New York state education department offers for the purpose of establishing
3 the equivalent of a high school diploma, including but not limited to a general education
4 development test or the test assessing secondary completion.

5 Individualized education program. The term “individualized education program” has the
6 same meaning as is set forth in paragraph (1) of subsection (d) of section 1414 of title 20 of the
7 United States code and any regulations promulgated thereto.

8 Juvenile delinquent. The term “juvenile delinquent” means any individual in the custody
9 of the ACS division who is charged pursuant to the family court act as a juvenile delinquent, as
10 such term is defined in subdivision 1 of section 301.2 of the family court act.

11 Juvenile offender. The term “juvenile offender” means any individual in the custody of the
12 ACS division who is charged pursuant to the criminal procedure law as a juvenile offender, as
13 such term is defined in subdivision 42 of section 1.20 of the criminal procedure law.

14 Placement. The term “placement” means the court ordering of any juvenile delinquent to a
15 placement pursuant to section 353.3 of the family court act.

16 Sentencing. The term “sentencing” means the conviction of any adolescent offender
17 resulting in a period of incarceration not greater than one year, pursuant to section 70.20 of the
18 penal law.

19 b. The department of education and ~~ACS~~ ~~and the department of correction~~ shall each
20 produce an annual report on educational programming for ~~children and youth under the age of 22~~
21 ~~charged with being~~ juvenile delinquents, juvenile offenders and adolescent offenders ~~in ACS~~
22 ~~division or department of correction facilities~~ who have been detained, placed or sentenced ~~in ACS~~
23 ~~division facilities~~. No later than 90 days after the final day of the 202318-202419 school year and

1 no later than 90 days after each subsequent school year, the department of education and, ACS and
2 ~~the department of correction~~ shall post the reports on their respective websites and provide links
3 in each such report to the reports of the other two agencies.

4 c. The department of education report shall include, but need not be limited to, the
5 following information, provided that no information shall be reported in a manner that would
6 violate any applicable provision of federal, state or local law relating to the privacy of information
7 respecting ~~juvenile delinquents, juvenile offenders or adolescent offenders~~ children and youth
8 placed in ACS division facilities or that would interfere with law enforcement investigations or
9 otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5
10 ~~such delinquents or offenders~~ such children and youth, or allows another category to be narrowed
11 to between 1 and 5 such ~~delinquents or offenders~~ children and youth, the number shall be replaced
12 with a symbol. A category that contains zero shall be reported as zero, unless such reporting would
13 violate any applicable provision of federal, state or local law relating to the privacy of student
14 information. The report shall include data about children and youth placed in ACS division
15 facilities ~~juvenile delinquents, juvenile offenders and adolescent offenders~~, in total and
16 disaggregated by category.

17 1. The number and percentage of ~~juvenile delinquents, juvenile offenders and adolescent~~
18 ~~offenders~~ children and youth enrolled in educational programming at department of education
19 sites, both in total and disaggregated by age. Such number and percentage shall be reported for the
20 entire school year and for each month. Such percentage shall be calculated on the final day of each
21 month by dividing the number of ~~juvenile delinquents, juvenile offenders and adolescent~~
22 ~~offenders~~ children and youth -enrolled in educational programming by the respective number of

1 ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in custody on
2 such date.

3 2. The number of hours of compulsory educational programming offered to ~~juvenile~~
4 ~~delinquents, juvenile offenders and adolescent offenders~~ children and youth in ACS division
5 facilities on each school day and the curriculum subject areas included in educational
6 programming.

7 3. The number of children and youth in ACS division facilities whose educational
8 programming is designed to meet elementary school program requirements.

9 4. The number of children and youth in ACS division facilities whose educational
10 programming is designed to meet middle school program requirements.

11 5. The number of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
12 and youth in ACS division facilities whose educational programming is designed for the Skills and
13 Achievement Commencement Credential, the number of children and youth in ACS division
14 facilities whose educational programming is designed for a local or Regents diploma, and the
15 number of children and youth in ACS division facilities ~~juvenile delinquents, juvenile offenders~~
16 ~~and adolescent offenders~~ whose educational programming is designed for a high school
17 equivalency diploma test.

18 46. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
19 ~~juvenile offenders and adolescent offenders~~ who completed elementary school program
20 requirements for matriculation to middle school while in custody.

21 57. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
22 ~~juvenile offenders and adolescent offenders~~ who completed middle school program requirements
23 for matriculation to high school while in custody.

1 68. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
2 ~~juvenile offenders and adolescent offenders~~ who graduated or exited from high school while in
3 custody, in total and disaggregated by the number of children and youth who received a Skills and
4 Achievement Commencement Credential, a Local Diploma, or a Regents Diploma..

5 79. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
6 ~~juvenile offenders and adolescent offenders~~ to whom a high school equivalency diploma test was
7 administered while in custody.

8 810. The number of children and youth in ACS division facilities ~~juvenile delinquents,~~
9 ~~juvenile offenders and adolescent offenders~~ who passed a high school equivalency diploma test
10 while in custody.

11 11. The number of youth in ACS division facilities who are enrolled in college level
12 coursework.

13 9142. The average functional level of children and youth in ACS division facilities~~juvenile~~
14 ~~delinquents, juvenile offenders and adolescent offenders~~ on tests such as the STAR assessment,
15 the test of basic adult education or similar testing. The average functional level may be calculated
16 by adding the percentage results achieved by ~~juvenile delinquents, juvenile offenders and~~
17 ~~adolescent offenders~~children and youth in ACS division facilities on the last such test administered
18 each school year and dividing this sum by the respective number of children and youth in ACS
19 division facilities ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ to whom such
20 last test was administered. This data about children and youth in ACS division facilities~~juvenile~~
21 ~~delinquents, juvenile offenders and adolescent offenders~~ shall be disaggregated by category and
22 not reported in total.

1 10132. The number and percentage of children and youth in ACS division facilities;juvenile
2 delinquents, juvenile offenders and adolescent offenders who are enrolled in educational
3 programming and have individualized education programs. Such number and percentage shall be
4 reported for the full school year as well as for each month. Such percentage shall be calculated by
5 dividing the number of children and youth juvenile delinquents, juvenile offenders and adolescent
6 offenders so enrolled on the final day of each month by the respective number of juvenile
7 delinquents, juvenile offenders and adolescent offenderschildren and youth in custody on such
8 date.

9 14. The number of children and youth in ACS division facilities who, as of the date of
10 enrollment in educational programming, had an individualized education program
11 recommendation of:

- 12 (i) related services only;
- 13 (ii) special education teacher support services;
- 14 (iii) integrated co-teaching services;
- 15 (iv) special class in a community school;
- 16 (v) special class in a specialized school; or
- 17 (vi) non-public school placement.

18 1415. The number and percentage of children and youth who have Special Education
19 Plans (SEPs) created for them within 30 days of enrolling in educational programming.

20 165. The number and percentage of children and youth juvenile delinquents, juvenile
21 offenders and adolescent offenders who have individualized education programs and are receiving
22 the classroom placement indicated in their individualized education programs. full range of special
23 education services indicated in their individualized education programs. This information shall be

1 further disaggregated by whether such children and youth ~~juvenile delinquents, juvenile offenders~~
2 ~~and adolescent offenders~~ have been detained, placed or sentenced.

3 1517. The number and percentage of children and youth who have individualized education
4 programs and are receiving the related services indicated in their individualized education
5 programs. This information shall be further disaggregated by each related service, and whether
6 such children and youth have been detained, placed or sentenced.

7 1618. The number and percentage of children and youth who have individualized
8 education programs and have received special education evaluations, while in custody. This
9 information shall be further disaggregated by the type of evaluation (initial evaluation, mandated
10 triennial reevaluation or related service evaluation), and whether such children and youth have
11 been detained, placed or sentenced.

12 121964. The number and percentage of ~~juvenile delinquents, juvenile offenders and~~
13 ~~adolescent offenders~~ students enrolled in educational programming whom the department of
14 education identifies as having an English language learner status. Such number and percentage
15 shall be reported for the full school year as well as for each month. Such percentage shall be
16 calculated by dividing the number of ~~juvenile delinquents, juvenile offenders and adolescent~~
17 ~~offenders~~ children and youth so enrolled on the final day of each month by the respective number
18 of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in custody
19 on such date.

20 1520. The number and percentage of children and youth in ACS division facilities enrolled
21 in educational programming who are identified as having an English language learner status who are
22 receiving language services, in total and disaggregated by the type of instruction (whether services

1 by a certified English as a New Language teacher, bilingual education, bilingual special education
2 programs, or language specific high school equivalency test preparation).

3 13216. The number of full-time equivalent teachers working at department of education
4 sites, in total and disaggregated by general education teachers ~~and, English as a new language~~
5 teachers, and special education teachers assigned to teach ~~juvenile delinquents, juvenile offenders~~
6 ~~and adolescent offenders~~ children and youth in ACS division facilities.

7 142276. The number of department of education staff other than teachers assigned to work
8 at department of education sites, in total and disaggregated by staff role and by those working with
9 ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in ACS
10 division facilities.

11 15823. The average class size for educational programming that the department of
12 education provides to ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
13 ~~and youth in ACS division facilities.~~ This information shall be further disaggregated by facility
14 location.

15 16924. The number of ~~juvenile delinquents, juvenile offenders and adolescent~~
16 ~~offenders~~ children and youth in ACS division facilities participating in department of education
17 vocational training, the nature of such training, including whether it constitutes career and
18 technical education, and the number of ~~juvenile delinquents, juvenile offenders and adolescent~~
19 ~~offenders~~ children and youth who complete such training.

20 1719205. The average and median number of credits per semester that ~~juvenile delinquents,~~
21 ~~juvenile offenders and adolescent offenders~~ children and youth in ACS division facilities who are
22 enrolled in high school educational programming accumulate while in custody. This paragraph

1 only applies to those ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and
2 youth who are in custody for a sufficient period during the reporting period to have earned credits.

3 182610. The number of ~~juvenile delinquents, juvenile offenders and adolescent~~
4 ~~offenders~~ children and youth in ACS division facilities enrolled in physical education.

5 19272. The average and median rate of attendance in a department of education school for
6 ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children and youth in ACS
7 ~~division~~ facilities while in custody, upon six months after their release from custody and upon one
8 year post-release, both overall and disaggregated by student age.

9 202382. The plans, if any, of the department of education to ensure the educational progress
10 of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ students who are released
11 from custody.

12 d. The ACS ~~and department of correction~~ reports shall include, but need not be limited to,
13 the following information, provided that no information shall be reported in a manner that would
14 violate any applicable provision of federal, state or local law relating to the privacy of information
15 respecting ~~juvenile delinquents, juvenile offenders or adolescent offenders~~ children and youth in
16 ACS division facilities or that would interfere with law enforcement investigations or otherwise
17 conflict with the interests of law enforcement. If a category contains between 1 and 5 such
18 ~~delinquents or offenders~~ children or youth, or allows another category to be narrowed to between
19 1 and 5 such delinquents or offenders, the number shall be replaced with a symbol. A category that
20 contains zero shall be reported as zero, unless such reporting would violate any applicable
21 provision of federal, state or local law relating to the privacy of student information. The reports
22 shall provide data about ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
23 and youth in ACS division facilities, in total and disaggregated by category.

1 1. The number of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
2 and youth in ACS division facilities that ACS ~~or the department of correction~~ prevented from
3 attending educational programming, in total and disaggregated by reason the student was
4 prevented from attending programing (including, but not limited to, days a student was prevented
5 from attending school due to a behavioral issue of the student, staff shortages, quarantines, or other
6 issues.)

7 2. The number of incidents of use of physical restraints at a department of education site,
8 in total and disaggregated by whether such physical restraints were used on a juvenile delinquent,
9 juvenile offender or adolescent offender.

10 3. The number of incidents of use of mechanical restraints at a department of education
11 site, in total and disaggregated by whether such mechanical restraints were used on a juvenile
12 delinquent, juvenile offender or adolescent offender.

13 4. The number of incidents of use of chemical restraints, including pepper spray and other
14 chemical agents, at a department of education site, in total and disaggregated by whether such
15 chemical restraints were used on a juvenile delinquent, juvenile offender or adolescent offender.

16 5. The number of ~~juvenile delinquents, juvenile offenders and adolescent offenders~~ children
17 and youth in ACS division facilities who participate in educational programming while placed in
18 mechanical restraints, including but not limited to restraint desks or shackles, and the number of
19 days each such juvenile delinquent, juvenile offender or adolescent offender is so restrained.

20 6. The number of incidents resulting in injuries to children and youth in custody at a
21 department of education site.

22
23 § 2. This local law takes effect immediately.

Session 12

IP

LS #8465

5/23/22 3:12pm

Session 11

JJ

LS #5993

Int. #1224-2018

**Testimony before the New York Council Committee on Criminal Justice jointly with the
Committee on Education and the Committee on General Welfare**

RE: Educational Programming in Detention Facilities Committee Hearing
Hearing Date: 10/13/2023 10:00 AM

Chair Rivera and Members of the Council Committees on Criminal Justice on Education and the Committee on General Welfare. My name is David Freudenthal, and I am the Director of Government Relations at Carnegie Hall. Thanks for bringing us together to elevate educational programming in NYC detention facilities. We're grateful for the chance to share with members of the Criminal Justice, Education, and General Welfare Committees information about Carnegie Hall's work in this space. We think these high-quality music programs demonstrate well the value and importance of arts education in the portfolio of solutions to forge pathways for justice-involved young people and help them succeed.

Carnegie Hall's work in this space grows from a long commitment of providing extraordinary music opportunities to New Yorkers since the first performance in 1893. In 1960, Carnegie Hall was saved from demolition by a citizen's campaign led by violinist Isaac Stern. An act of the State Legislature allowed the City to purchase the building and establish the nonprofit Carnegie Hall Corporation to operate the facility in service to all New Yorkers. Carnegie Hall is a member of the NYC Cultural Institutions Group (CIG), a diverse coalition of 34 nonprofit museums, performing arts centers, historical societies, zoos, and botanical gardens. No other city in America, and few in the world, offers so great a wealth of cultural resources as New York and CIG members are prominent among these cultural treasures. These privately managed organizations operating in public facilities were established to offer cultural resources to the people of New York, and this long-standing partnership between the City and the CIGs has positioned our city as a world-class cultural hub and leader. Today, Carnegie Hall is a leader in creating far-reaching music education and social impact programs that inspire the next generation of music lovers, nurture musical talent, contribute to the evolution of music education, and explore how music can play a meaningful role in people's lives. Each year, these programs reach nearly 800,000 people in NYC, across the US and around the globe in schools, orchestras, arts organizations, homeless shelters, correctional facilities, refugee camps, hospitals, and more, supporting music learning at all levels.

To ensure that our programs intentionally prioritize those who otherwise may not have access to these opportunities, Carnegie Hall has for many years provided educational programs to NYC's justice-involved young people, including with the Administration for Children's Services (ACS). In partnership with ACS's Division of Youth and Family Justice (DYFJ), Carnegie Hall's **Future Music Project** creates a space for young people ages 14-22 in juvenile justice settings to develop as artists, critical thinkers, collaborators, and individuals. Carnegie Hall's Teaching Artists support young people in creating, producing, and performing music, using songwriting as a vehicle through which they can explore their creativity, develop musical skills, and collaborate with their peers. In addition to direct service workshops customized to the unique needs of secure and non-secure settings, young people in non-secure placement and ACS staff participate in sharing events at Carnegie Hall for family members and peers.

Carnegie Hall's partnership with DYFJ currently reaches some 150-200 young people annually with ongoing workshops in Non-Secure Detention and Non-Secure Placement and Secure Detention. In FY24 we are expanding the scope in Secure Detention by adding workshops across two secure detention facilities as well as incorporating music and mental health into workshop curriculum for young people and staff. To assist with implementing these additional workshops, Carnegie Hall has hosted an open house to recruit teaching artists. Young people will also have the opportunity to attend monthly performances, featuring guest artists chosen by participants and facility staff and exploring a new genre of music each month. Carnegie Hall will begin to collaborate with musicians who were formerly incarcerated and who participated in Carnegie Hall's Musical Connections program at Sing Sing

Correctional Facility. These musicians will partner with teaching artists to co-facilitate workshops and support young people, specifically young men that have been sentenced to adult facilities once they turn 21, in secure detention workshops, acting as credible messengers on the power of music as a tool for self-expression.

As part of this deepened partnership, Carnegie Hall is working this year to involve these young people in [The B Side](#), a free intensive program supported with \$25,000 from the City Council. The B-Side is for New Yorkers ages 14-22 interested in the business of music, with a focus on those from under-resourced communities. The program provides participants an interactive space to learn about the inner workings of the music industry. Curriculum designed and facilitated by teaching artists, guest speaker panels, and field trips guides participants through the many roles and career opportunities across the industry. Participants, experienced youth development facilitators, and guests are encouraged to co-create a learning community that supports the development of aspiring artists and future music industry leaders. This season, participants will progress through activities beginning with an exploration of the various career tracks through the music industry and an introduction to key terms and concepts. Activities will include engaging in lessons/curricular activities; presentations from guest speakers; field trips to record labels, music tech companies, local recording studios, music festivals, venues; panels and interactive discussions; and jam sessions/performances. Through The B-Side, Carnegie Hall draws upon our experience creating meaningful youth development programs in order to deepen our impact and provide young people with the tools they need to thrive, lead, and transform the music industry.

Here is a top-line summary of the Future Music Project in FY24:

Overall Intentions

- Create new opportunities for connection and community-building amongst young people, family members, and staff in ACS justice settings as well as affected communities and stakeholders working in support of communities
- Intentionally engage and support ACS staff, residential staff, and Youth Development Specialists in existing and new programming
- Incorporate mental health and mindfulness tools through music making and music sharing
- Infuse secure detention facilities with music as a means of establishing traditions and fostering community
- Create programming that is responsive to young people's needs and that addresses the changing landscape of ACS justice settings

Increase Programming Frequency

- **Secure Detention:** Acknowledging the need for increased program opportunities in Crossroads and Horizon, Raise the Age Legislation, and the appetite amongst young people and staff for music engagement, we will restructure our Secure Detention programming to x2 week over the course of the school year.

New Programming

- **Music & Mental Wealth:** An invited mental health expert (e.g. culturally responsive child psychologist or family therapist) conducts a workshop for young people and staff using music as a tool for mental health
- **Performances:** Guest Artists selected by young people and staff perform at Crossroads and Horizon in a common space or at the nexus of several halls. Different genres would be explored each month.

- **Masterclasses:** Young People perform their own songs for peers, staff, and a special Guest Artist who provides feedback

Concerts and Events

- **Family Day Concerts:** Invited Guest Artists would collaborate with Teaching Artists and participants to perform 2-3 songs at Crossroads and Horizon Family Day Concerts
- **ACS Children's Center Concerts:** A goal for next year is to invite young people in Non-Secure settings as well as young people at the Children's Center to a bi-annual performance and Q&A with an exciting artist.
- **Carnegie Hall Concerts:** Inviting young people and staff in Non-Secure settings to Carnegie Hall

Guest Speakers & Facilitators

- **Workshop Guest Speakers:** Music industry professionals, producers, songwriters, and more are invited to FMP songwriting and digital music production workshops to share about their careers, facilitate conversations/activities, and make music with participants
- **Musical Connections Advisory Committee:** Engage musicians who were formerly incarcerated to co-facilitate with Teaching Artists and support young people in Secure Detention workshops.

Investing in Equipment

- **Mobile Recording Studios:** Carnegie Hall purchases recording studio equipment and FMP Teaching Artists assemble it according to the needs of the setting. TAs also train staff and young people on how to operate the studio.

Crossroads:

- Workshops will be extended from 1 week/month to 2 weeks/month with participants
- CH will begin a monthly concert series in the multi-purpose area featuring artists from across musical traditions
- After the start of the concert series, staff will be invited to vote on the types of musicians invited to perform
- CH teaching artists will support Family Day programming during the holidays; including the possibility of adding Saturday rehearsals leading up to Family Day where participants can rehearse their music to share/perform on Family Day
- In the Spring teaching artists will include two men from CH's Musical Connections advisory members program who will use music as a vehicle to explore personal development and reentry with young participants
- Music and mental health subject matter experts will be introduced at selected workshops

Horizon:

- Workshop frequency will be increased by adding 3 days to the current schedule of 1/week per month.
- Concerts will be incorporated into the season at the facility
- CH & Horizon will plan for a talent show type of event at the end of the season
- CH will support family day(s) with music as makes sense for the focus of the day(s)
- Music and mental health subject matter experts will be introduced at selected workshops

- In the Spring teaching artists will include two men from CH's Musical Connections advisory members program who will use music as a vehicle to explore personal development and reentry with young participants

The above programs are just a few examples of the breadth of services available that demonstrate the broad and deep impact of the arts and cultural sector in our city, especially through public-private partnerships. All New Yorkers have the right to high-quality artistic experiences, and these programs are prime examples of robust, public-private endeavors that help to support young people and families involved with the justice system. Based on the success we have seen in NYC it is our hope that these programs can serve as a model for other agencies with justice-involved clients across the country. Programs like these continue to be critical components of the city's strategy to meet people directly, effectively, and safely where they are. The Council's continued investment in these partnerships will be absolutely vital in the year ahead to ensure that these essential services for our city's youth and families continue.

Thank you for your consideration and we look forward to the partnership with the City Council to strengthen the role of arts education in justice settings.

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October 25, 2023

Honorable Rita Joseph, Chair
COMMITTEE ON EDUCATION

Honorable Diana Ayala, Chair
COMMITTEE ON GENERAL WELFARE

Honorable Carlina Rivera, Chair
COMMITTEE ON CRIMINAL JUSTICE

New York City Council
City Hall
New York, NY 10007

Re: Oversight - Educational Programming in Detention Facilities.

Int 0542-2022 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's services and the department of correction to report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders.

Dear Chairs Ayala, Joseph, and Rivera,

I appreciate the opportunity to provide written testimony to the New York City Council Committees on Education, General Welfare, and Criminal Justice related to the jointly held hearing on October 13, 2023 on *Educational Programming in Detention Facilities* and Int. No. 542-2022, a local law requiring the New York City Public Schools ("NYCPS"), the Administration for Children's Services ("ACS"), and the Department of Correction ("DOC") to report on educational programming for children and youth detention facilities. I strongly support Int. 542-2022 to ensure transparency, monitoring, and accountability of education provided to children and youth in court-ordered settings. My testimony focuses on ensuring that children and youth are provided high-quality education in court-ordered settings and upon their return to the community and recommending some improvements to Int. 542-2022.

My perspective comes from working for over two decades as a civil rights lawyer dedicated to racial, social, and youth justice. Most recently, as Advocates for Children's ("AFC's") inaugural Director of the School Justice Project, I led the organization's strategic integration of their juvenile justice, school discipline, and mental health work aiming to end the school-to-prison pipeline. For 10.5 years, I supervised and provided direct legal representation to low-income children and youth in hundreds of cases with coordinated impact litigation, policy advocacy, and

community outreach and education to drive systemic change. I also led collaborations with court-appointed attorneys representing young people charged as Juvenile Delinquents in Family Court and Juvenile Offenders and Adolescent Offenders in Supreme Court. The work I led at AFC resulted in millions of dollars of academic and mental health evaluations, supports, services, interventions, and schools for young people, as well as noncriminal convictions and alternatives to incarceration and detention. As AFC's lead counsel in *J.G. v Mills*, I monitored the NYCPS compliance with the settlement of a federal class action lawsuit challenging the NYCPS's failure to provide appropriate educational services to students with and without disabilities in certain court-ordered settings and upon reentering school in the community. Before working at AFC, I represented youth and adults accused of crime in Criminal Court and Supreme Court as a Staff Attorney at the Legal Aid Society.

Many court-involved youth have complex educational, trauma histories, and mental health needs that have been grossly inadequately addressed throughout their educational career. Many young people who end up in detention facilities arrive after months or years of being partially or totally disconnected from school after years of being failed by the public education, health, and other systems. A disproportionate number of them are over-age, under-credited, and reading and performing far below grade level. More than half of youth in juvenile detention and placement attending school at Passages Academy ("Passages") and youth on Rikers Island attending school at East River Academy ("ERA") are students with disabilities with Individualized Education Programs ("IEPs") who have failed to receive the appropriate schools, evaluations, supports, services, and interventions year after year.

Young people in juvenile detention, juvenile placement, and adult jails desperately need intensive and targeted educational services and therapeutic interventions. Education in court-ordered settings is critical to ensure rehabilitation and support, as well as successful reintegration into the community upon release. Furthermore, NYCPS, ACS, and DOC must comply with numerous federal and state civil rights laws and regulations requiring them to provide young people under 22 years old (and young people with IEPs through 22 years old) in court-ordered facilities with high-quality educational, workforce development, transitional, social-emotional, and mental health services.

It is not just a legal obligation, but also a moral one. Every young person I have met with court involvement in the history of my career has been talented and bursting with potential that has been squashed by our failures—failures by countless systems. Every one of these young people has had a history of trauma and grossly unmet social, emotional, mental health, and/or academic needs resulting in school pushout—not drop out. It is shameful and we must do better.

Recent measures taken by the NYCPS, ACS, and DOE to improve the administration of education to youth in court-ordered facilities are well-appreciated. However, much more needs to be done to overcome the barriers to providing high-quality education to young people in detention, placement, and jail and reentering the community. To ensure educational civil rights, justice, and equity for all youth involved in the juvenile or criminal legal system, I make the following recommendations:

1. Improve Access to High-Quality Literacy Programs and Core Curriculum Classes

Many students in the juvenile and criminal legal systems are much farther behind where they should be when it comes to basic academic skills, including reading. It is critical that all young people in court-ordered facilities who lack essential academic skills receive them. NYCPS, ACS, and DOC must ensure that all youth who need intensive instruction in literacy receive it using research-based methodologies so they can gain the basic level of literacy required to do middle school, high school or high school equivalency level work, engage in career and technical education or vocational training, graduate from high school, and obtain employment.

NYCPS, ACS, and DOC should ensure every detained young person who needs it receives explicit, systematic instruction in foundational literacy skills—phonemic awareness, phonics, fluency, vocabulary, and comprehension—as outlined in the report of the National Reading Panel. There is a mountain of scientific evidence on how to teach students to read, but what happens in the classroom is often not in line with the science.

The City should invest in literacy coaches to help teachers working in Passages and ERA improve their literacy instruction. NYCPS should pair students struggling with reading with educators trained in evidence-based reading instruction. Students in Passages and ERA who need help in reading should receive one-to-one support with educators trained in effective interventions.

Additionally, year after year, I have heard from incarcerated youth in Passages and ERA that they have not been provided the core academic courses they need to progress towards a high school diploma. Instead, young people have been assigned to classes that derailed them from the diploma track based on the minimal course offerings that Passages and ERA have had to offer. It is critical that youth in ACS and DOC facilities have access to the same core courses as their peers in NYCPS schools in the community. It is just as essential that they are programmed for appropriate courses that keep them on track toward their high school diploma or high school equivalency diploma. Furthermore, if a student leaves the facility before completing their courses, it is crucial that facility staff take every step necessary to ensure that the student transitions smoothly to a school in the community and is programmed correctly when they leave.

2. Offer Intensive One-on-One Tutoring

At the hearing two weeks ago, the city agencies spoke of tutoring at Passages and ERA. It is important that students not only have access to tutoring, but that they receive “high-dosage” one-on-one or small-group tutoring multiple times per week to ensure they get the high-quality, individualized support they need to get back on track academically. Tutoring should be embedded into the school day for all students (for example, a period each day) and complement regular classroom instruction, with additional options offered before or after school, on weekends, and over the summer and other school breaks. Tutors should be trained in research-based approaches including how to work with students with disabilities, receive ongoing support, and work with a consistent cohort of students with whom they build relationships. All programming must include specialized support for students with disabilities, English Language Learners (“ELLs”), and all other students in the juvenile and criminal justice system who need it.

Tutoring is a high-impact approach to learning acceleration, if done well and based on the research.

3. Improve Special Education Services

The City should allocate more resources towards improving educational services, programs, and outcomes for students with disabilities in court-ordered settings since most students in Passages and ERA have disabilities entitling them to special education services. The City should develop a plan with benchmarks for improving the educational outcomes of students with disabilities. Students and families must be invited to meetings with school staff to help create the Special Education Plan (“SEP”) from the student’s IEP. Families must be afforded the right to meaningful participation in the SEP process. It is also a critical time to determine whether the student’s needs are being fully met and, if not, to conduct appropriate evaluations in all areas of disability or suspected disability, as well as transition assessments. A significant, but often-overlooked, part of the IEP includes transition assessment, planning, services, and goal development for helping the young person plan for postsecondary education, vocational training, and/or employment. ACS, DOC, and NYCPS should expand their resources and staff professional development in these areas to best serve young people while in their care. They should be prepared to help young people create meaningful transition plans and goals in three key domains: 1) education and training; 2) employment; and 3) independent living.

4. Improve Social-Emotional, Behavioral, and Mental Health Services and Supports

Some of the social-emotional and mental health services at ACS detention facilities, including those provided by Bellevue clinicians, are high-quality. At the hearing, ACS leadership mentioned that TCIS (Therapeutic Crisis Intervention Services) is used in the detention facilities. TCIS—when implemented with fidelity—can be effective to de-escalate behavioral issues. However, it is also critical to examine the data to see how often and where incidents are occurring in ACS and DOC facilities, including how often, why, and where staff are using restraints and handcuffing young people in the facilities. While recent changes in ACS facilities to improve these issues indicate a recent decline in incidents, which is promising, just last year, the federal monitor overseeing conditions for young people in ACS and DOC facilities expressed deep concern about the inability of facility staff to manage youth behavior, resulting in fights, injuries, and a disruptive and hostile climate and culture.

It is prime time to consider training ACS and DOC staff in evidence-based approaches that have been proven effective in preventing challenging behavioral issues from happening in the first place and preventing them from escalating when they do occur. One such approach is called **Collaborative Problem Solving** (also known as **Collaborative and Proactive Solutions**), or **CPS**. CPS is a trauma-informed, evidence-based approach to preventing and addressing challenging behavior that promotes the understanding that students with behavioral challenges lack the skill—not the will—to behave. CPS focuses on collaborating with students to solve the problems leading to their challenging behavior and build the skills they need to succeed. **Think:Kids**, a program of Massachusetts General Hospital’s Department of Psychiatry, and **Lives in the Balance**, founded by the author of *The Explosive Child* and other influential books, provide training on this model. Research has shown that CPS reduces challenging behavior,

stress levels, and punitive responses and teaches young people the skills they lack while building helping relationships with adults. The CPS model has been used in detention facilities, residential treatment programs, and schools, including New York City public schools and with New York Police Department school safety officers, with notable success.¹

The inability of adults to prevent and adequately address conflicts and fights should not impede student access to education. Restraints and seclusion are draconian and inhumane measures. There are ways to get to the root of issues and set young people up for success. CPS is one example of another approach. Additionally, ACS and DOC could bring Credible Messengers into the facilities to help address gang issues. Credible Messengers can connect with young people in detention facilities to successfully challenge and transform ineffective and harmful thinking, attitudes, and behavior.

5. Improve Access to High School Equivalency Programs and GED Tests, Career and Technical Education, Vocational Training, and College Programs

Since implementation of Raise the Age legislation, the average age of young people in ACS and DOC detention facilities and in Passages and ERA has risen. NYCPS's efforts to increase access to High School Equivalency programs and GED testing, Career and Technical Education ("CTE"), vocational training, and college programs are encouraging. It is critical that ACS and DOC collaborate with NYCPS to ensure that Passages and ERA have the technology for students to adequately prepare for and take the GED electronically at all facilities where young people are housed. At the same time, it is important that ACS, DOC, and NYCPS staff refrain from steering young people in detention facilities away from pursuing their high school diploma if they have not received it. While some students choose to obtain a High School Equivalency diploma, it is critical that they know they have the right to work towards their high school diploma and receive appropriate supports and services to do so. Indeed, some court-involved youth want to pursue this option.

NYCPS runs several successful vocational and CTE programs in schools in the community, such as Co-op Tech, that provide students with marketable skills. NYCPS should expand these programs and college programs in Passages and ERA and ensure that all young people in ACS and DOC facilities have access to them. For example, the Program, Education and Community Engagement (PEACE) Center provides educational and workforce programs to young people living in the Robert N. Davoren Complex (RNDC) on Rikers Island giving them the tools they need to help them get jobs upon release. Young people housed in other DOC facilities must be afforded access to similar educational programs, services, and support. Youth in ACS and DOC facilities would benefit tremendously from expanded programming and transition services, including more entrepreneurial programs and other programs that elevate our expectations for youth and help them gain marketable skills and access to higher education and college credits, post-release CTE, training, supports, and services.

¹ See, e.g., <https://thinkkids.org/Moving-from-Point-and-Level-System-to-Collaborative-Problem-Solving/> and <https://livesinthebalance.org/research/>. See also New York City, *Safety With Dignity: Policy Recommendations From the Mayor's Leadership Team on School Climate and Discipline*, July 2015, <https://www.nyc.gov/assets/sclt/downloads/pdf/Safety-with-Dignity-Executive-Summary.pdf> (reporting sharp decline in student arrests and summonses following NYPD school safety officer training in Collaborative Problem Solving).

6. Improve Reentry and Continued Engagement in School Upon Reentry to the Community

School engagement is a crucial component of successful reentry programming. In the past, there have been NYCPS social workers and guidance counselors, sometimes called Transition Specialists or Transition Liaisons, who have helped some students in Passages and ERA reenter schools in the community upon discharge from ACS and DOC facilities and sometimes follow up with students for up to six months. However, the support has been inconsistent and unreliable. Despite testimony that NYCPS begins to help students with transition planning on the first day that they arrive in Passages, year after year, based on my extensive work with formerly incarcerated students I have repeatedly seen them discharged to inappropriate schools that do not provide the academic and mental health support young people need to be successful in school. Furthermore, I have seen some administrators from receiving schools who not only fail to welcome students leaving ACS and DOC facilities into their schools, but prejudge them, treating them harshly and like criminals. This typically leads to student disengagement from school, which could easily be prevented. Schools, administrators, and educators that provide welcoming, nurturing environments for students leaving ACS and DOC facilities should be uplifted and their approaches celebrated throughout the NYCPS.

With passage of Int. No. 542-22, NYCPS would be required to annually report school attendance rates of youth six months and one year after their release from ACS or DOC custody. NYCPS would also be required to report on plans to ensure the educational progress of youth released from custody. Requiring this publicly reported information is critical to holding NYCPS accountable for improving educational engagement and outcomes of court-involved youth.

It is critical that all youth leaving ACS and DOC facilities and reentering the community have specially trained social workers and counselors who can coach them every step of the way in school and in their communities to ensure that they thrive in school and life. This last school year, for the first time, **the Center for Fair Futures** received funding to expand their successful coaching model that has helped improve educational outcomes for young people in foster care to young people in Close to Home placement and some students at risk of juvenile or criminal legal system involvement.² I have firsthand experience with this program because I oversaw the training, curriculum, and materials and delivered several of the trainings on education and juvenile justice to the first cohort of coaches and education specialists earlier this year.³ I highly recommend that ACS and the City expand funding for this promising program to young people leaving all ACS and DOC detention facilities.

Young people are incredibly resilient. But they need effective coaching by caring adults who believe in them and will stick with them, as well as resources and tools to help them succeed. The Center for Fair Futures provides young people with 1:1 coaching as part of a long-term proven strategy for increasing graduation rates and post-secondary enrollment, preventing system involvement, and helping youth get on a pathway to becoming successful adults.

² See The Center for Fair Futures, NYC Case Study, <https://www.fairfuturesny.org/about/case-study>.

³ See The Center for Fair Futures, NYC Juvenile Justice Manual, Materials, & Tools, <https://www.fairfuturesny.org/juvenile-justice/resources>.

7. NYCPS Should Create an Office Dedicated to Improving the Educational Experiences and Outcomes for Court-Involved Youth, Particularly Those Leaving ACS and DOC Facilities

While the NYCPS has offices and teams of staff dedicated to supporting students who are involved in public housing and foster care systems, there is no NYCPS office and team of staff dedicated to supporting students involved in the juvenile or criminal legal system. Every school district has a Students in Temporary Housing Regional Manager who makes sure schools are supporting students in temporary housing and every school has a Students in Temporary Liaison to help families with school enrollment, transportation, and access to supportive educational resources. Every school district has a Foster Care Coordinator to make sure schools are supporting students in foster care and every school has a Foster Care Designated Liaison to help families with school enrollment, transportation, and access to supportive educational resource. These specialized teams also provide support and training to school staff regarding the educational rights of children in temporary housing and foster care and their families, review data to ensure schools are meeting the needs of students in temporary housing and foster care, and develop and implement policies to improve educational experiences and outcomes for these populations.

NYCPS should convene an Interagency Task Force with the goal of creating a dedicated NYCPS Office with a team of staff who can support current and former court-involved students, their families, and educators. The task force should include young people in and formerly in detention and placement facilities and their families, as well as educators, providers who work with court-involved youth, advocates, and other relevant stakeholders and meet for the purpose of creating an infrastructure that will ensure the necessary educational, social-emotional, and mental health support for all court-involved youth, particularly those reentering school in the community after leaving a detention, placement, or prison facility. We must ensure that our young people do not continue to become disengaged from school. Initial recommendations for a team of NYCPS staffers dedicated to supporting current or former court-involved students include:

- **Train school staff on the unique needs and legal rights of students who are court-involved and reentering school in the community upon release from detention facilities and their families.**
- **Ensure that all students leaving court-ordered facilities are enrolled in a school that can meet their needs and are programmed in the correct courses**—ensure that they are enrolled in their home school if they choose to return there, or that they receive help transferring to an appropriate school that can meet their needs.
- **Ensure credit and Regents transfer for youth reentering school in the community from ACS-contracted facilities that are not part of the NYCPS where they obtained course credit and/or took any Regents exams in custody.** While most young people in detention and placement facilities attend Passages and ERA to obtain their education, some facilities provide education in a different school district. Credits earned and

Regents exams taken in another school district must be assessed by the principal or principal's designee at the student's home school in NYCPS and awarded and transferred to the student's NYCPS transcript. It is critical that NYCPS has a system in place to ensure that transcripts are promptly obtained and reviewed by the student's home school in NYCPS, credits are properly assessed and awarded on a student's NYCPS transcript, and the results of all Regents examinations taken are added to the student's NYCPS transcript.

- **Create clear pathways for communication between schools, families, and ACS-contracted aftercare workers or other relevant agency staff to ensure everyone has timely access to educational information.**
 - **Collaborate with families and others where relevant (e.g., ACS staff, Alternative to Incarceration providers) to promote school attendance without chastising students when they are absent or late, but rather using motivational interviewing and other evidence-based youth development strategies to encourage attendance.**
 - **Ensure students who are court-involved have access to behavioral and mental health services and are proactively supported through trauma-informed practices and alternatives to suspension.** Create healing-centered schools by educating all members of the school community about the impact of trauma and implementing trauma-informed and restorative practices tailored to students' individual needs.
 - **Strengthen pathways to college, careers, and post-secondary programs, particularly for students on alternative routes to graduation.**
- 8. Strengthen Int. 542-2022: NYCPS, ACS, and DOC Reporting on Educational Programming in Detention Facilities**

I strongly support Int. 542-2022 to ensure transparency, monitoring, and accountability of education provided to children and youth in and leaving court-ordered settings with some amendments to strengthen it. Int. 542's requirement that agencies report on educational programming will help address the dearth of data reporting focused on this population, allow for public access to this information, and shine a light on the need to improve educational programming and services for young people inside and leaving court-ordered facilities. I have several recommendations to strengthen the bill and improve the data for systemic change.

Here are my recommendations to strengthen Int. 542-2022:

- 1) Add Provisions to Require NYCPS and DOC Reporting on Youth between 18 and 22 Years Old in DOC Custody For Equivalent Provisions in Int. 542-2022 or Amend NYC Administrative Code § 9-151, Local Law 168 of 2017 to Add These Provisions**

Pursuant to New York City Administrative Code § 9-151, Local Law 168 of 2017, NYCPS is required to annually report data related to educational programming provided at East River Academy to young people 18-21 years old incarcerated on Rikers Island and post the data on the

NYCPS website. However, the reporting requirements are minimal and do not address systemic issues that persist. I strongly recommend that City Council amend either Int. 542-2022 or NYC Administrative Code § 9-151 to ensure that more data on young people's right to education while in DOC facilities is made public, monitored, and can be used to improve the quality of education and outcomes for young people in the criminal legal system.

2) Add Reporting on Youth Survey Results

NYCPS, ACS, and DOC should collaborate with children and youth in ACS and DOC facilities and those released from the facilities to create a survey to be offered to children and youth in ACS and DOC facilities before release. The survey should include questions about quality and accessibility of educational programming, social-emotional, and mental health services in ACS and DOC facilities, ACS and DOC conditions of confinement, quality and accessibility of support to reenter school in the community upon discharge from ACS and DOC facilities, and other areas of need and concern for young people. Results of the survey should be reported on a monthly and annual basis, disaggregated by ACS and DOC facility.

3) NYCPS Data Reporting Should Be Amended to Add the Following (disaggregated by type of detention facility—ACS or DOC for each provision):

- a. The number and percentage of children and youth enrolled in educational programming at ACS division and DOC facilities, both in total and disaggregated by age, race, disability, ELL status, and ACS and DOC facility. Such number and percentage shall be reported for the entire school year and for each month.
- b. The number of children and youth in ACS division and DOC facilities whose educational programming is designed to meet elementary school, middle school, and high school requirements, respectively, disaggregated by ACS division and DOC facility.
- c. The number of children and youth in ACS division and DOC facilities whose educational programming is designed for the Skills and Achievement Commencement Credential, the number of children and youth in ACS division and DOC facilities whose educational programming is designed for a local, Regents, or Advanced Regents Diploma, and the number of children and youth in ACS division and DOC facilities whose educational programming is designed for a high school equivalency diploma test.
- d. The number of children and youth in ACS division and DOC facilities who graduated or exited from high school while in custody, in total and disaggregated by the number of children and youth who received a Skills and Achievement Commencement Credential, a Local Diploma, a Regents Diploma, or an Advanced Regents Diploma. For those children and youth who exited from high school while in custody, provide the reason for exit, including whether the children and youth enrolled in high school equivalency programming.
- e. The number of children and youth in ACS division and DOC facilities enrolled in college level coursework.

- f. The average and median functional level of children and youth in ACS division and DOC facilities on tests such as the STAR assessment, the test of basic adult education or similar testing.
- a. The number and percentage of children and youth in ACS division and DOC facilities who are enrolled in educational programming and have individualized education programs, disaggregated by disability classification. Such number and percentage shall be reported for the full school year as well as for each month.
- g. The number and percentage of children and youth in ACS division and DOC facilities who, as of the date of enrollment in educational programming, had an individualized education program recommendation of:
 - (i) related services only;
 - (ii) special education teacher support services;
 - (iii) integrated co-teaching services;
 - (iv) special class in a community school;
 - (v) special class in a specialized school; or
 - (vi) non-public school placement.
- h. The number and percentage of children and youth in ACS division and DOC facilities who have Special Education Plans (SEPs) created for them within 30 days of enrolling in educational programming.
- i. Add the definition of Special Education Plans (SEPs) to Int. 543-2022, for example: The term “Special Education Plan” means the document created by NYCPS with services comparable to those in an Individualized Education Program, including all related services, when a child or youth with an Individualized Education Program enters an ACS or DOC facility.
- j. The average and median number of days it takes to create SEPs from the date children and youth in ACS division and DOC facilities with IEPs enroll in educational programming.
- k. The number and percentage of children and youth in ACS division and DOC facilities who have individualized education programs and are receiving the related services indicated in their individualized education programs, disaggregated by type of related service (e.g., counseling, speech and language therapy, occupational therapy, physical therapy).
- l. The number and percentage of children and youth in ACS division and DOC facilities who have individualized education programs and have received special education evaluations while in custody, further disaggregated by the type of evaluation (initial evaluation, mandated triennial reevaluation, related service evaluation).
- m. The number and percentage of children and youth in ACS division and DOC facilities enrolled in educational programming whom the department of education identifies as having an English language learner status. Such number and percentage shall be reported for the full school year as well as for each month.
- n. The number and percentage of children and youth in ACS division and DOC facilities enrolled in educational programming who are identified as having an English language learner status who are receiving language services, in total and disaggregated by the type of language (e.g., Spanish, Chinese) and language instruction (whether services by a certified English as a New Language teacher,

bilingual education, bilingual special education programs, or language specific high school equivalency test preparation).

- o. The number of full-time equivalent teachers working at department of education sites, in total and disaggregated by general education teachers, English as a new language teachers, and special education teachers assigned to teach children and youth in ACS division and DOC facilities.
- p. The average and median number of credits per semester that children and youth in ACS division and DOC facilities who are enrolled in high school educational programming attempted to earn and earned while in custody. This paragraph only applies to those youth who are in custody for a sufficient period during the reporting period to have earned credits.
- q. The average and median rate of attendance in a department of education school for children and youth in ACS division and DOC facilities while in custody, upon six months after their release from custody and upon one year post-release, both overall and disaggregated by student age, race, disability, and ELL status.
- r. All high school courses offered at Passages and ERA to children and youth at ACS division and DOC facilities.
- s. All types of social-emotional, behavioral, and mental health supports and services offered at Passages and ERA to children and youth at ACS division and DOC facilities.
- t. The number and percentage of children and youth in ACS division and DOC facilities who did not attend school due to behavioral issues, the type of behavioral issue, the average and median number of days students missed school, and whether students received alternative instruction when missing school, disaggregated by facility, age, race, gender, disability, and ELL status.
- u. All types of NYCPS certificates offered to children and youth in ACS and DOC facilities.
- v. The number and type of certificates attempted and completed by children and youth in ACS and DOC facilities.

4) ACS (and DOC) Data Reporting Should Be Amended as Follows:

- a. The number and percentage of children and youth in ACS division and DOC facilities offered and provided mental health therapy from a licensed mental health professional, respectively. Such number and percentage shall be reported for the full school year as well as for each month. Such percentage shall be calculated by dividing the number of children and youth in ACS division and DOC facilities in custody on the final day of each month by the respective number of children and youth in ACS division and DOC facilities, respectively, in custody on such date.
- b. The number of children and youth in ACS division and DOC facilities that ACS or DOC prevented from attending educational programming, in total and disaggregated by reason the student was prevented from attending programming (including, but not limited to, days a student was prevented from attending school due to a behavioral issue of the student, staff shortages, quarantines, or other issues.)

- c. The number of incidents of use of physical restraints at a NYCPS site, in total and disaggregated by whether such physical restraints were used on a child or youth in an ACS division or DOC facility, the reason for using the physical restraints, and what, if any, steps were taken to de-escalate the situation before the use of physical restraints.
- d. The number of incidents of use of mechanical restraints at a department of education site, in total and disaggregated by whether such mechanical restraints were used on child or youth in an ACS division or DOC facility, the reason for using the mechanical restraints, and what, if any, steps were taken to de-escalate the situation before the use of mechanical restraints.
- e. The number of incidents of use of chemical restraints, including pepper spray and other chemical agents, at a department of education site, in total and disaggregated by whether such chemical restraints were used on a child or youth in an ACS division or DOC facility, the reason for using the chemical restraints, and what, if any, steps were taken to de-escalate the situation before the use of chemical restraints.
- f. The number of children and youth in ACS division and DOC facilities who participate in educational programming while placed in mechanical or physical restraints, including but not limited to restraint desks or shackles, and the number of days each child and youth is so restrained.
- g. The number of incidents of restraints resulting in injuries and the types of injuries to children and youth in ACS division and DOC facilities at NYCPS sites.
- h. The number of escorts in each detention housing unit bringing children and youth in ACS division and DOC facilities to school and the average and median number of minutes that escorts arrive late to class each day. Such number shall be reported by month and year as of the last day of the month.

5) Annually Report Graduation and Dropout Rates of Youth Who Attended Passages Academy and/or East River Academy At Any Time in Their Academic Career

I appreciate that Int. 542-2022 requires NYCPS to report the number of youth charged as juvenile delinquents, juvenile offenders, and adolescent offenders who graduated from high school while in custody. However, there is no publicly reported data on the annual graduation and dropout rates for youth with court involvement during their school career. Every other population of students has publicly reported graduation and dropout data except this population. More specifically, NYCPS reports on the city and state level graduation rates for various populations, including students with disabilities, students in foster care, and students who are homeless, economically disadvantaged, or migrant.⁴ However, NYCPS does not report the graduation rates for students who have spent time in a court-ordered facility (e.g., detention, placement, sentencing) and attended Passages and/or ERA.

I strongly recommend that Int. 542-2022 require NYCPS to annually report the 4-year, 5-year and 6-year high school graduation and dropout rates for students who attended Passages and/or ERA at *any* time in their high school career. The report should include disaggregated and cross-

⁴ See, e.g., <https://data.nysed.gov/gradrate.php?year=2022&state=yes>.

sectional data related to race, disability, gender, and ELL status. The report should include the number and percentage of students in each 9th grade cohort, who graduated from high school with a high school diploma, Regents diploma, advanced Regents diploma, local diploma, or high school equivalency diploma; were still enrolled in high school; or dropped out of school in 4 years, 5 years, and 6 years from when they entered 9th grade and had been enrolled in Passages and/or ERA during their high school career.

Thank you again for the opportunity to provide testimony on this important matter. I look forward to working with you, the City Council, city agencies, youth and families, and other stakeholders to ensure that young people involved in the juvenile and criminal justice systems are fully supported and thrive in school and life.

Best regards,

A handwritten signature in black ink, appearing to read "Dawn L. Yuster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dawn L. Yuster, Esq.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Paulette Healy (PLEASE PRINT)

Address: _____

I represent: CLD 75

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 542 Res. No. 476

in favor in opposition

Date: 10/13/2023

Name: Husein Yatabarry (PLEASE PRINT)

Address: Sheridan Ave Bronx, NY

I represent: Muslim Community Network

Address: 450 Lexington Ave, 4th Fl. New York

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 542 Res. No. _____

in favor in opposition

Date: 10/13/2023

Name: Elisabeth Bernard (PLEASE PRINT)

Address: 150 W 30th St

I represent: Advocates for Children

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 10/13/23

(PLEASE PRINT)

Name: Tonya Threadgill

Address: _____

I represent: NYCPS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: 10/13/23

(PLEASE PRINT)

Name: Shareef Rashid

Address: _____

I represent: NYCPS

Address: _____

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Appearance Card

[]

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 in favor in opposition

Date: 10/13/23

(PLEASE PRINT)

Name: Glenda Esperance

Address: _____

I represent: NYCPS

Address: _____

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Appearance Card

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 in favor in opposition

Date: 10/13/23

(PLEASE PRINT)

Name: Stacey King

Address: 75-20 Astoria Blvd

I represent: NYC Dept. of Correction

Address: SAME

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Appearance Card

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Date: 10.13.2023

(PLEASE PRINT)

Name: Francis Torres

Address: _____

I represent: NYC DOC

Address: 75-20 ASTORIA BLVD EAST ELMHURST NY 11370

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Appearance Card

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in favor in opposition

Date: 10/13/2023

(PLEASE PRINT)

Name: Nancy Ginsborg

Address: Deputy Commissioner,

I represent: Division of Youth and Family Justice

Address: Administration for Children's

Services

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/13/23

(PLEASE PRINT)

Name: Anna Arkin-Gallagher

Address: 177 Livingston St Brooklyn NY 11201

I represent: Brooklyn Defender Services

Address: 177 Livingston St Brooklyn NY 11201

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