

Rights of Students with Court Involvement



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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

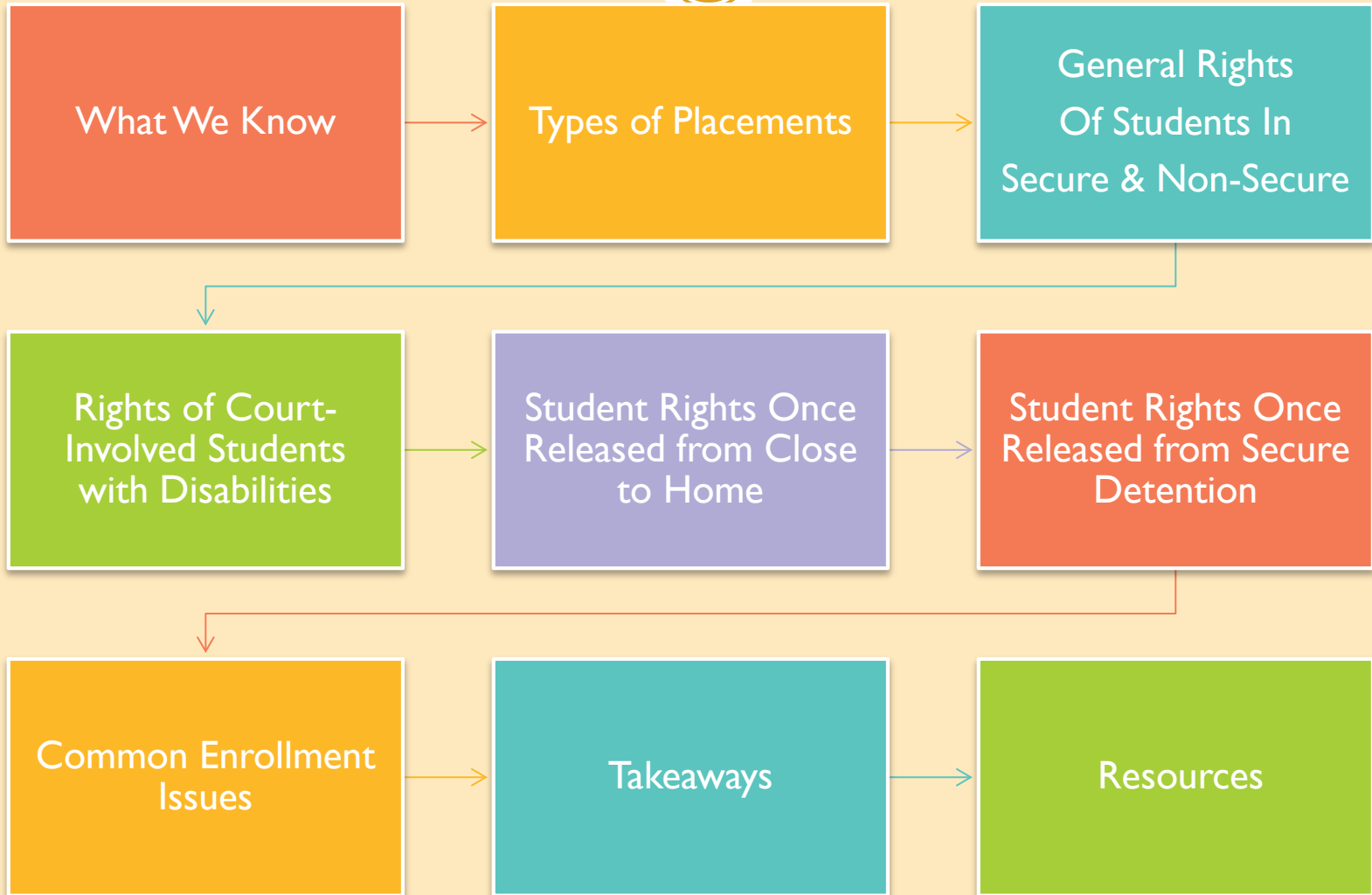
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- Help young people who are facing:
 - Court-System related involvement
 - School suspension
 - Exclusion from school due to their behavior
 - Bullying behavior
- Help these students get the support they need to address their academic and behavioral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



Today's Webinar

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What We Know

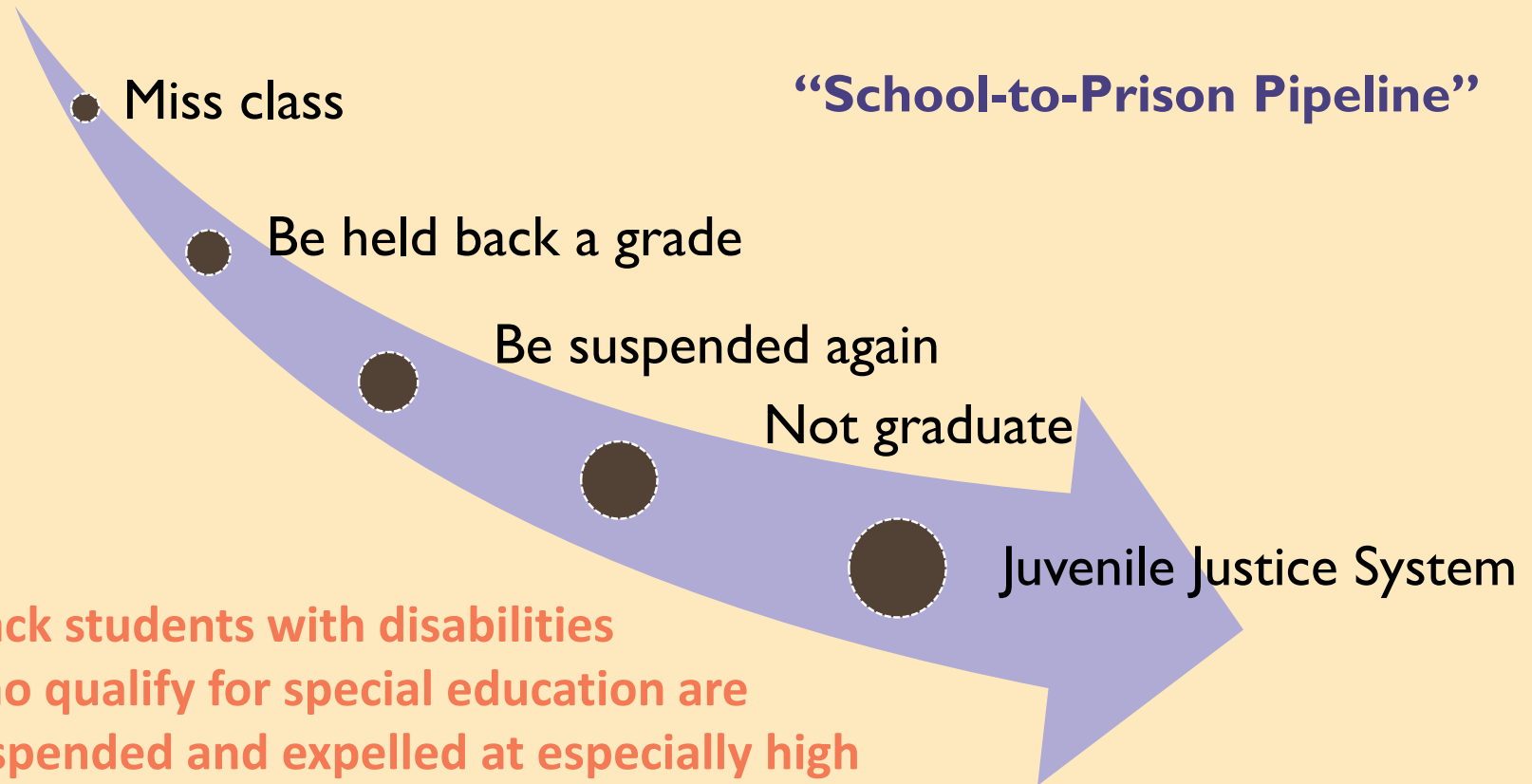
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- Youth in juvenile and/or child welfare systems are among the most **educationally disadvantaged** of all students and are often **overage and under-credited**.
- Nationally, nearly **two-thirds of youth** in the **court system are Black and Latinx**.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



Students who are suspended are more likely to:

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



Secure v. NSP v. LSP

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**Secure
Placement**

**Non-Secure
Placement**

**Limited-Secure
Placement**



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 Passages Academy, which is a NYC Department of Education District 79 school.

Both facilities have more restrictive security features & youth are not allowed to leave. These facilities mirror a traditional jail setting.



Close to Home Detention

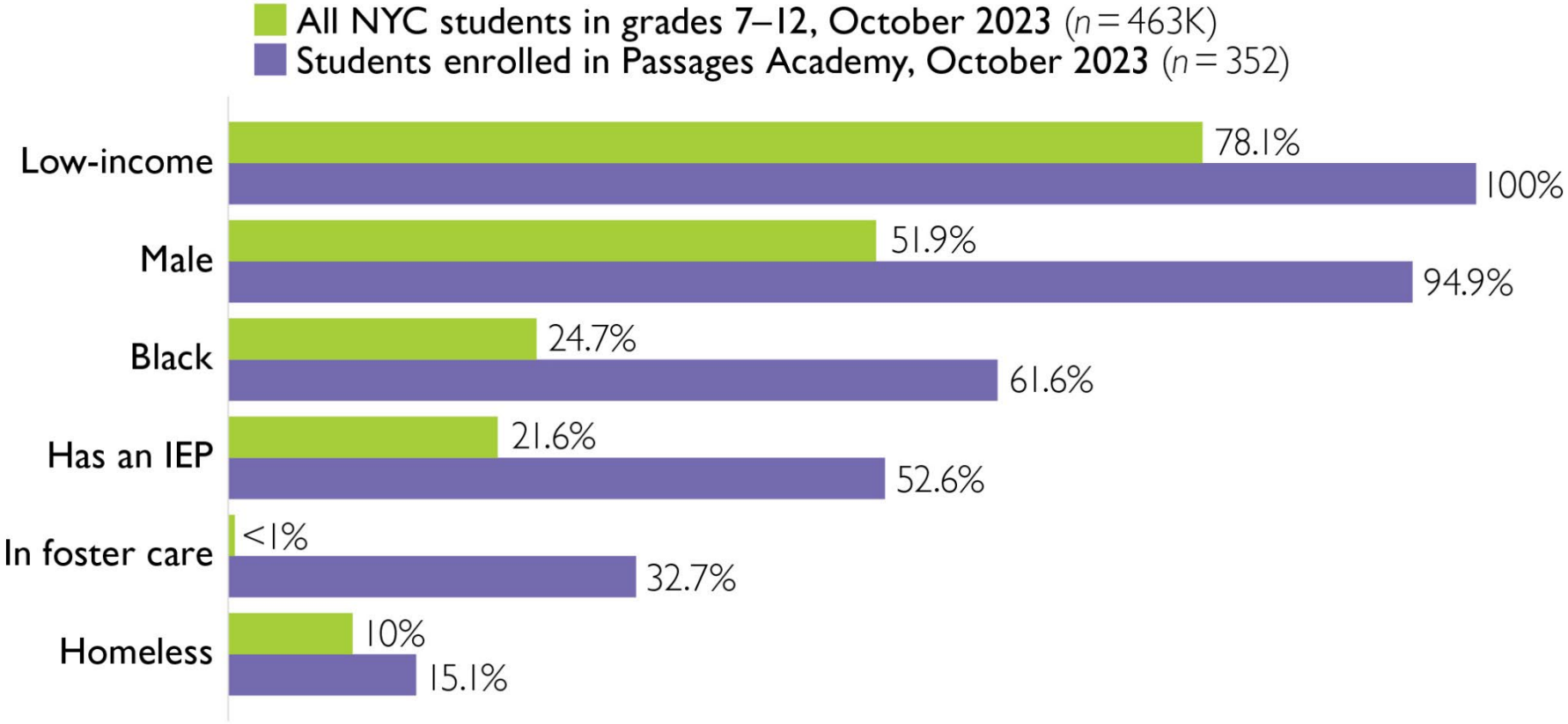
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- Two types of Non-secure Detention facilities in NYC
 - I. Limited Secure Placement (LSP)
 - II. Non-Secure Placement

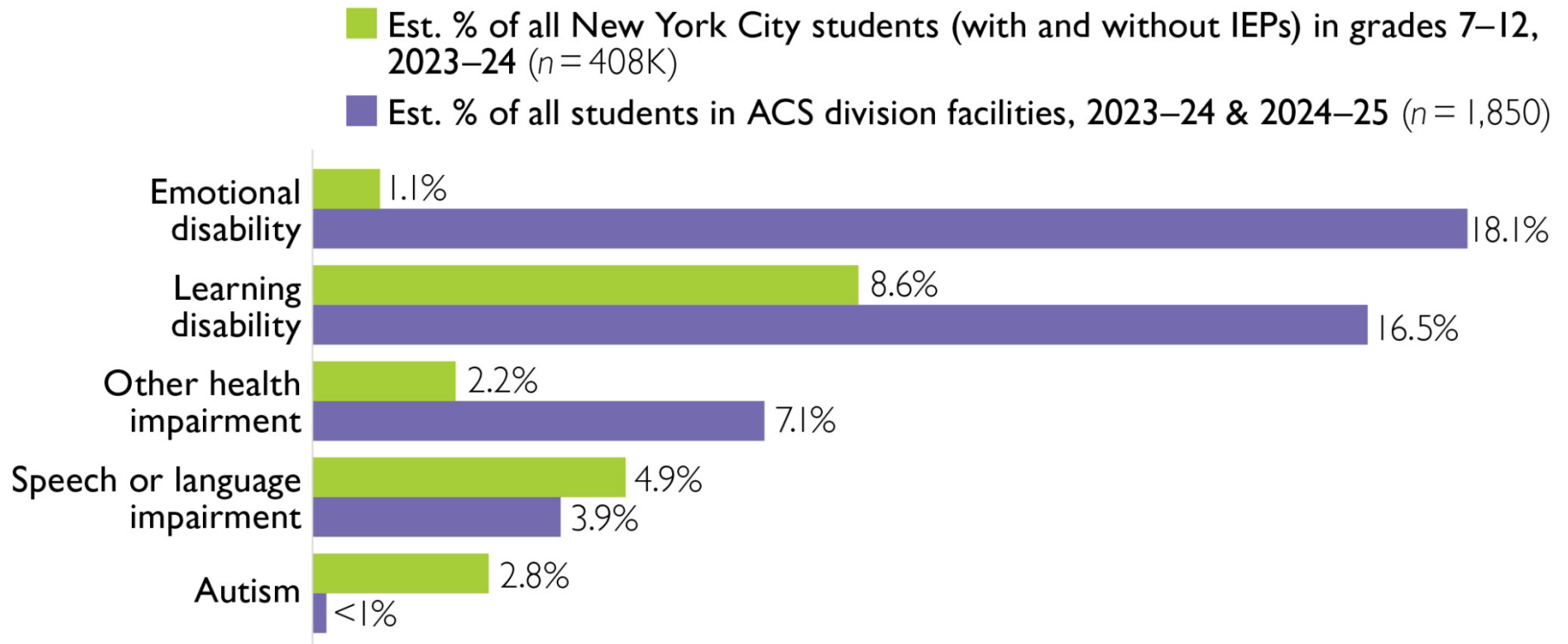
Both NSP & LSP facilities are operated by non-profit providers. They are spread throughout the five-boroughs, run as group homes with anywhere from 6-20 youth in each.

Youth in LSPs attend school within the facility, whereas youth in NSPs attend school at a Passages Academy site within the community.

Students who are male, Black, have disabilities, or are in the foster system are dramatically over-represented at Passages Academy.



Compared to all New York City students in grades 7–12, youth at Passages are almost twice as likely to have learning disabilities; three times as likely to have an OHI classification; and more than 17 times as likely to be labeled as students with emotional disabilities.



General Rights of Students in Secure & Non-Secure Detention

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BEFORE



Provide critical behavioral & mental health services and reading intervention, potentially preventing future contact with the legal system.

DURING



While in detention or placement, ensure students are able to regularly attend school and receive the supports they need to learn.

AFTER



Provide individualized transition supports to help students as they re-engage in school and return to their community.





The Right to Attend School

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Students must be enrolled in school

Until the end of the school year when they turn

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They may stay in school

Until the end of the school year when they turn

21*

or they get a diploma

*Students with IEPs have the right to stay until age 22.

**Discharge as “LTA” after 20 absences in a row



Enrolling in School

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For students who are not enrolled in school:

Grades K-8

- Contact zoned school, if there is one
- If no zoned school, contact the Family Welcome Center

High School

- Contact the Family Welcome Center
- <https://www.schools.nyc.gov/enrollment/enrollment-help/new-students>

Need help? Contact AFC!



Basic Rights: High School Promotion Criteria

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From 9th to 10th Grade

Earn 8+ credits



From 10th to 11th Grade

Earn 20+ credits

4 in ELA and 4 in history



From 11th to 12th Grade

Earn 30+ credits



Graduation

Earn 44 credits in the right subjects



Rights of Court-Involved Youth

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- Students at Passages must be given grade level work, middle school students should be able to take city wide tests, and high school students must be able to sit for their Regents exams.
- Passages is a DOE school, therefore all credits earned go on a student's DOE transcript and should be transferred once a student transitions out of detention or placement.

KNOW

YOUR

RIGHTS





Rights of Court-Involved Youth 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.
- The parent of a student with an IEP may ask Passages to re-evaluate their child.
- The parent of a student without an IEP who thinks their child may have a disability may ask Passages for an initial evaluation.

Rights of Court-Involved Youth with Disabilities, continued

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- Passages Academy must get a student's IEP within 5 days of the student attending Passages.
- Passages should reach out to parents 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's admission to Passages.
- Parents have the right to participate!
- Triannual evaluations and annual IEP meetings should still occur even with the SEP, though this does not always happen.



Rights of Court-Involved Youth Transitioning Back into Community

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- Students have the right to attend their former schools if there are no court orders in place that prevent their attendance.
- If a student transitions out of placement mid-school year, the student should be placed in the same classes they were taking while at Passages once back in the community.





Rights of Court-Involved Youth Transitioning Back into Community, continued

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- Students at Passages, whether in Close to Home or Secure Placement, should be given a Transition Specialist.
- This Transition Specialist is responsible for coordinating education planning and should help support the student's return into the community for 6 months after the student is released.
- Students who attended Passages should get a Transition Plan, which includes short-term goals for the student, the student's support network, and the student's next school placement.





Transitioning from Close to Home

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- Each Student should have a placement/permanency specialist assigned through the non-profit operating their Close to Home facility 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.

Transitioning from Close to Home, 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.

Takeaways Continued...

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

DOE Transition Support Contacts

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Chrystal Wright

Passages Academy Assistant Principal of Transition Email:

cwright38@schools.nyc.gov

Office: (718) 647-1800 Ext: 2034

If you need additional support, please contact District 79 Family and Community Empowerment Administrator, Stacey Olinger.

Stacey Olinger

Family and Community Empowerment Administrator Email:

soliger@schools.nyc.gov

Office: 718-557-2590 Ext: 3159



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Call us with questions!



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