



**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: Implementation of Close to Home for Non-Secured  
Placement.**

**Amy Breglio, Staff Attorney, School Justice Project  
Advocates for Children of New York  
October 23, 2013**

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Thank you for the opportunity to speak with you today. My name is Amy Breglio and I am an attorney with 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 in the custody of the Administration for Children's Services ("ACS") in Non-secure Placement through Close to Home.

I would like to begin by stating that we are encouraged by the positive educational outcomes we have begun to see with the implementation of the first phase of Close to Home. For example, we are encouraged that, according to data recently released by the Department of Education ("DOE"), students who are being educated through Passages Academy in District 79 under Close to Home are accumulating credits and passing Regents exams while in placement.

We are also generally supportive of the Passages Academy model of education for students in placement, which allows students to attend school at the Belmont or Bronx Hope campus while in placement. This model allows students to receive education from teachers with content area specialty, which is often not the



case when teachers are embedded within specific placement facilities due to their smaller size. It is also our understanding that the DOE is looking to introduce school-based mental health resources to Passages and we look forward to the implementation of these services.

However, we continue to have concerns about the quality and consistency of education across all of the non-secure placement facilities. The DOE's and ACS's public release of only minimal education-related Close to Home data has compounded these concerns. In particular, we are very troubled that no educational data has been released for students in non-secure Close to Home placements who are receiving education outside of Passages Academy. Specifically, no data has been released for students who are receiving education directly from provider agencies and students who are receiving education from DOE teachers embedded in specific non-secure placement facilities. We would also like to see more in-depth data on the educational outcomes for students at Passages that is disaggregated by school site. We recommend that information about these educational programs be made public, including, but not limited to, information on curriculum, class profiles, availability and provision of Special Education Services, credit accumulation, Regents passage rates, and promotion rates. We suggest that this data be disaggregated by site so that facilities with positive educational outcomes could serve as models and those that may be struggling could be targeted for extra support or intervention.

We also encourage ACS to continue to improve the initial placement process by ensuring that the educational needs of youth are given due consideration prior to placement in non-secure facilities. It is our understanding that youth and their families participate in a placement conference with ACS staff to consider any specialized needs that may affect the youth's placement, including special education. Unfortunately, we have not always seen this to be true in practice. For example, last May, Advocates for Children worked with a student who was remanded to ACS custody in the course of our representation. We reached out to ACS in advance of the



placement conference to provide additional information on the student's educational needs. ACS was not aware that the student has a disability that entitles him to receive special education services and supports, including specialized behavioral services. We urge ACS and DOE to increase information sharing to ensure that ACS has a full picture of the youth's educational needs prior to placement. With the new amendment to the Family Education Rights and Privacy Act (FERPA), many of the barriers to interagency information sharing have now been lifted. We also encourage ACS to reach out to advocates and other community based service providers involved with the youth and family to get a full picture of the students' educational needs during the placement process.

Additionally, we recommend that to the extent possible, a student's grade and age be taken into account during the placement process. The limited data we have seen from DOE has shown that a quarter of youth in non-secure placement are middle school students. This is problematic in respect to planning and executing appropriate educational curriculum for middle school students in placement who are either receiving education directly from provider agencies or from DOE teachers embedded at placement sites. Because the middle school curriculum is significantly different from the high school curriculum, when middle school students are placed in facilities where the majority of youth are high school-aged, it is difficult to provide these students with appropriate education. While we understand that numerous factors must be considered during the placement process, we encourage ACS and DOE to work collaboratively to place students with similar grade and academic functioning levels together to the greatest extent possible, particularly in placement facilities where youth do not receive education at Passages Academy.

Finally, it is also our understanding that ACS is working with the DOE to coordinate educational discharge planning from the time youth enter non-secure placement facilities. We believe that supportive Aftercare services, including helping youth feel welcomed back to, and supported in, their community schools, are



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essential to creating positive educational outcomes for youth coming out of placement. We recommend that Aftercare teams focus not only on helping youth reenroll in community schools, but also work closely with DOE staff at all levels to ensure that students receive the educational supports and services they need to stay in school and succeed. Towards that end, we look forward to seeing data on the implementation of these Aftercare services.

We are eager to continue to work with the City Council, the DOE, ACS, affected youth and families, and other stakeholders to ensure students' access to quality education while in placement and success upon their return to the community.

Thank you. I would be happy to answer any questions you may have.