



New York State
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity

Raise the Age Update

New York State
Board of Regents
P-12 Committee
Meeting
November 4, 2019

AGENDA

2

- Overview of the Law
- Overview of the Types of Facilities
- Categories of Offenders
- Educational Programs in Justice System Settings
- NYSED's Raise the Age Implementation to Date
- Next Steps

Presenters

- ❖ Kathleen DeCataldo, Assistant Commissioner, Office of Student Support Services
- ❖ Tim Bromirski, Director Bureau of Education Services, Division of Juvenile Justice and Opportunities for Youth, Office of Children and Family Services
- ❖ Chris Suriano, Assistant Commissioner, Office of Special Education
- ❖ Marybeth Casey, Director Office of Curriculum and Instruction

Overview of the Raise the Age Law

- ▶ Signed into Law on April 10, 2017
- ▶ Prohibits 16- and 17- year olds from being held in adult jails and prisons
- ▶ Makes substantive changes to the procedures and mechanisms used to process 16- and 17- year olds in the criminal and juvenile justice systems
- ▶ Allows for additional services for youth and alters the types of detention and/or placement they may receive

Overview of the Raise the Age Law

- ▶ Implementation was phased in over a two year period:
- ▶ October 1, 2018: law took effect for 16-year old youth
- ▶ October 1, 2019: law took effect for 17-year old youth

Riker's Island

- **RTA law prohibits the placement of youth at Riker's Island**
 - April 1, 2018: All youth under the age of 18 must be removed from Riker's Island, to the extent practicable
 - October 1, 2018: All youth must be removed from Riker's Island

Raise the Age Facility by Type

7

Non-Secure Detention

Secure Detention

Specialized Secure Detention

OCFS-Administered Facilities (DJJOY)

Voluntary Agencies/Foster Care Agencies

DOCCS Facilities

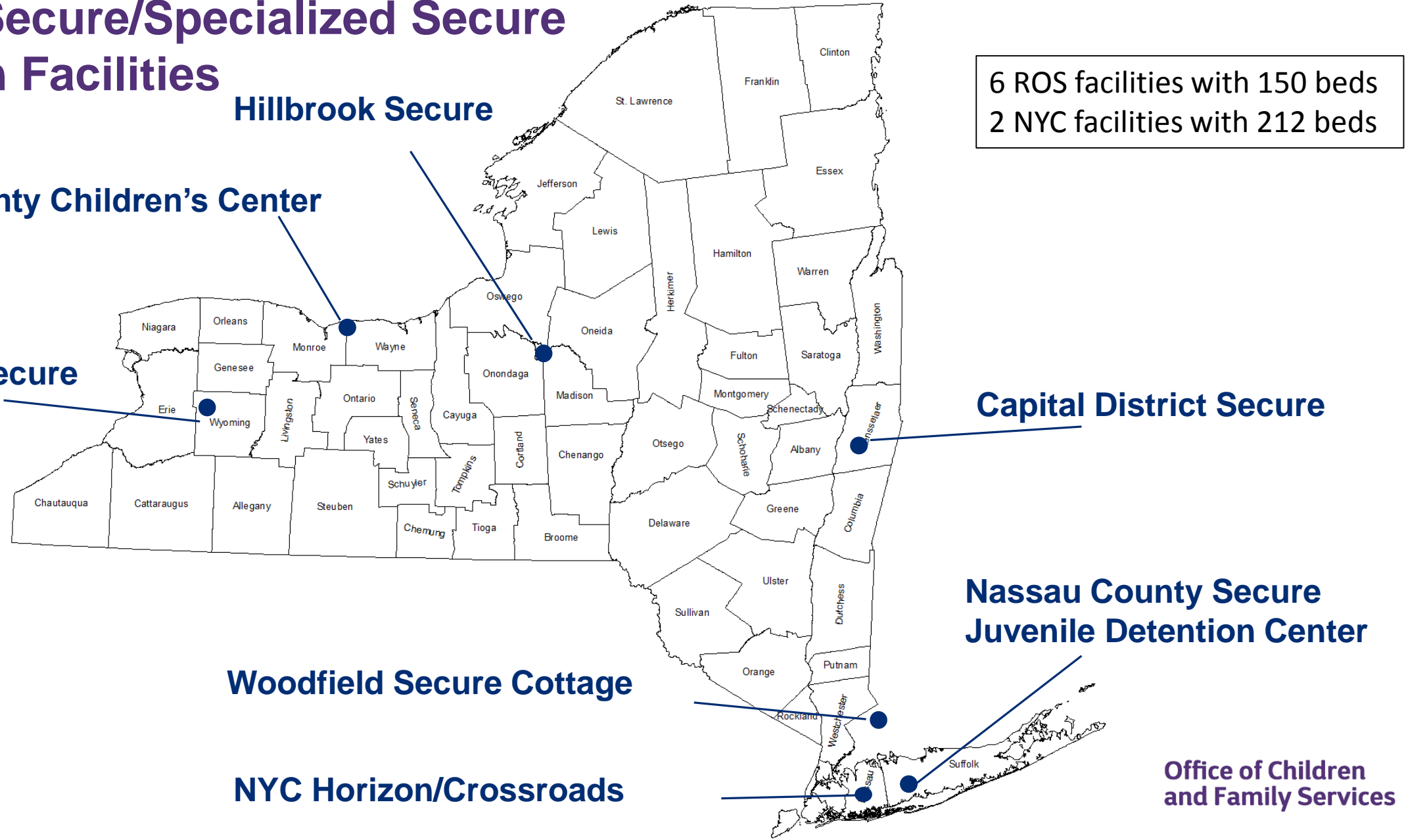
Three Types of Pre-Sentence Confinement

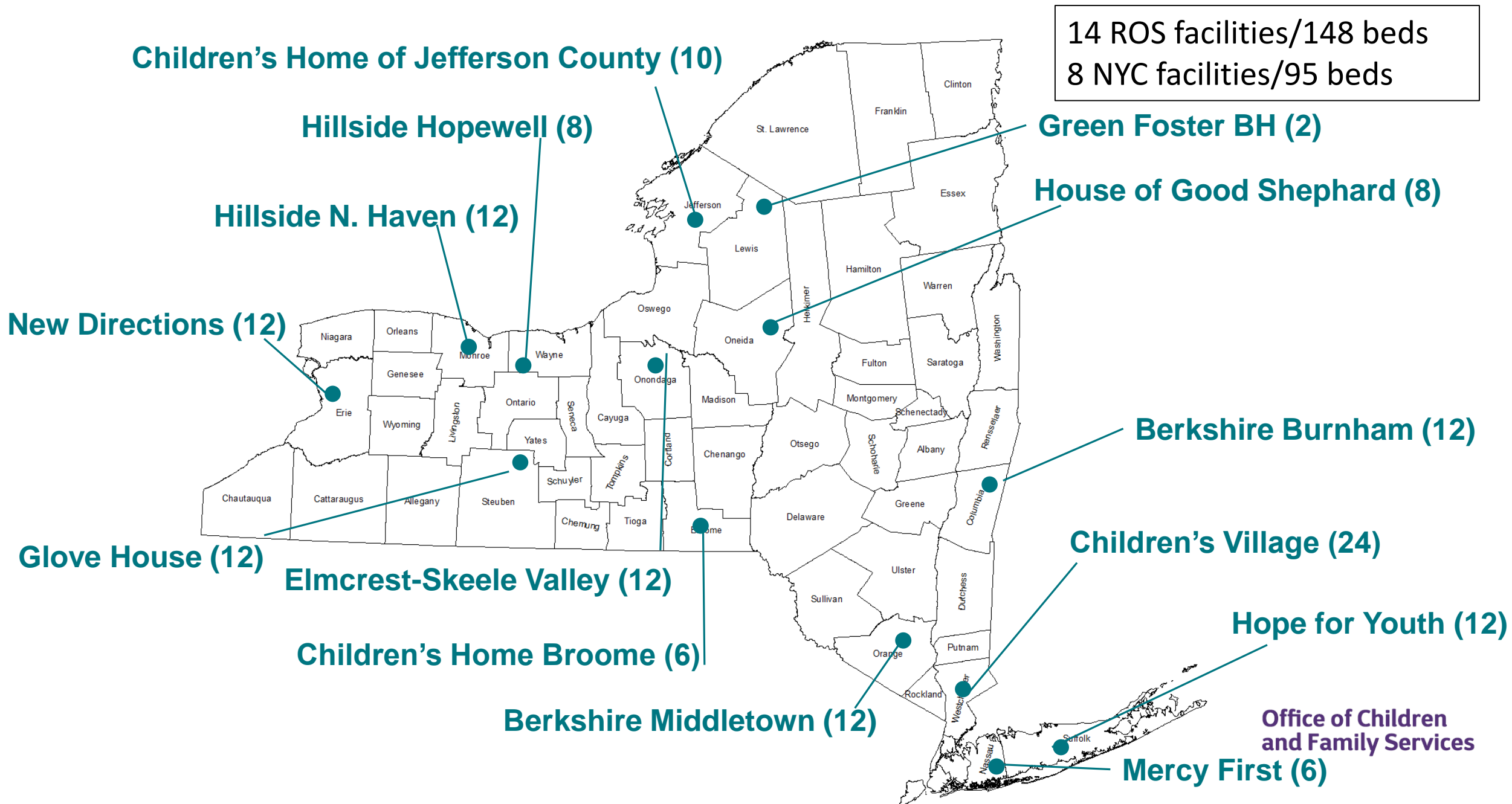
New Specialized Secure
Juvenile Detention
Facilities

Existing Secure
Juvenile Detention
Facilities

Existing Non-Secure
Juvenile Detention Facilities

Current Secure/Specialized Secure Detention Facilities





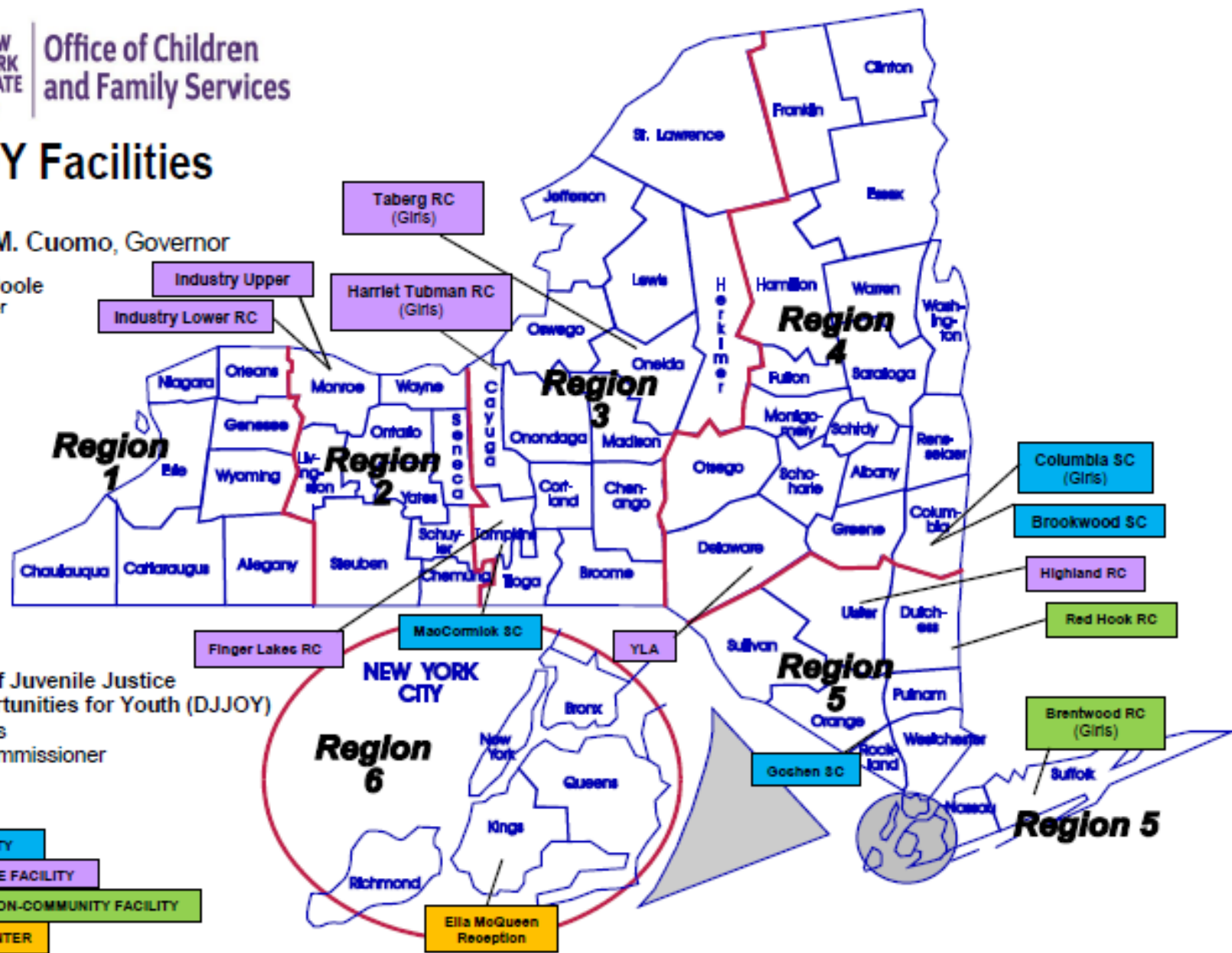


Office of Children
and Family Services

DJJOY Facilities

Andrew M. Cuomo, Governor

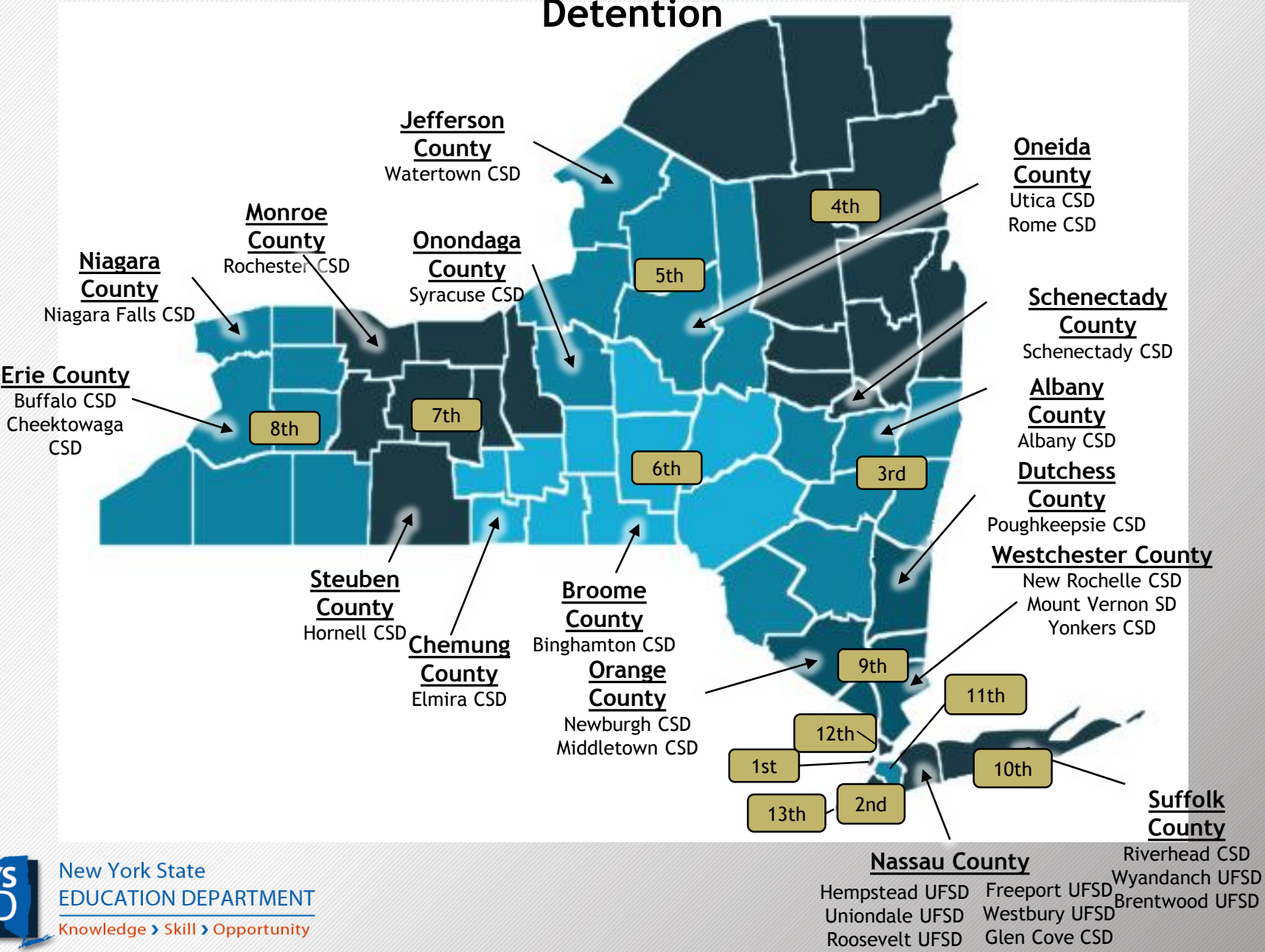
Sheila J. Poole
Commissioner



Division of Juvenile Justice
and Opportunities for Youth (DJJOY)
Ines Nieves
Deputy Commissioner

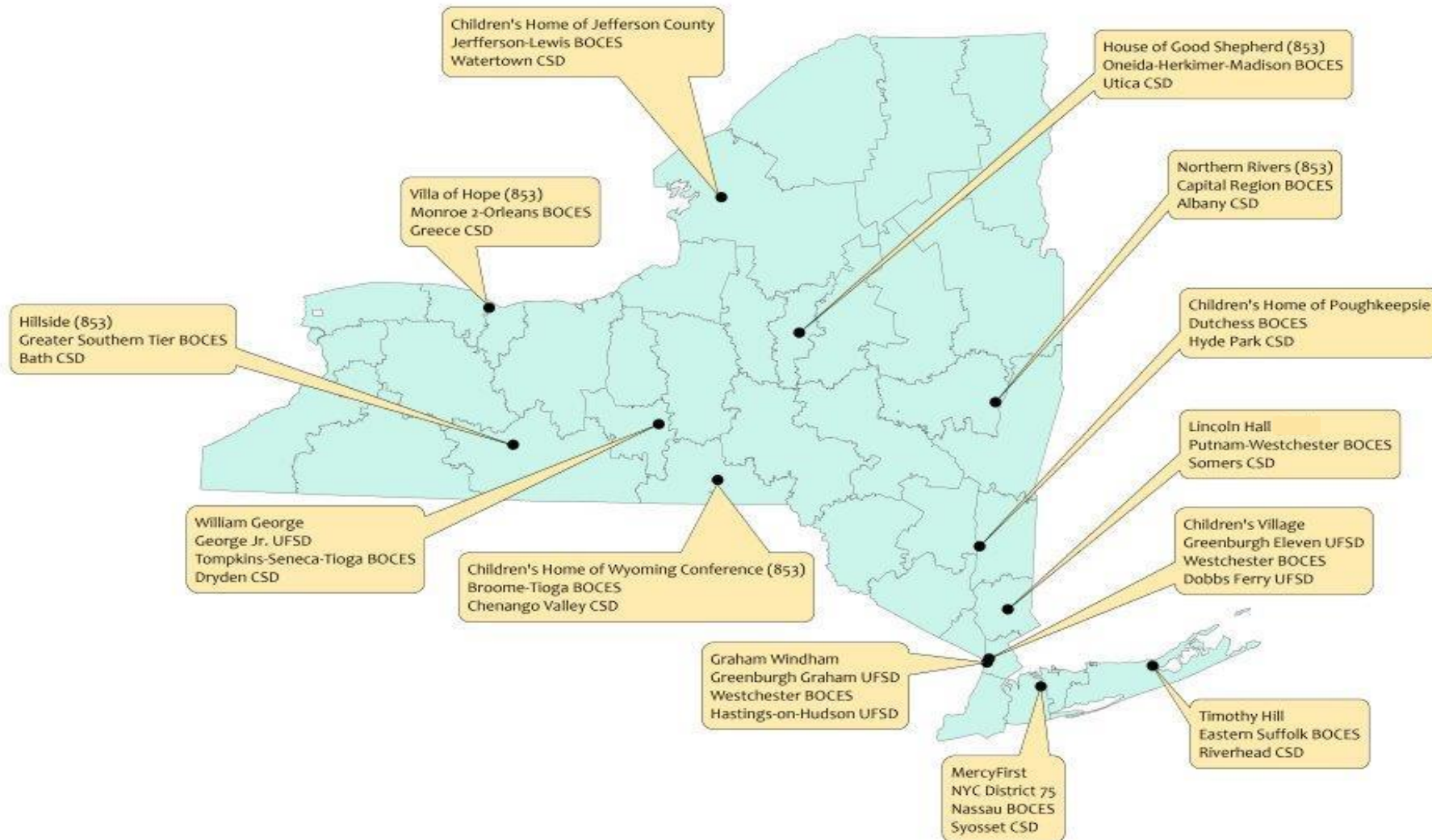
- SECURE FACILITY
- LIMITED SECURE FACILITY
- NON-SECURE/NON-COMMUNITY FACILITY
- RECEPTION CENTER

Rest of State School Districts with Greatest Number of Students in Detention



Raise the Age Voluntary Agencies

Affiliated Article 81/Chapter 853 School, Special Act School Districts, local BOCES and Districts



New York City Detention

14

- **Non-Secure Detention**
 - Group homes house up to 12 youth, in Queens, Manhattan, Brooklyn, and the Bronx.
- **Secure Detention**
 - Crossroads Juvenile Center in Brownsville, Brooklyn.
- **Specialized Secure Detention**
 - Part of Crossroads Juvenile Center
- **Specialized Juvenile Detention**
 - Pre-RtA youth from Rikers housed at Horizon Juvenile Center, in the Mott Haven section of the Bronx.

New York City Close to Home

15

- 2012 - New Law allows NYC youth involved with the Juvenile Justice system to be placed in residential programs closer to their families and communities.
- Under Close to Home, young people receive therapeutic services at small group homes in or near the five boroughs where they are close to resources that can support their treatment and transition back into their communities.
- ACS oversees two types of residential placement services for adjudicated youth: Non-Secure Placement (NSP) and Limited-Secure Placement (LSP).

Three Types of Offender Categories

16

Juvenile
Delinquent

Juvenile
Offender

Adolescent
Offender

Juvenile Delinquent (JD)

JD classification is extended to include 16- and 17-year-olds under the appropriate circumstances

- **Age:** Under 16-years-old at the time of the offense
 - **Alleged Crime:** Lower level felony or a misdemeanor
 - **Court:** Family Court
 - **Pre-trial Detention:** Existing secure or non-secure juvenile detention facility licensed by OCFS
 - **Probation Service:** Eligible and suitable youth may receive adjustment services
 - **Probation Supervision:** Not to exceed two (2) years consistent with current law
 - **Post-sentence confinement:** Existing OCFS limited secure or non-secure facility or voluntary agency (OCFS or Local Departments of Social Services (LDSS) custody)
- **Age:** 16- or 17-years-old at the time of the offense
 - **Alleged Crime:** misdemeanor
- **Age:** 16- or 17-years-old at the time of the offense
 - **Alleged Crime:** non-violent or violent felony offense (VFO) AND was removed to Family Court by the Youth Part

Juvenile Offender (JO)

- **Age:** 13- to 15-years-old at the time of the offense
- **Alleged Crime:** Select set of serious offenses (e.g. murder, manslaughter, rape, robbery 1)
- **Court:** Youth Part of Superior (Criminal) Court
- **Pre-trial Detention:** Existing local detention facilities licensed by OCFS
- **Probation Service:** Eligible for voluntary case planning services prior to conviction
- **Probation Supervision:** JOs will receive probation terms consistent with current law
- **Post-Sentence Confinement:** Existing OCFS Secure Facilities

Adolescent Offender (AO)

- **Age:** 16- or 17-years-old at the time of the offense
- **Alleged Crime:** Felony; if convicted, current adult sentencing applies
- **Court:** Youth Part of Criminal (Superior) Court
- **Pre-trial detention:** New “specialized secure juvenile detention facilities for older youth”
- **Probation Service:** Eligible for voluntary case planning services prior to conviction
- **Probation Supervision:** AOs will receive probation terms consistent with current law
- **Post-Sentence Confinement Options:**
 - Definite sentence of one year or less – new specialized secure juvenile detention or Office of Children and Family Services (OCFS) secure facility (judicial choice)
 - Sentence of one year or more and under 18-years-old at sentencing – new Department of Corrections and Community Supervision (DOCCS) AO facility
 - Sentence of one year or more and 18 or older at sentencing – existing DOCCS adult facility

Educational Programs in Justice System Settings

Transition Liaisons and ESSA

- ESSA requires every Local Educational Agency (LEA) to designate a Transition Liaison.
- The Transition Liaison will facilitate a student's effective educational transition into, out of, and between residential facilities and academic settings.
- NYS's approved ESSA Plan has a number of steps outlined intended to improve these transitions – including the creation of the Transition Liaison Advisory Group.
- Goal is to ensure that each student receives the appropriate support, services and educational opportunities they need in order to be successful.

Transition Liaison Advisory Group

- Representatives from, OCFS, DCJS, DOCCS, OASAS, NYCDOE, Big 4 School Districts, student advocates, detention facilities, etc.
- Divided into workgroups/subcommittees focused on the topics of:
 - Comparable Education
 - Transition Liaison Responsibilities
 - District Responsibilities
 - Uniform Transition Plan Template
 - Secure Electronic Transfer of Records
 - Uniform Documents/Forms
- Deliverables include Statewide Transition Plan

Funding the Article 81 / 853 Schools and Special Act School Districts serving the RtA Voluntary Agencies

23

- NYSED received approval to pursue targeted Hold Harmless funding to ensure that the schools are reimbursed for additional expenses incurred and for underutilized capacity as a result of implementing RtA programs.

Next Steps

- The Department will continue to work with OCFS, DCJS, DOCCS, detention providers and the foster care agencies to implement RtA, taking into consideration the various educational settings and programs that need to be either enhanced or created to serve the educational needs of youth being placed in the varied settings under RtA.
- The Department will continue to work with the Transition Liaison Advisory Group to define the role of transition liaisons and develop appropriate guidance, forms and training to ensure educational opportunities for system-involved youth while they are placed out-of-home and when they return to their home school district, including piloting a re-entry circle training this fall to help Districts provide a supported return to a home school district for youth.

Next Steps

- The Department will implement a “Hold Harmless” funding methodology as approved by the Division of the Budget in collaboration with OCFS and impacted Special Act School Districts and private Article 81 / Chapter 853 Schools for students placed pursuant the RtA initiative.

Legislative Next Steps

26

- The Department will propose statutory change to require school districts in which a juvenile justice or DOCCS facility is located to issue a diploma for students who meet graduation requirements while placed in such facility.
- The Department will propose statutory change to authorize the transfer of student records from school districts to juvenile justice facilities, county correctional facilities and DOCCS and between these facilities, without parental consent, to facilitate students receiving an appropriate education in as timely a manner as possible.

Regulatory Next Steps

Proposed Changes to Commissioner's Regulation CR § 100.5(d)

27

- Students who attend educational programs operated by juvenile and criminal justice agencies other than the OCFS are not automatically granted credit for their coursework.
- In 2014, CR § 100.5(d) was amended to require principals of registered public high schools to grant transfer credit to a student for credit earned while the student attended an educational program administered by OCFS, upon attestation that:
 - instruction by a certified teacher
 - completed coursework aligned with the NYS learning standards, and
 - meets the requirements for the award of units of credit including 180 minutes of instruction/week or the equivalent.
- The proposed amendment extends the attestation provisions to additional settings where system-involved youth are receiving an education.

Regulatory Next Steps

Proposed Changes to Commissioner's Regulation CR § 100.5(d)(5)

28

- Due to the unique nature of the education programs offered by juvenile/criminal justice system facilities, students receive extensive PE, but most classes are taught by recreational specialists, not certified PE teachers.
- The proposed amendment to CR § 100.5(d)(5) exempts these students from the 2 credit requirement in PE to meet diploma requirements. Such students will be required to earn $\frac{1}{4}$ unit of PE credit for every semester they are enrolled in a registered high school. They will be excused from the units of credit they would have earned while detained in a juvenile/criminal justice system facilities
- The Department further proposes an amendment to allow students who have earned the required credits in PE but may need more than 8 semesters to graduate, to be permitted to stop enrolling in PE courses.

