

Know Your Rights: Students' Rights to Education While Incarcerated



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



What is Advocates for Children?

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AFC is an independent agency that protects the rights of all NYC students

Our Services:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- Free legal services to low-income families
- Guides and resources: www.advocatesforchildren.org
- Workshops and trainings
- Policy Advocacy and Impact Litigation



AFC's School Justice Project

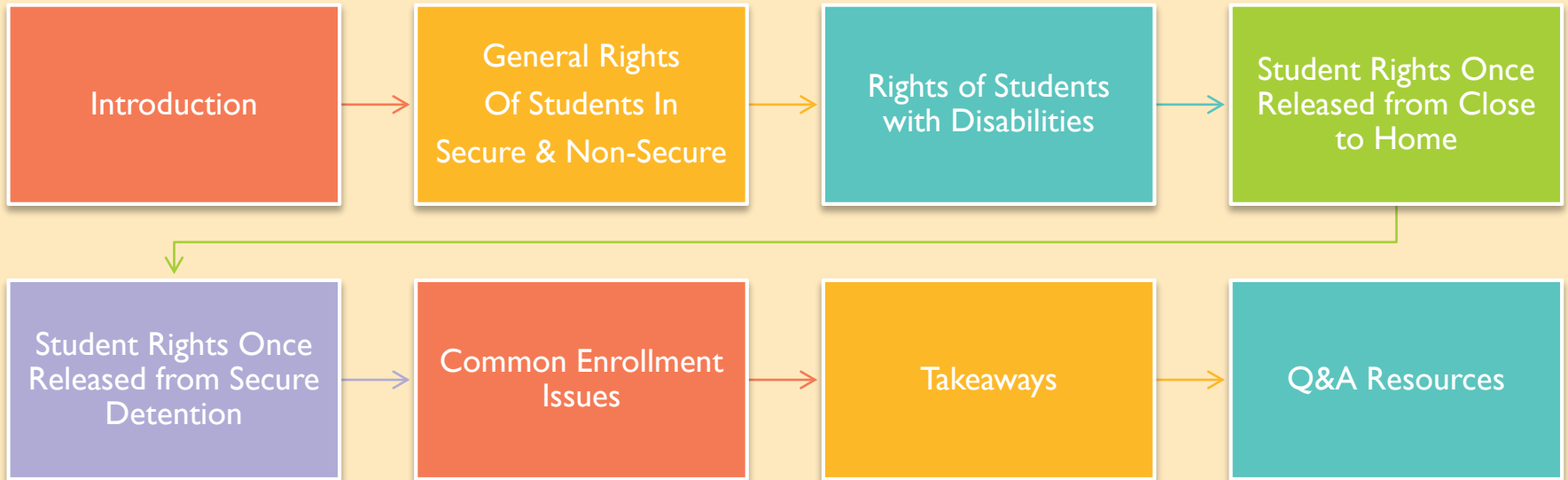
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- Help young people who are facing:
 - Court-System related involvement
 - School suspension
 - Exclusion from school due to their behavior
 - Bullying behavior
- Help these students get the support they need to address their academic and behavioral needs and succeed in school



Today's Training

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General Rights of Students in Secure & Non-Secure Detention

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What We Know

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- Youth in juvenile and/or child welfare systems are among the most **educationally disadvantaged** of all students and are often **overage and under-credited**.
- Nationally, nearly **two-thirds of youth** in the **court system are Black and Latinx**.
 - About **65-70%** of youth involved with the juvenile justice have a **disability, particularly learning, emotional, and mental health**.



Students who are suspended are more likely to:

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“School-to-Prison Pipeline”

● Miss class

● Be held back a grade

● Be suspended again

● Not graduate

● Juvenile Justice System

Black students with disabilities who qualify for special education are suspended and expelled at especially high rates



Secure Detention

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- Currently there are two main facilities youth are sent to in NYC:
 - I. Horizon Juvenile Center- Located in the Bronx (Mott Haven)
 - II. Crossroads Juvenile Center- Located in Brooklyn (Brownsville)

Children/Youth in both facilities are under the care of ACS.

Meaning both facilities are run by ACS – however children/youth placed there attend schools run by the NYC Department of Education. Both facilities have more restrictive security features & youth are not allowed to leave. These facilities mirror a traditional jail setting.



Close to Home Detention

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- Two types of Non-secure Detention facilities in NYC
 - I. Limited Secure Placement (LSP)
 - II. Non-Secure Placement

Both NSP & LSP facilities are operated by non-profit providers. They are spread throughout the five-boroughs, run as group homes with anywhere from 6-20 youth in each. Youth in LSPs attend school within the facility, whereas youth in NSPs attend school at a Passages Academy site within the community.



Compulsory School Age and Right to Attend

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Students must stay
in school 6-16 years
old

School Districts Can
Require Until the end of
the school year when
they turn

17 (e.g., NYC)

They may stay in
school

Until the end of the
school year when they
turn

21*

or they get a diploma

This is true even for students in detention and placement settings.



Basic Rights



- Students have the right to attend their former schools if there are no court orders in place which prevent their attendance.
- Middle school students at Passages must be given grade level work and be able to take city wide tests & high school students must be able to sit for regents exams.
- Passages is a DOE school, therefore all credits earned should be transferred once a student transitions out of detention or placement.
- If a student transitions out of placement mid-school year, the student should be placed in those same classes once back in the community.



Basic Rights for Students with Disabilities

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- Students in both Secure Detention & Close to Home Programs have the right to receive special education services.
- Students with IEPs have the right to receive special education services that are similar to what is on their IEPs.
- Passages Academy must get a student's IEP within 5 days of the student attending Passages.

- Passages should reach out to parents/guardians and work to develop what is called a Special Education Plan (SEP) – which is similar to the IEP – this meeting must be held within 30 days of the student admission to Passages.
- Parents have the right to attend!



Transitioning from Close to Home

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- Each Student should have a placement/permanency specialist assigned to plan for the student's reentry.
- Specialist should work along with the DOE and the ACS education unit to plan for the youth's education reentry plan.
- Specialists should remain in communication with the youth's home school to ensure a smooth transition.
- Specialists should also coordinate with the DOE and the Committee on Special Education (where appropriate) to ensure that necessary evaluations are completed and submitted, meetings have occurred, and the youth's grade and credit status is clearly articulated.

Continued...

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- Specialists should also work alongside DOE to ensure that appropriate school placement and transportation have been arranged.
- Specialists MAY use the youth's last home visit to escort the youth & family to the DOE enrollment center with required documentation and take additional next steps to ensure a youth is immediately reenrolled in an appropriate placement upon reentry.
- Click Here for more info:
https://www.nyc.gov/assets/acs/pdf/close_to_home/cth_Plan_final.pdf



Transitioning From Secure Placement

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- Youth in Secure Detention have limited resources for education reentry planning when compared to youth in close to home programs.
- Each student in a secure detention facility is assigned an ACS case manager – case managers can offer help and be resources to parents/guardians of youth who are transitioning out of secure detention.
- Case managers can assist with getting a student's transcripts and contacting someone at the DOE to help with placement.
- Unfortunately, parents are not provided with as much assistance, so parents can visit their local family welcome center once a youth has reentered, to get assistance with enrollment.



Common Issues

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- The DOE often fails to provide students with school placement even after they are released (often creates large gap between the student's time at home and going back to school once they are back home).
- Once released students struggle with receiving credits or grades earned while attending Passages Academy
- Passages Academy staff fail to provide completed evaluations and IEP/SEP updates noting student's progress or regression.
- Once released, students wish to explore alternative pathways to graduation; however, parents have limited resources to getting students enrolled once they have reentered.





Takeaways!

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- Students must attend school if they are within the compulsory school age. Education cannot be denied.
- Students have the right to attend the school they previously attended prior to detention or placement (if there are no court orders preventing such).
- Parents have the right to be informed and participate in IEP/SEP or general education meetings pertaining to their child's progress while attending Passages Academy.
- Students have the right to receive special education services in both secure and close to home placement.

Continued...

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- An ACS specialist or NSP case manager should assist a student and family with education related planning for reentry.
- Parents can connect with the School Psychologist at both Passages and Horizon Juvenile Detention Center to request an evaluation or re-evaluation if their child has or may suspect their child has a disability.
- *Parents can contact AFC at any point if there are education related issues once a student reenters.*



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Call us with questions!



Helpline: 866-427-6033 (toll free)
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