***PTIC JJ Advisory Group Questions***

**Providing Assistance and Access for Families**

1. ***When your PTI/CPRC receives a call from a parent /guardian that their child has been arrested, what questions would your staff ask them in order to provide assistance?***

Advocates for Children of New York (AFC) does not represent youth in family or criminal court who are arrested. Rather, we work to help students excluded from school due to their behavior, facing suspension, and/or involved in the juvenile or criminal court system get the support they need to address their academic and behavioral needs and succeed in school. In that context, we typically learn from a parent that their child has been arrested when the child has simultaneously been suspended from school for the same incident. If the student has been suspended for a serious offense, we will ask if the student was arrested. In addition, when a student is suspended from the school we will tell the parent that they are entitled to documents related the student’s suspension, “the suspension packet,” if they ask the school for these documents. In the documents is a report that indicates if the police were called. If the police were called, we will ask the parent if the student was arrested.

It is important for us to ask the age of the student at arrest since New York’s Raise the Age legislation does not begin to ease into effect until January 2017. Therefore, New York still automatically prosecutes all youth 16 years old and older as adults. This means that students 16 years and older who are arrested are prosecuted in adult criminal court while students under 16 who are arrested see a probation officer and subsequently may be prosecuted in family court. If the student is 16 or older we search a state online database called [WebCrims](https://iapps.courts.state.ny.us/webcrim_attorney/AttorneyWelcome) for information about the criminal case, including the charges, appearance dates, and status of the case (including whether the student was indicted on felony charges and is being prosecuted in supreme court).

After learning about the arrest, we ask questions such as: Where is the child now? Is/was your child on Rikers Island (adult jail) or in a juvenile detention facility? Has your child been in front of a judge? Does your child have a lawyer? Who is the lawyer and what is the lawyer’s phone number, email address, and legal organization? What is/are the criminal charge/s? Is your child suspended from school? What happened? Did you get a suspension notice? Can you send it to us? Did you get the suspension packet from school? If not, we tell the family how to get it. Is the criminal charge related to the suspension? Does the incident involve someone from school? Did the incident occur in the school? Is there an order of protection for your child to stay away from another student and/or school?

**System Involvement**

1. ***How did your PTI/CPRC get involved in your state Juvenile Justice systems?***

AFC has a long history of advocacy for the education rights of court-involved youth. We are not involved in New York’s juvenile justice or criminal justice system, although we have had past partnerships with New York City’s family courts.

From our work with families of students involved in the justice system, we became aware of the systemic barriers to an appropriate education that these students faced. In 2004, we partnered with The Legal Aid Society of New York and Dewey Ballantine LLP to bring a federal class action lawsuit on behalf of New York City students 7-21 years old who were detained or placed in custody as a result of involvement with juvenile or adult court systems. The lawsuit, known as *J.G. v. Mills,* alleged that when these students were released from a court-ordered setting, they were denied timely re-enrollment in New York City schools or were warehoused in alternative settings and provided inadequate educational services. The complaint also alleged that court-involved youth with disabilities did not receive adequate educational services while in detention in New York City. Although the process took longer than we would have liked, this lawsuit helped to bring significant improvements to the educational services provided for court-involved youth in New York City.

The lawsuit challenged both the New York City Department of Education (DOE) and the New York State Education Department. In 2008, the plaintiffs settled with New York State, with respect to claims of deficient oversight. Following a period of monitoring New York State’s compliance, the State settlement ended. In 2011, the plaintiffs settled with New York City DOE. The City settlement required the DOE to:

* Enroll all students returning from placements in the juvenile justice system promptly after they return to New York City;
* Create and implement appropriate education plans for students with Individualized Education Program (IEPs) in DOE schools in detention and placement;
* Ensure students with IEPs returning to DOE from court-ordered setting receive timely and appropriate special education services and placements;
* Request the student’s educational records from the non-DOE court-ordered setting, if those records have not been provided; and,
* Evaluate any transcripts or attestations of credit accumulation for returning high school students and award such credits towards a high school diploma.

The Legal Aid Society and Advocates for Children have monitored compliance with the City settlement and, after four extensions terminating on September 30, 2016, we are pleased to report that we have witnessed great progress. The *J.G.* settlement has successfully improved educational services to the students in detention and placement and to students returning from detention and placement. The timeliness of re-enrollment in community schools, the timeliness of IEP development, the consistency of transcript review and the award of credit have all improved drastically. Pursuant to a side agreement, DOE has continued to report data for the 2016-2017 school year to the Legal Aid Society and Advocates for Children and respond to *J.G.*-related concerns.

**Outreach and Awareness**

1. ***How do people know that your PTIC can assist them with their juvenile justice-involved youth?***

Advocates for Children’s contact information is first on the list of organizations that provide representation at suspension hearings in the letter generated by the NYC Department of Education that every family receives when a student is subject to a suspension for more than 5 days. Additionally, Ana Espada, our lead advocate at suspension hearings, is well-respected by DOE staff in the suspension hearing offices throughout the city and regularly receives referrals from hearing officers and professionals at other organizations. Sometimes, families who call us about a suspension will have juvenile justice issues as well.

In addition, AFC has developed partnerships with organizations that serve court-involved youth, and these organizations know they can refer families to us for assistance. Finally, AFC staff conducts outreach and workshops and distributes guidebooks and fact sheets on legal rights and other information relevant to students who are court-involved..

**Technical Assistance for PTIs and CPRCs**

1. ***What is the most important information (legislation, existing resources, ED guidance, DOJ guidance, etc.) that a PTI and a CPRC must have in order to provide assistance to juvenile justice involved families? Where can PTIs and CPRCs go for ongoing technical assistance?***

We read every New York and local law, state and local regulation, and state and local policy document concerning the provision of educational programs to incarcerated and detained youth. We stay abreast of hearings and convening by the New York State Education Department, New York City Department of Education, New York City Administration for Children’s Services, New York City Council, and New York City Department of Correction related to the education of court-involved youth and participate when appropriate. We read guidance packages developed by the U.S. DOE Office for Civil Rights and Department of Justice, as well as other best practices reports. We stay up-to-date on changes in the juvenile and criminal justice systems that impact where New York City youth receive education when in juvenile detention or placement, or incarcerated. We also collaborate with juvenile and criminal defense providers, alternative to detention and alternative to incarceration program providers, and social service agencies that help court-involved youth to provide and receive ongoing technical assistance.

Some additional local documents with important information include: police department policies and practices in schools; the Memorandum of Understanding between the city, the school district, and the police department that delineates the roles of educators and law enforcement in schools; and the school district policy on federal immigration agency requests for student information and access to students.

In addition, we are part of a national network of juvenile Justice and education lawyers. In this network, we have a national list serve where we share information and resources, participate in conferences and webinars, and make and receive referrals for technical assistance.