



Testimony of

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Before the

Committees on Criminal Justice, Education, and General Welfare

Joint Oversight Hearing on Educational Programming in Detention Facilities

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My name is Nicole Tarangelo and I am a forensic social worker in the Youth Advocacy Unit at New York County Defender Services (NYCDS). NYCDS is a public defense office that represents New Yorkers in thousands of cases in Manhattan’s Criminal Court, Supreme Court, and Family Courts every year. Our Youth Advocacy Unit represents children in felony “Raise the Age” cases in both Supreme Court and Family Court. Thank you, Chair Joseph, Chair Ayala, and Chair Banks for holding this hearing to investigate this important matter.

I. Background and Overview

NYCDS’s Youth Advocacy Unit represents some of the most vulnerable people in our city, children charged with crimes, some of whom are incarcerated, and many of whom are disengaged from school and in dire need of educational support. However, the disengagement and subsequent

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barriers to education for our justice-involved youth does not begin at entry to detention; rather, the issues begin in their public schools and persist long after their re-entry into the community. Thus, we implore City Council to go beyond the introductions proposed, and make the meaningful changes discussed in detail later in this written testimony.

The Department of Education (DOE) and the Administration for Children's Services (ACS) have a responsibility to create a safe and welcoming learning environment for all students. In order to create that environment, we must ensure that we are not perpetuating policies that lead to school pushout, and are instead are using our resources to engage and support young people. That includes building a network of robust mental health support in our schools that does not rely on law enforcement, and ensuring that young people have access to high quality education both inside and once they leave detention facilities. Not only does every child have a right to quality and intentional education, but research indicates that when a young person is engaged in their education, they are significantly less likely to become or continue to be involved in the criminal and family court systems. With that, City Council has a responsibility to uphold the standards of educational institutions, and the standard of education that all young people deserve.

NYCDS calls on City Council to pass Intro 542 with the amendments we recommend below.

II. Current Programming in Youth Detention Centers

There are an overwhelming number of youth entering our detention centers who are significantly disengaged from their education. The disengagement is a response to what is wrong with the current state of public education, and it is on our schools to respond appropriately. Many of the older youth entering detention or placement have not regularly attended school for months or even years prior to their detention. To address that, Passages Academy offers two educational paths for youth in custody: a traditional path towards a High School diploma and a path to earn a High School Equivalency ("HSE") Diploma. I have had several clients enter these facilities completely disengaged from school who have made significant strides at Passages Academy in terms of engagement and motivation. However, it is incredibly rare that this translates to actual progress towards either a high school diploma or HSE, both because of the quality and level of instruction in Passages, and how the work at Passages is credited by community-based institutions.

Passages Academy does work to engage chronically disengaged students in their academics, but there are limits to what Passages offers these young learners. Gothamist reported on the myriad issues with education at ACS-run detention facilities in June of this year.¹ Reports from our clients echo the concerns raised by that reporting, and show that there is room for significant improvement.

- I have had clients not be able to attend school for weeks due to the classroom SMART board being broken.
- I have had clients receive only packets as their main form of instruction, rather than live instruction.

¹ Bahar Ostadan, *Classrooms Serve as Cells at NYC's Troubled Juvenile Detention Centers*, *Gothamist* (June 14, 2023), <https://gothamist.com/news/classrooms-serve-as-cells-at-nycs-troubled-juvenile-detention-centers>.

- I have had clients only attending school two to three days a week because the detention facility does not have adequate staff to support bringing each of the halls to school five days a week.
- In one instance, a client was under the impression that he was making strides toward completing his HSE while in detention, and he was credits away from finishing. Upon his release, he attempted to pick up where he left off at a community-based program but he was nowhere near ready to take the exam and his scores were below proficient across the board. Not only did this completely upend his progress towards his educational goals, but it was an extreme blow to his self-esteem and perceived self-efficacy.

It is for this very reason that we are calling for more meaningful attention be paid to quality of education our young people are receiving.

Another area where educational programming in detention is lacking is its near failure to provide substantive one-to-one tutoring and other specialized educational services for youth with special needs. Many youth in detention and jails have an Individualized Education Program (“IEP”). Under Federal Law, schools in juvenile detention centers are required to identify, locate and evaluate all children with disabilities who may need special education and related services. 20 U.S.C Sec.1412(a)(30(A). It is the responsibility of jails and juvenile detention centers to assess and evaluate all students that they believe may have special needs to ensure that they are connected with the necessary supports, particularly where students have been disengaged with school and may not have updated evaluations. Students with identified learning challenges may struggle in a traditional classroom setting, and will likely struggle with packets of work they are expected to complete independently. Greater access to one-to-one tutoring will provide these young learners who are struggling in Passages Academy individualized educational instruction, which is required by law, and will make their time spent in custody more meaningful to their future.

III. Intro 542 -2022 and Barriers to Re-Entry

Nationwide, over two-thirds of youth leaving custody do not return to school,² and anecdotally, we worry that the numbers in New York City reflect that. Critical attention needs to be paid to facilitating successful re-entry of young people back into their communities. The stigma and challenges associated with re-entering into public school settings after a period of detention cannot be understated, nor can they be overlooked.

A client of mine was already disengaged from school prior to his arrest; he was in middle school, dealing with transitional homelessness and struggling. Once in detention, he started attending school regularly and began to re-engage with school. When he was released, he should have returned back to the school he was attending prior to his arrest, but when it came time to re-enroll him there, he was met with pushback from the administration. This child sat in a meeting with teachers, social workers, the principal, and other support staff, and had to listen to them tell him that “this behavior would not be tolerated in [their] school,” citing previous poor attendance and other factors outside of his control. This client was trying to continue his positive trajectory, and

² *Education for Youth Under Formal Supervision of the Juvenile Justice System*, Office of Juvenile Justice and Delinquency Prevention, 6 (Jan. 2019), available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/education_for_youth_under_formal_supervision_of_the_juvenile_justice_system.pdf.

was met with stigmatization. After being turned away from his previous school, this student was out of school for two weeks while his defense team coordinated an emergency school transfer. What that principal said that day left a mark on my client and is forever burned into my mind.

We cannot go back and change the circumstances that lead to our clients' arrests, but we can give them every single opportunity to be successful in their communities going forward, and that starts with our schools. It is for that very reason that we are advocating for there to be robust re-entry plans for youth leaving detention, with a heavy focus on transitions back into community schools, transitions to vocational programming, and transitions to post-secondary education. There need to be efforts made to ensure that students returning back into their communities can enroll in school the same day they are released.

Recommendation: NYCDS supports passage of Intro 0542 – 2022, with amendment.

City Council can and should go further in requiring data reporting on schools in detention facilities. Specifically, we urge the Council to focus on obtaining data that will reflect the *quality* of education young people are receiving while in detention facilities, and the success of re-entry.

It would be helpful to collect data on, for example, the number of hours of live instruction per student in detention, the number of days between release and re-enrollment in a community school, credits earned while in detention, and data regarding IEP evaluation and re-evaluation.

The issue is that there is rarely a successful continuation of educational services, and we need both qualitative and quantitative data that will reflect the reality of education in these facilities. We need to ensure that our young people receive a standard of education that is equivalent to what they would get in their community and that they are supported in continuing their engagement upon re-entry. More specific data collection will help to ensure that every young person is getting the education to which they are entitled.

IV. Conclusion

The current reality of public education both in the community and in detention centers is not adequately supporting our clients, who are most in need of support. Policies pertaining to young people in school need to reflect the developmentally appropriate interventions that promote the development of the social emotional skills, good decision making, academic success and ability to cope with life changes. Data collected about the academic instruction within detention centers needs to capture the reality of that experience not only while young people are in detention, but long thereafter. Every single child has the right to an education that is meaningful for them should they chose to take advantage of it, and it is our job to ensure that there is something worth taking advantage of.

We urge City Council to consider our proposed amendments to Intro. 542 and to enact meaningful change in our schools inside and out of detention facilities. We thank you for your consideration and attention to this critical issue. If you have any questions about my testimony, please feel free to email policy@nycds.org.