

Educational Programs for Incarcerated and Detained Youth

New York State Board of Regents

P-12 Education Committee

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New York State Agencies Responsible for Incarcerated and Detained Youth

- **Office of Children and Family Services (OCFS)**

OCFS's Division of Juvenile Justice and Opportunities for Youth is responsible for supervision and treatment of court placed youth, from intake to facility programming and community service provision. OCFS supports and monitors facility-based operations and programs, as well as detention, community services and a range of community-based programs.

- **Department of Corrections and Community Supervision (DOCCS)**

DOCCS is responsible for the confinement and habilitation of the individuals under custody held at various state facilities as well as parolees supervised throughout seven regional offices.

- **County and Municipal Jails**

County jails and municipal jails, including Rikers Island for New York City, are responsible for persons ages 16 and above who are awaiting adjudication of their cases or have been sentenced to terms of less than one year. The school district in which the facility is located is responsible for provision of educational services to student inmates.

Office of Children and Family Services (OCFS)

OCFS Facilities Oversight

OCFS has direct responsibility for the care, custody, and educational services of individuals up to the age of 21. Individuals confined at OCFS sites are required to attend programming if they lack a high school or high school equivalency diploma

- OCFS is responsible for the operation, supervision, and management of 12 juvenile residential facilities:
 - 1 reception center
 - 2 non-secure facilities
 - 5 limited-secure facilities
 - 4 secure facilities
- OCFS licensed and monitors 41 detention programs:
 - 8 secure detention facilities and
 - 33 non-secure detention facilities

Educational Programs in OCFS Managed Facilities *

- An educational evaluation must be completed within ten days of admission;
- Instruction is expected to be comparable and equivalent to that of Part 100 of the Commissioner's Regulations;
- Length of school day should be comparable to other public schools;
- Professional educational staff are required to be properly certified;
- Each facility must prepare a long-range educational plan;
- Appropriate special education programs and services should be provided to each pupil; and
- OCFS Facilities may be approved to operate full-time alternative high school equivalency preparation programs and full-time transition programs.

**Pursuant to Commissioner's Regulations Part 116*

Department of Corrections and Community Supervision (DOCCS)

County and Municipal Jails

DOCCS and County Facilities Oversight

DOCCS oversees the New York State prison system and is responsible for the care, custody, and educational services and programs of individuals sentenced to periods of confinement that exceed one year. Individuals confined at DOCCS managed facilities are required to attend programming if they lack a high school or high school equivalency diploma.

Individual Counties manage 60 county jails and holding facilities across the State, while New York City manages the academic program for youth detained on Rikers Island. These facilities are responsible for individuals awaiting disposition of their cases and those confined for periods of less than one year. School districts are responsible for the education of youth incarcerated in county jails pursuant to Education Law section 3202.7.

Educational Programs in County Managed Facilities*

Educational Program Requirements include:

- An educational evaluation must be completed within ten days of admission;
- Educational program plans must be updated annually by each school district (including the New York City Department of Education);
- Each annual educational program plan must provide information on:
 - Evaluation procedures used,
 - Instructional programs available,
 - Qualifications of staff,
 - Length of program,
 - Coordination procedures,
 - Procedures of cost, and
 - Re-entry procedures.

The New York City Department of Education provides educational services to students up to 21 years old who are placed at East River Academy, the academic program for youth detained on Rikers Island.

**Pursuant to Commissioner's Regulations Part 118*

Educational Programs in DOCCS Managed Facilities

At a minimum, educational programs* should include:

- Adult basic education;
- Standardized instruction required for completion of the exam leading to a high school equivalency diploma;
- Special education;
- Bilingual programs;
- At least five hours of actual classroom instruction each weekday;
- Literacy incentives;
- Necessary skills instruction for each vocational program offered; and
- Programs that are realistic and relevant to the needs and requirements of the current labor market.

**Pursuant to 9 N.Y.C.R.R. Sections 7677.4 and 7677.6*

Challenges

- 68% of youth in OCFS-operated facilities were identified as needing treatment for substance use disorders; 49% needing mental health services; and 46% special education. Clearly, a high percentage of justice-involved youth are considered as having a disability that will impact their future prospects for employment.
- Security needs of the facilities generally take precedence over the educational needs of the students;
- Although incarcerated students typically need additional instructional time in order to catch up with their peers, their instructional day is often shorter than what is provided in public schools;
- Especially in smaller facilities, it is difficult to have instruction in core subjects provided by appropriately certified staff and professional development is not always sufficient to fully prepare staff to address the unique needs of the student population;

Challenges Continued

- Facilities often do not have up to date equipment and/or access to educational technology;
- Access to enrichment activities and career and technical education is often limited;
- The population is extremely transient and their length of time in a facility is often unpredictable, making programming and scheduling difficult to implement; and
- Under Section 118.5, youth can choose not to request educational services from the local district; and
- Students may not receive adequate transitional support upon their release, which can lead to students not returning to school or not being successful upon transition.

Next Steps

- Engage with stakeholders for the purpose of developing recommendations for changes to Commissioner's Regulations in regard, but not limited, to:
 - Instructional time,
 - Professional development,
 - Development of educational plans,
 - Enrichment activities, and
 - Career and technical education.
- The Department's ACCES-VR, with nearly 300 trained vocational rehabilitation counselors and 15 District Offices across the state, is a resource to reduce recidivism by engaging justice-involved youth with disabilities in services leading to employment.

