



**Advocates for Children of New York**  
Protecting every child's right to learn

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**Testimony to be delivered to the New York City Council  
Committee on Juvenile Justice**

**Re: Oversight: Re-entry Planning for Youth in Detention and Placement**

**Amy Breglio, Staff Attorney, School Justice Project  
Advocates for Children of New York  
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Thank you for the opportunity to speak with you today. My name is Amy Breglio and I am an attorney in the School Justice Project at Advocates for Children of New York where I provide educational advocacy and legal representation for court-involved youth. For over 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. My testimony today focuses on the educational needs of students transitioning back into the community from detention and placement.

As you are aware, youth in the juvenile and criminal justice systems are among the most vulnerable populations. In addition to being behind their peers academically, many have unmet special education and mental health needs. These multiple challenges make the timely placement of youth returning from detention and placement in appropriate educational settings essential to their successful transition back to the community.

Unfortunately, we have found that youth returning from detention and placement continue to face multiple barriers from the very system that is charged with educating them. For example, EW, a student returning home to New York City last fall from a placement facility upstate, attempted to reenroll at the community high school he last attended in Queens. School administrators told him that he should not even bother picking up his program because he would not graduate and instead should go to an alternative program. EW was out of school for the entire fall. When



he tried to return to the school again in January, school administrators told him that they would not give him a bus pass until he attended school for four consecutive days. When he tried to attend one of his classes the teacher refused to let him into her classroom. EW is not alone. At Advocates for Children, we see time and time again students who are wrongfully prevented or dissuaded from attending school after returning from detention, placement, or jail.

Providing youth with meaningful educational counseling at the time of their reentry is crucial to their educational success. Currently, students returning from placement seeking to reenroll in school are advised to go to their borough enrollment office to receive this assistance. According to the Department of Education, each enrollment office has a designated staff member known as a Special Populations Liaison specifically trained to work with youth returning from placement.

Unfortunately, we have never seen youth receive any specialized counseling at the enrollment offices. Instead, we repeatedly hear stories that school placement officers tell students they are too old to go back to high school and should get a GED instead, even though they have the right to attend school until the age of 21. For example, earlier this year I accompanied a student and his mother to the Queens Office of Student Enrollment where a school placement officer repeatedly told the student that he should go get a GED even when the student stated that he wanted to pursue a diploma. In this instance, as well as many others, this “advice” to get a GED is given in the absence of any knowledge of students’ academic levels or special education needs and reinforces students’ perceptions that they are outsiders who are not welcome in their communities and schools and not expected to amount to anything.

Additionally, we very often see students expressing legitimate safety concerns about returning from detention and placement to their former schools, only to be told there is no other option. At a time when the mayor has championed school choice, court-involved students are given few, if any, choices in regards to education. While alternative or “transfer” high schools offer some additional options for students who



have not been successful in regular high school settings and need to accrue credits at an accelerated pace in order to graduate, such programs are very limited and only able to take new students at certain points in the academic year. Consequently, we urge the City Council and the Department of Education to follow recommendations released last month by the New York City School-Justice Partnership Task Force to make school transfers easier and grow the existing options and capacity of schools to meet the needs of transitioning youth.

We strongly recommend that the Department of Education appropriately train staff, from those working in schools, such as principals, teachers and guidance counselors, to those working in borough enrollment offices, referral centers, and other public-facing administrative offices, to welcome all school-age students, and provide accurate, timely, and comprehensive educational services. The Department of Education should provide meaningful educational counseling through the Special Population Liaisons immediately upon students' return to help steer them towards schools and programs that can meet their academic needs and where they will feel comfortable and can experience success.

Appropriate staff training will also help to ensure that students receive credit for academic work done while in detention or placement. Currently, some students are not granted credit even when they have completed equivalent coursework because their transcripts are not being reviewed. The Department of Education should ensure that principals fully evaluate transcripts containing coursework youth completed in placement and appropriately award credits. Failure to do so impedes placement of youth in the correct classes to gain the credits they need to graduate and further ostracizes students who feel that they have fallen even further behind their peers.

Special education students face additional hurdles when returning to New York City schools. This is particularly troubling since a disproportionately large number of youth in detention, placement, and jail have special education needs that entitle them to services detailed in their Individualized Education Plans, or IEP's. In



our direct service work, we repeatedly see students placed in inappropriate educational settings that fail to take into account required special education services and supports.<sup>1</sup> Further, some school placement officers at the borough enrollment offices appear unequipped or unwilling to work with students to recommend a school setting that can meet the student's special education needs.

Based on our direct services work, we believe that more planning and coordination prior to students' return to the Department of Education would be extraordinarily beneficial and would dramatically reduce incidents of students placed in inappropriate educational settings, a large contributing factor to the high drop-out rate amongst this population. National and state models for successful reentry of youth from detention and placement, as well as a promising partnership in New York City, highlight the importance of information sharing and collaboration between agencies.<sup>2</sup> Real-time, read-only access to educational information pertinent to students' educational needs such as psycho-educational evaluations, IEPs, and transcripts would allow for electronic information sharing between the Department of Education and youth detention and placement facilities in the city and state, all within the bounds of relevant privacy laws. It is our understanding that a Memorandum of Understanding between the Department of Education and the New York State Office of Children and Family Services (OCFS) allowing for such information sharing exists, but is not being utilized. We urge these agencies to implement the agreement

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<sup>1</sup> On December 14, 2004, Advocates for Children and the Legal Aid Society of New York (Plaintiffs' Counsel) filed a lawsuit in the District Court of the Eastern District of New York on behalf of court-involved students who were denied education in certain court-ordered settings or upon return to New York City schools from detention centers and placements. *J.G. et al. v. Mills, et al.*, 04 CV 5415 (E.D.N.Y.). Plaintiffs' Counsel continues to monitor the city's compliance with the settlement.

<sup>2</sup> See, e.g., New York State Division of Criminal Justice Services, "New York State Juvenile Re-entry Strategic Plan" A Report from the New York State Juvenile Re-entry Task Force, p. 30, available at: <http://www.nysjjag.org/documents/statewide-plan-juvenile-re-entry.pdf>; New York City School-Justice Partnership Task Force, "Keeping Kids in School and Out of Court: Report and Recommendations," May 2013, p. 39, available at [http://www.advocatesforchildren.org/sites/default/files/library/sjptf\\_report.pdf?pt=1](http://www.advocatesforchildren.org/sites/default/files/library/sjptf_report.pdf?pt=1).



to facilitate electronic record sharing and, in turn, facilitate better educational services and outcomes for youth.

Access to meaningful educational counseling in combination with effective information sharing procedures would create a safety net for students who are most at risk for recidivism, specifically, youth with serious behavioral disabilities. We know that special education students with behavioral disabilities are overrepresented in the juvenile and criminal justice system. Students in this population with the most severe needs cannot be served in community schools and require specialized day or residential clinical placements. Currently there is no mechanism to immediately place students returning from detention or placement into these specialized programs, even in cases where a student attended a specific day or residential school prior to becoming court involved. The lack of an appropriate mechanism to place these students means that the most vulnerable youth with the highest level of need may be forced to wait up to several months for paperwork to be processed before they can return to a school that can meet their special education needs. We believe this is not just unsound practice, but unacceptable, as it effectively denies youth access to appropriate education. The Department of Education and other relevant agencies should emphasize planning prior to a student's release through effective information sharing to easily eliminate much unnecessary delay in reenrolling students into schools that can meet their needs.

Many of our recommendations only require that the Department of Education actually implement laws and policies already in place. To ensure implementation of these recommendations, we strongly encourage the Juvenile Justice Committee of the City Council to closely monitor execution. As part of this oversight, we urge the City Council to require the Department of Education to provide quarterly public data reports on the various aspects of youth returning to community schools from detention and placement. We would gladly work with the City Council to identify particular reports that should be required. Public transparency of data and critical



analysis of the data will help ensure that youth returning from detention and placement access essential education services to which they are not only legally entitled, but also need to pursue broader life goals.

We look forward to working with the City Council, the Department of Education, affected youth and families, and other stakeholders to plan and implement these recommendations to welcome New York City youth home and help them attain the best academic and life outcomes possible.