

# 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](http://www.advocatesforchildren.org)
- Workshops and trainings
- Policy Advocacy and Impact Litigation



# AFC's School Justice Project

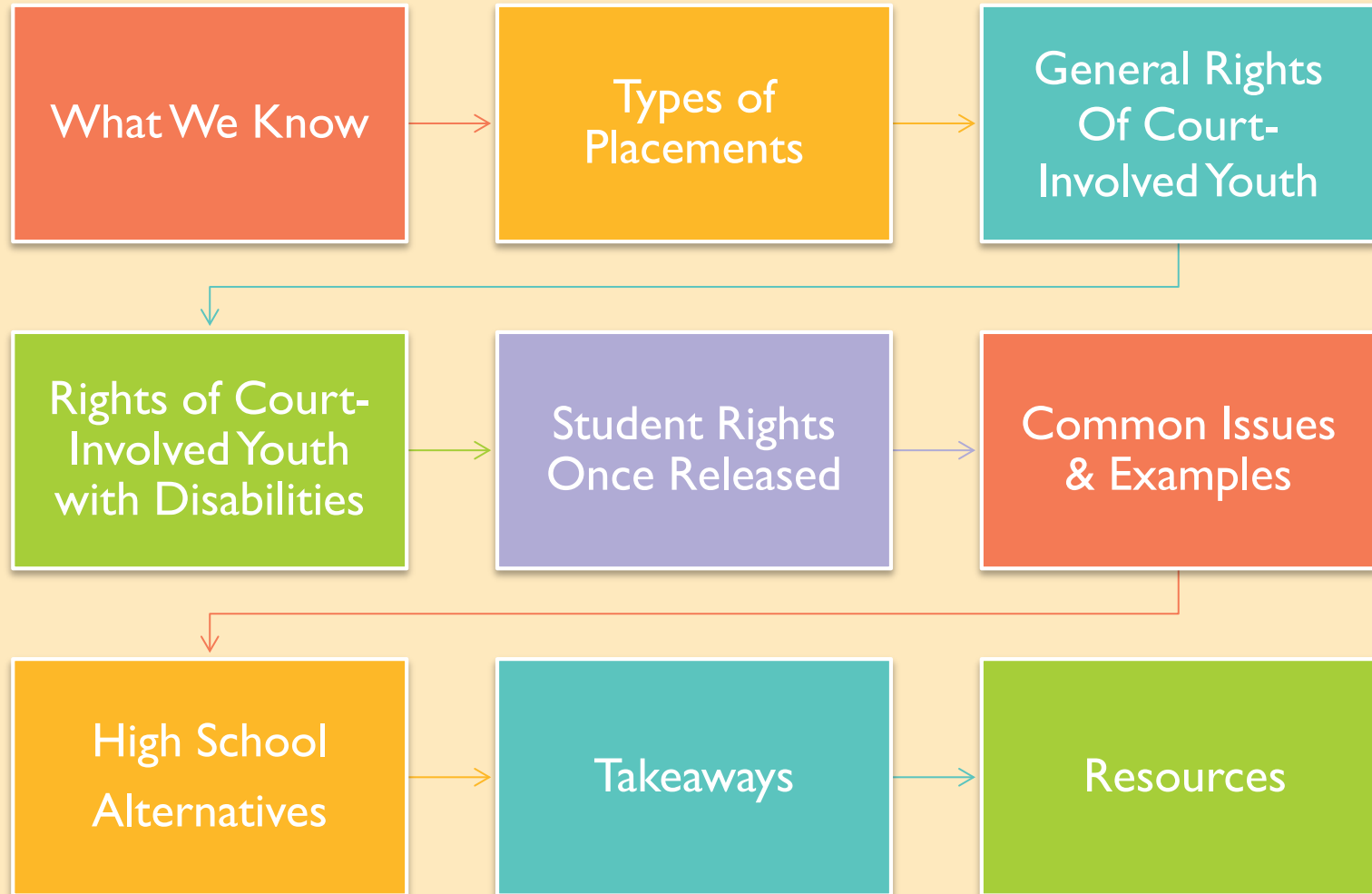
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- Help young people who are facing:
  - Court-System related involvement
  - School suspension
  - Exclusion from school due to their behavior
  - Bullying behavior
- Help these students get the support they need to address their academic and behavioral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



# Today's Webinar

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# What We Know

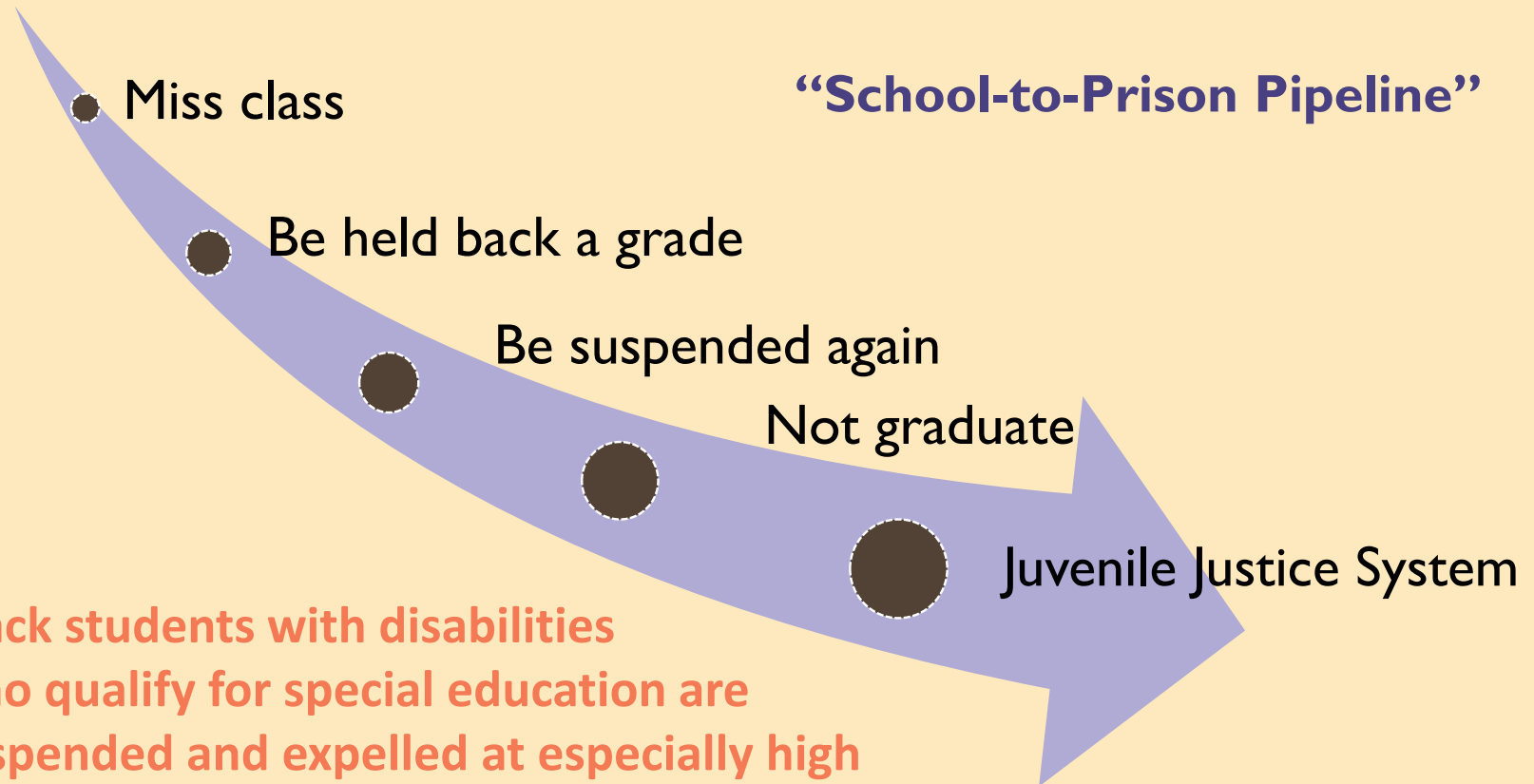
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- Youth in juvenile and/or child welfare systems are among the most **educationally disadvantaged** of all students and are often **overage and under-credited**.
- Nationally, nearly **two-thirds of youth** in the **court system** are **Black and Latinx**.
- 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**

# Types of Placements

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# 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)
- Youth are under the care of ACS.
- Youth attend school run by Passages, a District 79 DOE public school.
- Secure detention mirrors a traditional jail setting.

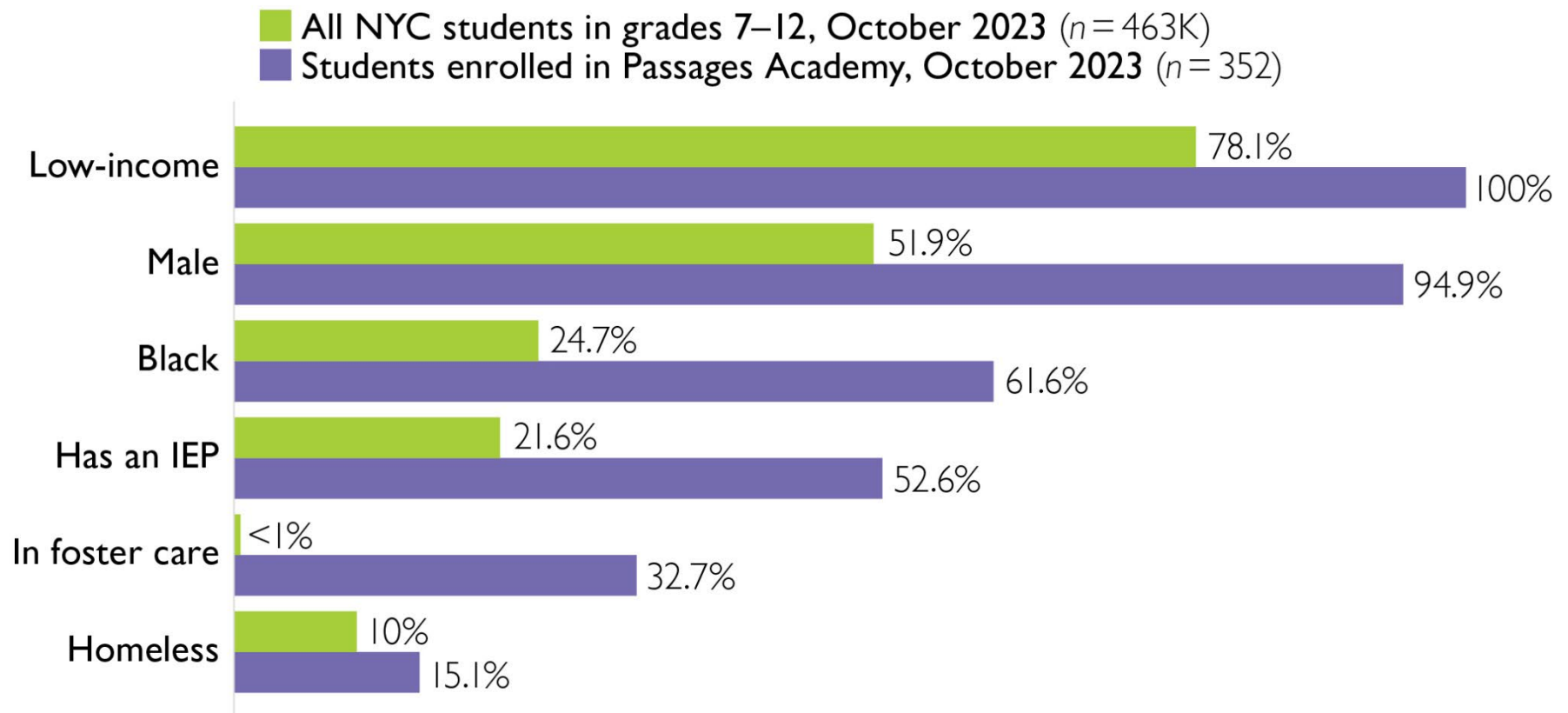


# Close to Home Detention

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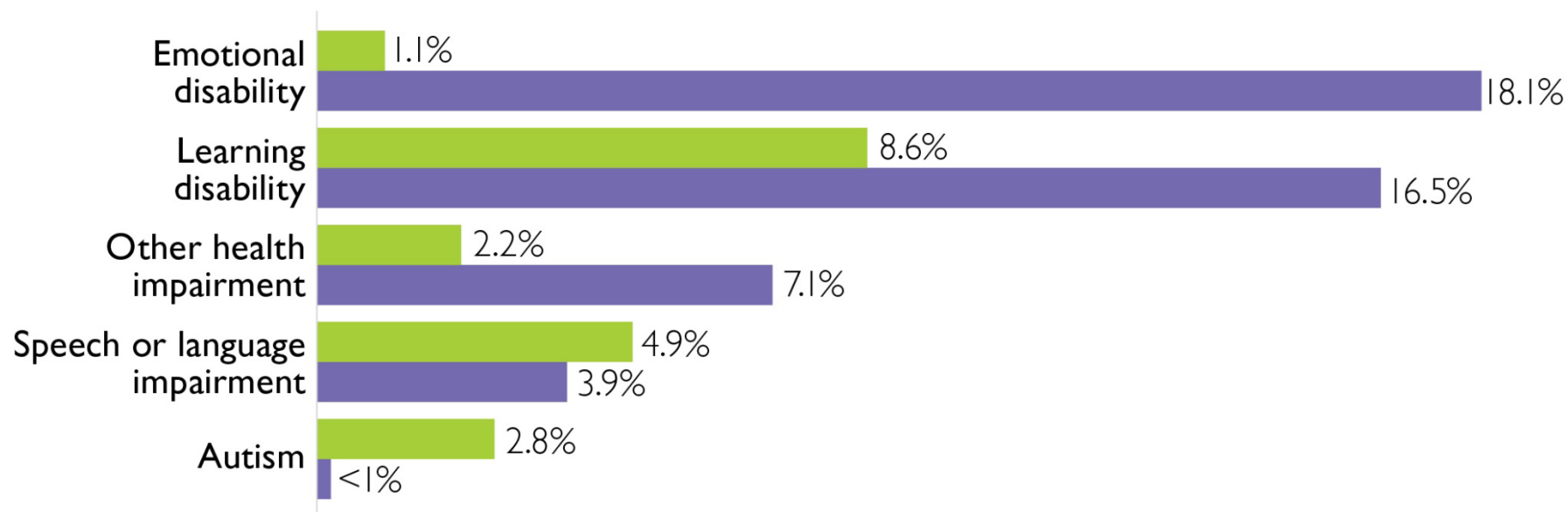
- Two types of Non-secure Detention facilities in NYC
  - I. Limited Secure Placement (LSP)
  - II. Non-Secure Placement
- These placements are operated by non-profit providers.
- They are run as group homes.
- Youth at LSPs attend school within the facility.
- Youth at NSPs attend school at Passages sites 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.**

- Est. % of all New York City students (with and without IEPs) in grades 7–12, 2023–24 ( $n = 408K$ )
- Est. % of all students in ACS division facilities, 2023–24 & 2024–25 ( $n = 1,850$ )



# General Rights of Court-involved Youth 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

**17**

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



# Basic Rights: High School Promotion Criteria

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From 9<sup>th</sup> to 10<sup>th</sup> Grade

Earn 8+ credits



From 10<sup>th</sup> to 11<sup>th</sup> Grade

Earn 20+ credits

4 in ELA and 4 in history



From 11<sup>th</sup> to 12<sup>th</sup> Grade

Earn 30+ credits



Graduation

Earn 44 credits in the right subjects





# Rights of Students in Placement

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- Students must be given grade level work.
- Middle school students should be able to take city-wide tests.
- High school students must be able to sit for their Regents exams.
- All credits earned at Passages go on a student's DOE transcript.

# Questions?

# Rights of Court-Involved Youth with Disabilities

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**KNOW  
YOUR  
RIGHTS**





# Rights of Court-Involved Youth with Disabilities

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- Students have the right to receive special education services.
- The parent of a student without an IEP may ask Passages for an initial evaluation.
- The parent of a student with an existing IEP may ask Passages to re-evaluate their child.
- Students with IEPs have the right to receive special education services that are similar to what is on their IEPs.

# Rights of Court-Involved Youth with Disabilities, continued

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- Passages must get a student's IEP within 5 days of the student attending Passages.
- Passages should develop what is called a Special Education Plan (SEP).
- An SEP meeting must be held within 30 days of the student's admission to Passages.
- Parents have the right to participate!
- Triennial evaluations and annual IEP meetings should still occur even with the SEP.

# Student Rights Once Released

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# 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.
- If the student transitions out mid-year, they should be placed in the same classes they were taking while at Passage.





# Rights of Court-Involved Youth

## Transitioning Back into Community, continued

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- Students at Passages should be given a Transition Specialist.
- This Transition Specialist is responsible for coordinating education planning.
- Students who attended Passages should then get a Transition Plan.







# Transitioning from Close to Home

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- Each Student at Close to Home should have a placement/permanency specialist.
- Specialists should coordinate with the DOE, CTH program, and the youth's home school to develop a reentry plan and ensure a smooth transition.
- The youth's last home visit can be used to escort the youth & family to the DOE enrollment center.
- Click Here for more info:  
[https://www.nyc.gov/assets/acs/pdf/close\\_to\\_home/cth\\_Plan\\_final.pdf](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.
- Each student in a secure detention facility is assigned an ACS case manager.
- Parents can also visit their local family welcome center once a youth has reentered to get assistance with enrollment.



# 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!

# Questions?

# Common Issues & Examples

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# Common Issues

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- The DOE often fails to provide students with school placement even after they are 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.
- Parents have limited resources to getting students enrolled in alternative programs once the student has reentered.



# Push Out

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- Students cannot be pushed out of school:
  - ✦ Because they are too far behind in credits
  - ✦ Because they are court-involved or previously court-involved
  - ✦ Because they have behavioral challenges
  - ✦ By involuntary transfer
  - ✦ For poor attendance without proper process
  - ✦ To get a GED/High School Equivalency
  - ✦ To look for a transfer school

## What if the young person is released without a school placement?

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- Ideally, the young person would still have the Passages Transition Specialist working with them for 6 months after release. You could try to coordinate with this Transition Specialist on school placement.
- Additionally, the young person's ACS case may still be open (should be until the docket ends). If so, the ACS education unit may also be a resource.
- Otherwise, the student and their family will need to visit a Family Welcome Center if they are hoping to enroll in a DOE school.
- If the family would like the young person to attend a non-public school, the CSE will need to be contacted so that a referral can be made.
- Contact AFC!



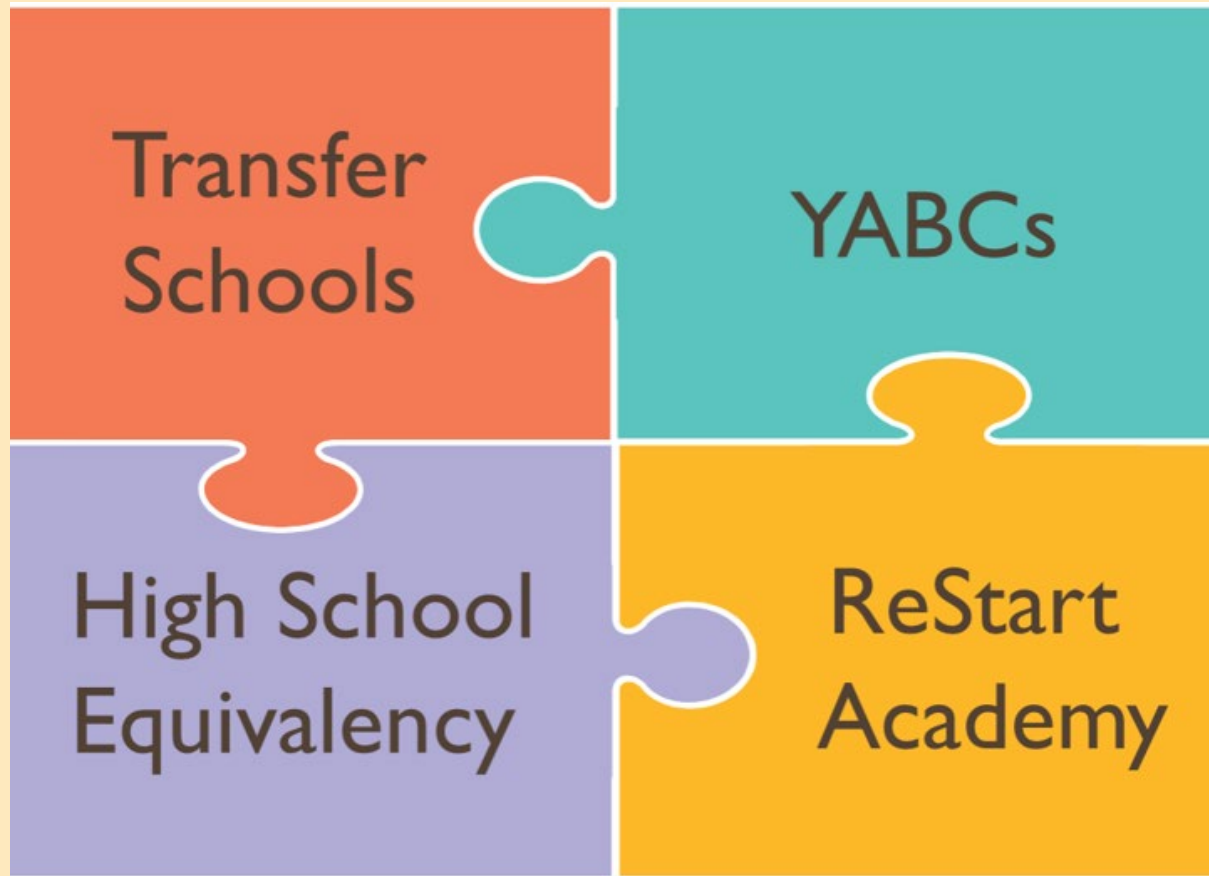
What if the young person does not want to be placed in their previous school once they are released from detention due to safety concerns?

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- Check if there is a court order that prohibits their return to that school.
- Request that Passages and the Transition Specialist identify a different school for the student to attend upon release. Ideally, this would be finalized before the student is released from placement.
- If the young person is released with the same school placement (the placement was not changed prior to transition back into the community), a safety transfer may be possible.
- Determine whether there is any documentation of conflict or other safety issues at that previous school. Any documented fights? Any police reports? Any complaints made by the young person about threats to their safety?
- Alternatively, the family will need to visit a Family Welcome Center.
- Contact AFC!

What if a student does not want a traditional high school or K-12 placement because they are overage and under credited?

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# Transfer High Schools

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Small schools for  
over-age, under-  
credited students

Earn a high school  
diploma

Full day of school

Can earn up to 18  
credits/year

Most have paid  
internships through  
Learning to Work &  
extra supports

Usually, must  
attend another high  
school first

<https://www.schools.nyc.gov/enrollment/other-ways-to-graduate/transfer-high-schools/transfer-schools-guide>



# Getting Into a Transfer School

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**Get records (transcript) from old/current school**



**Contact transfer schools of interest to apply**



**Complete intake process**



**Follow up**



## YABCs: Full-Time

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Must turn 18  
before the end of  
the school year

Earn a regular  
high school  
diploma

Paid internships  
available

Afternoon/evening  
classes Monday  
through Thursday



# YABCs: Shared Instruction

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Stay in your NYC  
high school

Attend  
afternoon/evenin  
g classes after  
regular school  
day

Make up  
coursework or  
earn extra credits



# Getting Into a YABC

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Get or stay enrolled in regular high school



Ask school counselor to fill out Y-1 & Y-2 or S-1 & S-2 forms



Send forms to YABC to enroll



Start attending!

Check out our [Google Drive](#) for flyers and more info about transfer school and YABC admissions!



# DOE High School Equivalency Programs

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“Pathways to  
Graduation” or  
“P2G”

Free and  
operated by  
District 79

Must be 17-21

Day and  
evening  
programs

Full-time and  
part-time

Some are  
bilingual  
Spanish

To enroll, visit a Referral Center: <http://p2g.nyc/enroll/>

For non-DOE programs: <http://www.acces.nysed.gov/hse/hse-prep-programs-maps>





# ReStart Academy

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Mental health  
Substance abuse  
treatment

Programs for  
over-age middle  
schoolers

DOE teachers

Middle school,  
High school, &  
HSE programs

Most day  
Some residential

Contact  
program directly  
to enroll

**For more info:**

**<https://www.restartacademy.org/>**





# 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.
- Go to a Family Welcome Center if released without a school placement.

*You can contact AFC at any point if there are education related issues for court-involved youth.*

# DOE Transition Support Contacts

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Chrystal Wright

Passages Academy Assistant Principal of Transition Email:

[cwright38@schools.nyc.gov](mailto: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 Oliger.

Stacey Oliger

Family and Community Empowerment Administrator Email:

[soliger@schools.nyc.gov](mailto:soliger@schools.nyc.gov)

Office: 718-557-2590 Ext: 3159



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Call us with questions!



**Helpline: 866-427-6033 (toll free)**  
**Monday-Thursday, 10am-4pm**

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**[eczuchna@advocatesforchildren.org](mailto:eczuchna@advocatesforchildren.org)**