

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

Jointly with

COMMITTEE ON GENERAL WELFARE

And

COMMITTEE ON CRIMINAL JUSTICE

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April 21, 2021
Start: 10:05 a.m.
Recess: 1:20 p.m.

HELD AT: Remote Hearing - Virtual Room 1

B E F O R E: Mark S. Treyger
Chairperson, Education

Keith Powers
Chairperson, Criminal Justice

Stephen T. Levin
Chairperson, General Welfare

COUNCIL MEMBERS:
Alicka Ampry-Samuel
Inez D. Barron

Joseph C. Borelli
Justin L. Brannan
Robert E. Cornegy, Jr.
Daniel Dromm
James F. Gennaro
Barry S. Grodenchik
Ben Kallos
Brad S. Lander
Mark Levine
Farah N. Louis
I. Daneek Miller
Kevin C. Riley
Ydanis A. Rodriguez
Deborah L. Rose
Rafael Salamanca, Jr.
Eric A. Ulrich
Darma V. Diaz
Vanessa L. Gibson
Antonio Reynoso
Robert F. Holden
Carlina Rivera
James G. Van Bramer

A P P E A R A N C E S (CONTINUED)

Tim Lisante
DOE Executive Superintendent

Robert Zweig
Superintendent District 79

Nick Marinacci
Deputy Superintendent Alternative Schools

Charles Barrios
Associate Commissioner Department of Children's
Services

A P P E A R A N C E S (CONTINUED)

Stephanie Dueno
Director of Educational Services

Johan Peguero
Assistant Commissioner Close to Home Division of
Youth and Family Justice

Francis Torres
Assistant Commissioner Department of Corrections

Stacey King
Executive Director of Educational Services

Sharlisa Walker
Assistant Deputy Warden Robert N. Davoren
Complex

Julia Davis
Children's Defense Fund of New York

Charlotte Pope
Girls for Gender Equality

Daniele Gerard
Children's Rights

Cheavanese Diedrick
Trinity Church Wall Street

Gisele Castro
Exalt Youth

A P P E A R A N C E S (CONTINUED)

Melinda Andra
Legal Aid Society

Stefen Short
Legal Aid Society

Mary Lynne Werlwas
Legal Aid Society

Nancy Ginsburg
Legal Aid Society

Stephany Betances
Brooklyn Defender Services

Nikki Woods
New York County Defender Services

Crystal Baker-Burr
Bronx Defender Services

Kelly Grace Price
Close Rosie's

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COMMITTEE ON CRIMINAL JUSTICE 6

2 UNIDENTIFIED: EC started

3 UNIDENTIFIED: Recording to the cloud all
4 set.

5 UNIDENTIFIED: Back-up is rolling.

6 SERGEANT AT ARMS: Thank you. Good
7 morning everyone. Welcome to today's remote New York
8 City Council hearing of the Committees on Education,
9 Criminal Justice, and General Welfare. At this time,
10 would all panelists please turn on your video? To
11 minimize disruption, please place electronic devices
12 to vibrate or silent. If you wish to submit
13 testimony, you may do so at
14 testimony@council.nyc.gov. Again, that's
15 testimony@council.nyc.gov. Thank you for your
16 cooperation. Chairs, we are ready to begin.

17 CHAIRPERSON TREYGER: Good morning, and
18 welcome to the Committees on Education, Criminal
19 Justice, and General Welfare's hearing on education
20 programming in jails and juvenile detention. My name
21 is Mark Treyger and I'm the Chair of the Committee on
22 Education. I am joined by my colleagues Keith
23 Powers, Chair of the Committee on Criminal Justice,
24 and Stephen Levin, Chair of the Committee on General
25 Welfare, and whom we will hear from shortly. I'd

2 like to thank the Department of Education, Department
3 of Children's Services, and the Department of
4 Correction for being here today to provide testimony
5 and answer Council Member questions on this
6 critically important topic. Court-involved youth or
7 those students that are arrested and detained or
8 incarcerated will have the same rights to a free and
9 appropriate education as their peers. State
10 education law is clear, that court-involved youth
11 under the age of 21 and who do not have a high school
12 diploma shall be provided education by the school
13 district which their facility is in. Here in New
14 York City, District 79 is the City's alternative
15 schools district. This includes juveniles,
16 adolescents and young adults who are in the justice
17 system. All the important issues the Committee on
18 Education has touched on this last year, including
19 mental health supports, social/emotional learning,
20 access to special education resources, inadequate
21 technology, among others are equally necessary for
22 court-involved youth. Just because a student enters
23 the justice system does not mean our obligation to
24 provide all the educational resources they need to
25 academically succeed ends. In fact, they need more.

3 Justice system involvement often impedes educational
4 progress. According to the Juvenile Law Center, 66
5 percent of youth in the juvenile justice system drop
6 out, 66 percent. That is a high barrier to success
7 in life. During this hearing, I look forward to
8 hearing from the Administration on what steps it is
9 taking to make sure that court-involved youth are
10 receiving the education they deserve and are entitled
11 to under the law. Deficiencies will need to be
12 explained. Remedial measures to make up for academic
13 loss due to COVID will need to be explained.
14 Resources, or the lack thereof, will need to be
15 identified as well as how those resources are being
16 spent. Pre-pandemic, this set of students were often
17 an afterthought. The pandemic has not changed that,
18 but has certainly added to the obstacles and
19 challenges faced by these students. I expect the
20 Administration to be prepared to answer committee
21 member questions with forthrightness and for those
22 questions where an answer is not readily available, I
23 do expect the Administration to take the lead and
24 actually follow through with answers by close of
25 business this Friday, April 23rd. Finally this
committee will also hear Introduction 1224 sponsored

2 by Council Member Danny Dromm, a local law that would
3 require the DOE, ACS, and DOC to issue a yearly
4 report on educational stats and related incidents
5 pertaining to juvenile delinquents, juvenile
6 offenders, and adolescent offenders in ACS and DOC
7 facilities. Before turning to Chairs Powers and
8 Levin for their opening remarks, I want to thank the
9 Committee Staff, Malcolm Buttehorn [sp?], [inaudible]
10 Johnson, Jen Atwell [sp?], Chelsea Betamore [sp?],
11 [inaudible], Frank Perez [sp?], and my own staff,
12 Anna Stay [sp?], Vanessa Ogle [sp?], Marie Anderson
13 [sp?], and Jeanine Caracetti [sp?], for preparing for
14 today's hearing. I will now turn to my colleague,
15 Chair Powers.

16 CHAIRPERSON POWERS: Thank you Chair
17 Treyger and good morning everyone. Thank you for
18 joining us here today. I am City Council Member Keith
19 Powers, Chair of the Criminal Justice Committee here
20 in the City Council. I'm glad that you all have been
21 able to join us remotely today for our joint hearing
22 on educational programming in jails and juvenile
23 detention. I actually was at Rikers yesterday and we
24 did talk about this a bit, related to young adults
25 and education and programming, so this is good timing

2 in terms of this conversation. I think as folks
3 know, on any given day there are approximately 450 to
4 500 young adults between the ages of 18 and 21 in DOC
5 custody. These young adults are entitled to an
6 education to help them archive a high school diploma
7 or a high school equivalency diploma. During the
8 suspension of in-person learning due to COVID-19,
9 students out of Rikers Island went weeks without
10 receiving additional educational programming and
11 could not communicate with teachers or other
12 educational staff to get support with their learning.
13 Instead, students had to rely on packets of paper
14 worksheets, something that was reiterated to us
15 yesterday by staff and confirmed yesterday by staff.
16 So today we'll be asking DOE and DOC to tell us how
17 they are addressing the educational disadvantages of
18 young adults in custody caused or exacerbated by the
19 pandemic. We have a lot of questions here and
20 concerns including the quality of education young
21 adults receive will in DOC custody. Due to the
22 rising levels of violence, educational programming is
23 frequently interrupted by alarms and lock-downs
24 making it difficult and sometimes impossible for
25 young adults to learn. Further, they may be shackled

2 to restraint desks during school sessions, something
3 we have seen up close and personal. DOC was required
4 to end the non-individualized use of restraint desks
5 by April 15th, which is a week ago, 2021. We of
6 course would like to know whether that has ended and
7 how DOC tailors their policies to ensure the least
8 amount of disruptions in educational programming.
9 It's obvious that education is a critical key to
10 rehabilitation and successful re-entry for young
11 adults. Today, I look forward to hearing from the
12 Department about ways in which its policies,
13 practices, and programs support the goal of ensuring
14 young adults have an adequate education when
15 released. With that said, I want to thank the
16 Committee Staff here of the City Council for putting
17 together this hearing. I want to thank both Chairs
18 for their work and their effort to put this hearing
19 together as well, and all the Council Members will be
20 acknowledged momentarily. I want to just now hand it
21 over to Council Member Steve Levin who is the Chair
22 of the Committee on General Welfare to give his
23 opening remarks as well.

24 CHAIRPERSON LEVIN: Thank you very much,
25 Chair Treyger. Give me one moment, I will bring up

2 my opening remarks. Thank you. Please bear with me,
3 I am doing double duty with my children this morning,
4 so. Okay. Good morning everybody and welcome to
5 this hearing on educational programming in jails and
6 juvenile justice. I'm Council Member Steve Levin,
7 Chair of the Committee on General Welfare. I want to
8 thank my colleagues Council Member Mark Treyger,
9 Chair of the Committee on Education, Council Member
10 Keith Powers, Chair of the Committee on Criminal
11 Justice for convening today's hearing. Committee on
12 Education will be hearing Intro. 1224 sponsored by
13 Council Member Danny Dromm which is a Local Law in
14 relation to requiring the Department of Education,
15 the Administration of Children's Services, and
16 Department of Correction for to report on educational
17 programming for juvenile delinquents, juvenile
18 offenders, and adolescents offenders. As you may
19 know, some of the Council's committees have been
20 recently reorganized. Issues related to juvenile
21 justice are now within the purview of the General
22 Welfare Committee. In May 2020, due to the COVID-19
23 pandemic, ACS released a revised plan for their
24 providers related to modifying staffing and training
25 requirements in congregate settings. In addition to

2 the health and safety concerns for youth and staff in
3 congregate settings, there's also much concern about
4 adequate access for remote learning for youth in
5 these detention settings. Problems persist for
6 students in jails and detention facilities as it
7 relates to sufficient access to instruction and
8 learning materials. Even when devices are available
9 for youth, access to technology for youth in
10 detention is dependent on behavior with devices
11 taking away-- with devices being taken away as
12 punishment. In place of those devices students are
13 administered a paper packet for lessons. As reported
14 by The City, the news organization The City, ACS and
15 DOE are working to expand access through secure voice
16 communication for remote learning, as well as
17 expanding tutoring services. However, there's been
18 no timeline to implementing such a change. In
19 today's hearing, the Committee will seek a better
20 understanding of ACS's effort to ensure that
21 appropriate safety measures, adequate resources and
22 quality education are provided for youth in detention
23 facilities. I want to thank advocates, members of the
24 public, and those with lived experience for joining
25 us remotely today. Thank you representatives from

2 the Administration for joining us, and I look forward
3 to hearing from you on these critical issues, and I
4 want to thank my staff, my Chief of Staff Jonathan
5 Buche [sp?], my Legislative Director Nicole Hunt, and
6 Committee Staff Amenta Killawan [sp?], Senior Counsel
7 Crystal Pond [sp?], Senior Policy Analyst Natalie
8 Omery [sp?], Policy Analyst Dan Croup [sp?], Finance
9 Analyst. Thank you so much. I'll turn it back to
10 over to Chair Treyger. Thank you.

11 CHAIRPERSON TREYGER: Thank you Chair
12 Levin and thank you Chair Powers. I just want to
13 note that we've been joined by Council Members Dromm,
14 Council Member Riley, Council Member Rose, Council
15 Member Diaz, Council Member Grodenchik, Council
16 Member Holden, Council Member Borelli, Council Member
17 Louis, Council Member Gennaro, Council Member
18 Brannan, Council Member Rivera, Council Member
19 Barron, Council Member Kallos, and Council Member
20 Lander, and if we missed anyone, my apologies. We'll
21 make sure we are-- we'll list you. And with that, we
22 will now hear from the Administration.

23 COMMITTEE COUNSEL: First, we're going to
24 hear from Council Member Danny Dromm who's going to
25 speak quickly on the bill.

2 CHAIRPERSON TREYGER: Oh, yes, my
3 apologies. Yes, Chair Dromm, please, absolutely.

4 COUNCIL MEMBER DROMM: Thank you. Thank
5 you very much. I just need to switch back because
6 one of my devices went out on me. So just bear with
7 me one moment, if I may. Thank you very much. My
8 first impression of the East River Academy, the
9 Department of Education's program at Rikers Island
10 was deeply troubling. From this and subsequent
11 there's new stories and conversations, a partial
12 picture emerged. Corrections Offices, for example
13 shackled students to desks and indiscriminately
14 sprayed chemical weapons into classrooms in response
15 to incidents. Needless to say, it was an environment
16 that was not conducive to teaching or learning. If
17 any educational setting needed intensive oversight,
18 it was East River Academy, yet very little
19 information even on basic metrics was available. The
20 2016 Education Committee hearing that I chaired only
21 highlighted these gaps in our knowledge. The next
22 year the Council passed and the City enacted my
23 legislation requiring reporting on the education
24 system for incarcerated adolescents and young adults
25 up to age 21 including statistics on attendance

2 rates, standardized test scores, the rates of
3 violence, and other key indicators. After the Raise
4 the Age and the bulk of the 16 and 17-year-olds
5 moving out of Rikers, it became clear that these
6 reporting requirements would need to be expanded to
7 our juvenile justice system. There is much to
8 criticize about our juvenile justice system, but it
9 is undoubtedly a much better place than our jails.
10 With administration staff equipped with training on
11 youth issues, at least the possibility exists of
12 impacting young lives positively. Operating under
13 the Raise the Age and now COVID, Passages Academy has
14 faced several major challenges over the past few
15 years. What has not changed is the critical role
16 education plays in ensuring our young people do not
17 ever experience jail or prison. As responsible
18 policy makers, we need the relevant data to monitor
19 this key component of our city's transition to
20 evidence based criminal and juvenile justice systems,
21 and that is what Intro. 1224 requires the City,
22 excuse me, to provide. Thank you Chairs Treyger,
23 Powers, and Levin for joining forces on this issue.
24 I look forward to hearing from the Administration and
25 from the advocates. Again, thank you very much, and I

2 apologize for not having a picture, but one of my
3 devices went out. Thank you again.

4 COMMITTEE COUNSEL: Thank you, Council
5 Member Dromm. I am not going to go over some
6 procedures for today's hearing and then we will go
7 ahead and swear in the Administration. We also want
8 to recognize that we've been joined by Council
9 Members Adams and Cornegy. So, thank you Chairs
10 Treyger, Powers, and Levin. Good morning everyone,
11 and welcome to today's joint Education, Criminal
12 Justice, and General Welfare April hearing. I am
13 Malcom Butehorn, Counsel to the Education Committee.
14 Before we hear testimony from the Administration, as
15 with all Education virtual hearings held to date,
16 there are a few reminders I would like to go over. I
17 will be calling on witnesses to testify in panels of
18 four to five persons. So, please listen for your
19 name to be called. I will be announcing in advance
20 who the next panel will be. Once your name is
21 called, a member of our staff will unmute you, and
22 the Sergeant at Arms will give you the go ahead to
23 begin after setting the timer, so please listen for
24 that cue. All public testimony will be limited to
25 two minutes. At the end of the two minutes, please

2 wrap up your comments, so we can move on to the next
3 panelists. Council Members present, for those of you
4 who have questions for a particular panelist, please
5 use the raise hand function in Zoom and I will call
6 on you in the order in which you raised your hand
7 after the whole panel has completed testimony. We
8 will be limiting Council Member questions to five
9 minutes. This includes both questions and answers.
10 Please note that for the purposes of this virtual
11 hearing, we will not be allowing a second round of
12 questioning. Chairs present, please hold your
13 questions until the conclusion of an entire panel
14 giving their testimony. Then I will call on you in
15 the order with which you gave your opening
16 statements, and then I will turn to committee
17 members. I will now call on the following members of
18 the Administration to testify and answer questions.
19 From the Department of Education we have Executive
20 Superintendent Tim Lisante, Superintendent of
21 District 79 Robert Zweig, and Deputy Superintendent
22 for Alternative Schools Nick Marinacci, from the
23 Department of Children's Services we have Associate
24 Commissioner Charles Barrios, Juvenile Justice
25 Programs and Services Division of Youth and Family

2 Justice. We have Stephanie Dueno, Director of
3 Educational Services Division of Youth and Family
4 Justice, and Johan Peguero, Assistant Commissioner
5 Close to Home Division of Youth and Family Justice.
6 From the New York City Department of Correction we
7 have Francis Torres, Assistant Commissioner of
8 Education and Youth Advocacy Services, Stacey King,
9 Executive Director of Educational Services, and
10 Sharlisa Walker, Assistant Deputy Warden Robert M.
11 Davoren Complex. I will first read the oath and
12 then I will call on each of you to individually
13 respond. If you could please raise your right hands.
14 Do you affirm to tell the truth, the whole truth and
15 nothing but the truth before this committee and to
16 respond honestly to Council Member questions?
17 Executive Superintendent Lisante?

18 EXECUTIVE SUPERINTENDENT LISANTE: Yes.

19 COMMITTEE COUNSEL: Superintendent Zweig?

20 SUPERINTENDENT ZWEIG: Yes, I do.

21 COMMITTEE COUNSEL: [inaudible]

22 Marinacci?

23 DEPUTY SUPERINTENDENT MARINACCI: Yes, I

24 do.

25 COMMITTEE COUNSEL: Commissioner Barrios?

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2 COMMISSIONER BARRIOS: Yes, I do.

3 COMMITTEE COUNSEL: Stephanie Dueno?

4 STEPHANIE DUENO: Yes, I [inaudible].

5 COMMITTEE COUNSEL: Johan Peguero?

6 ASSISTANT COMMISSIONER PEGUERO: Yes, I

7 do.

8 COMMITTEE COUNSEL: Commissioner Torres?

9 COMMISSIONER TORRES: Yes, I do.

10 COMMITTEE COUNSEL: Stacey King?

11 EXECUTIVE DIRECTOR KING: Yes, I do.

12 COMMITTEE COUNSEL: And AD Warden Walker?

13 ASSISTANT DEPUTY WARDEN WALKER: Yes, I

14 do.

15 COMMITTEE COUNSEL: Thank you. Finally,

16 for question time, due to the large number of

17 administration officials present, anyone that will be

18 answering questions with the DOE, the first time you

19 answer a question, if you could please state your

20 name before you speak, it will make it more clear in

21 the official transcript who is speaking. Executive

22 Superintendent Lisante, whenever you are ready.

23 EXECUTIVE SUPERINTENDENT LISANTE: Thank

24 you. Good morning, Chairs Treyger, Powers, and

25 Levin, and all the members of the Committee of

2 Education, Criminal Justice, and General Welfare here
3 today. My name is Doctor Timothy Lisante. I'm an
4 Executive Superintendent [inaudible] schools which
5 includes D79, the District for Alternative Schools
6 and Programs at the New York City Department of
7 Education. I am joined by Robert Zweig,
8 Superintendent of District 79, and Nick Marinacci,
9 Deputy Superintendent for Alternative Schools, and
10 Deputy Superintendent Jacqueline Jones [sp?] here in
11 our office in Jamaica, Queens. I'm also joined by
12 other colleagues from the Administration of
13 Children's services, ACS, and Department of
14 Correction, the DOC. We are pleased to be here today
15 to discuss our work in providing educational
16 programming to detained and incarcerated youth and
17 young adults. One of D79's central missions is to
18 provide high-quality educational programs in
19 residential and correctional facilities serving New
20 York City students. To this end, D79 operates two
21 schools that we're going to discuss today, Passages
22 Academy in partnership with ACS, and East River
23 Academy, ERA, in collaboration with the DOC.
24 Providing education to these students is both a legal
25 and a moral obligation, and if we continue to invest

3 in and work hard to improve. While the COVID
4 pandemic has posted several operational challenges,
5 we have worked closely with both ACS and DOC to
6 provide students with instruction and support during
7 this challenging time. The DOE provides placed and
8 detained students with access to the same courses and
9 many of the similar extracurricular activities as
10 their peers in traditional schools. We assign
11 certified teachers, principals, assistant principals,
12 guidance counselors, social workers, and school
13 psychologists to provide academic and
14 social/emotional support to young people and adults
15 in detention and secure environments. The curriculum
16 is all standards based and aligned to each students'
17 individual educational pathway. Class sizes are
18 small and personalized as part of our continued
19 efforts towards knowing students so well that we can
20 better meet the students' individual academic and
21 social/emotional needs. At both DOC and ACS
22 facilities, we provide a robust supports for our
23 students. At Passage Academy, we have 20 student
24 support staff for 175 students which is about a nine
25 to one ratio of support. At ERA we have 14 staff
dedicated to student support and transition for 233

2 students which is a ratio of 16 to one. To ensure our
3 students are prepared for and supported upon their
4 exit from detention, we employ transitional
5 counselors whose primary responsibilities center on
6 supporting young people and adults when they are
7 released. Additionally, we partner with other
8 community-based organizations such as GOSO, Getting
9 Out Staying Out, Friends of Island Academy, and
10 Future Now, which is located on the campus of Bronx
11 Community College. We also assigned DOE staff to
12 support youth and adults with education counseling
13 when they return to their communities. Unlike other
14 jurisdictions in New York State, both of these
15 programs remain Passages and East River Academy, a
16 part of the New York City school system to provide
17 students with the automatic right to return to their
18 home school upon release. The true benefit of our
19 structure at D79 is that it encompasses both these
20 programs as well as the transfer high schools,
21 consortium schools, and international schools. This
22 means when a student transitions out of Passage
23 Academy or ERA, they can remain within the same
24 school district that already knows them. From day
25 one with this pandemic, we committed to supporting

2 our students in detention as they continue their
3 education. Both during a pandemic and in general,
4 our overarching challenge is how to most effectively
5 balance safety and security requirements with
6 providing high-quality education in these settings.
7 Our commitment remains that to provide each student
8 with personalized learning experiences and support
9 systems they need to achieve success in school and
10 beyond. I don't know how much time I have, but do I
11 have time to get into the two schools?

12 COMMITTEE COUNSEL: Yes.

13 EXECUTIVE SUPERINTENDENT LISANTE: First,
14 again, it's important to explain the differences
15 between the two schools. First, we'll talk about
16 Passage Academy which is our partnership with ACS.
17 First of all, it's a multi-sided school that provides
18 middle and high school academic instruction and
19 supports for students who are arrested for crimes
20 they were alleged to have committed prior to turning
21 age 18 and who are ordered to be detained pending
22 trial or placed in residential settings following the
23 trial. Students received instruction from certified
24 New York State teachers at the facility or attend
25 Passages Academy site, depending on their court-

2 ordered setting in detention or close to home. This
3 school year, Passages has 175 students enrolled
4 across the seven Passages sites. All Passage Academy
5 sites provide a full day of classes using a trimester
6 system. Passage Academy provides licensed subject
7 area in special education and counseling and teachers
8 and counselors and school leaders to meet the
9 educational needs of all students. It has 82
10 teachers for the 175 students, ensuring a highly
11 personalized educational experience for students.
12 The coursework as at any high school in New York City
13 is aligned to the state standards and instruction,
14 provides college-ready supports, and follows the New
15 York State high school graduation requirements.
16 Teachers are held to the same standards as their
17 colleagues in district schools. Our results during
18 this Administration demonstrates a real commitment
19 we've made to this program and to these students.
20 Over the last eight years, the middle school
21 promotion rate at Passage Academy has increased by 36
22 percent. Because of the small class sizes and
23 individual attention, we were able to provide the
24 course pass rate in the three last years, pre-
25 pandemic, was over 80 percent for all students,

3 including students with disabilities and English
4 language learners. On average, students earn nearly
5 six credits during their time at Passages, even
6 though the median length of enrollment was just 35
7 school days. We have redoubled our efforts
8 throughout the pandemic working closely again with
9 our partners at ACS to deliver meaningful education
10 to our students despite the many challenges caused by
11 this health crisis. Last summer and fall we formed a
12 School Reopening Committee comprised of district and
13 school leaders, our ACS partners and also our union
14 partners to proactively address barriers posed by the
15 pandemic and this unique population of students.
16 Understanding the need for our students to be
17 connected to remote learning, we collaborated with
18 ACS and distributed Chromebooks to all Passages
19 students so they would have access to technology for
20 instructional purposes. At the same time we
21 restructured our curriculum to make it more digitally
22 accessible. We have been pleased to implement
23 blending learning for youth in ACS care, just as
24 students citywide have done-- participated in blended
25 learning. We are hopeful that we will have further
opportunities for in-person learning in the fall as

2 soon as it's safe to resume in-person learning. We
3 continue to meet with ACS regularly to monitor the
4 progress and the processes and the student outcomes
5 while trouble shooting any issues that arise. Of
6 course, families are key partners in this work. Like
7 district schools, Passages has two fulltime parent
8 coordinators and one fulltime family and community
9 engagement liaison. We convene regularly parent
10 teacher conferences to ensure communication with
11 parents. With our students dealing with the
12 hardships and the pandemic, family engagement during
13 this time has been critical and we have continued to
14 pursue strong communication efforts through
15 educational planning meetings with parents and our
16 partners at ACS. Finally, additionally, we offer
17 significant guidance and services when it comes to
18 transitioning our students out of Passage Academy
19 when they leave. Transition counselors, specialists,
20 typically social workers and guidance counselors
21 develop a transition plan with the students while
22 they're in Passages. This includes short-term goals,
23 and most importantly, immediately next steps after
24 leaving Passages. The specialists engage with
25 students and their families about the key decisions

2 either to return to their previous school or to
3 transfer into a different school. These specialists
4 continue to follow up with the Passages students for
5 the first six months of their transition back into
6 the community. Now, I can talk about East River
7 Academy, our partnership with DOC on Rikers Island.
8 East River Academy is overseen by one principal and
9 it's fully staffed with 65 certified New York State
10 teachers and 59 staff including counselors,
11 administrators, and sports staff. ERA serves students
12 being detained between the ages of 18 and 21 in
13 Rikers Island, and educational services on Rikers
14 Island are not mandatory for this group of students,
15 because the young adults range in age from 18 to 21.
16 They have the discretion about attending school.
17 Currently, East River Academy has 233 students, and
18 we are proud that the city provides far more than the
19 three hours of educational instruction required in
20 jails by state educational law. In an effort to
21 continually improve students' outcomes, we
22 collaborate with the DC on a system that identifies
23 the education needs of each young person upon
24 admission as part of their orientation and to have
25 their educational goals and needs factored into their

2 housing placements while on Rikers Island. Much like
3 Passages Academy, very small students to teacher
4 ratio, about six to one, ensures a more personalized
5 approach at East River Academy. All students
6 enrolled in East River Academy pursue either a high
7 school or a high school equivalency pathway depending
8 on their age, how many credits they have and what
9 they prefer. Students on a high school pathway take
10 high school courses and earn credits while they're at
11 East River Academy. Students on a high school
12 equivalency pathway focus on preparing for the test
13 of assessment, secondary completion, which is the
14 task exam-- it's replaced the GED exam from years
15 ago-- which is required to earn a high school
16 equivalency diploma issued by New York State. Due to
17 the health and safety concerns presented by the
18 pandemic we have unfortunately not been able to
19 administer the high school equivalency exams on
20 Rikers Island. However, now that we've been able to
21 transition to blended learning and in-person learning
22 starting next month, we will be able to resume
23 monthly testing for those eligible and interested in
24 taking the high school equivalency exam at the East
25 River Academy. Again, once the pandemic hit, New

2 York City DOE convened with our agency partners at
3 the DOC and union partners to develop a plan that
4 would address our goals of providing high quality
5 education while ensuring that the safety and health
6 and security concerns are all met. At the beginning
7 of the school year, ERA started entirely with remote
8 learning in light of the health and safety issue.
9 The DOE partnered with DOC to provide paper packets
10 graded by our teachers and core academic subjects,
11 and they would deliver to students in their housing
12 area. Teachers then collected and reviewed these
13 packets for feedback and further instruction on a
14 biweekly basis. Students also had access to their
15 teachers and counselor by phone through hotlines
16 dedicated for this purpose, phone hotlines. In
17 addition In addition to the packets, DOC provided us
18 with access to computer tablets that provide the
19 population with supplemental programming. Our
20 teachers and students were able to use the tablet to
21 upload educational content and videos, carry out
22 assignments, and interact with students' questions.
23 Now we're happy to report that beginning April 5th,
24 teachers and support staff are providing both on-
25 site, in-person, and remote learning services for ERA

2 students at RNDC and Rose M. Singer Center. ERA
3 staff is also engaged in family support in a number
4 of ways. The schools hold parent/teacher conferences
5 regularly just like DOE schools do. ERA also
6 convenes a monthly parent support group at La Guardia
7 Community College where parents of current and former
8 students gather under the facilitate of a clinical
9 social worker to help manage the complex issues
10 connected with-- to having an incarcerated child. So
11 this is supporting parents in the community with
12 their children. Students can also attend this
13 support group with their families after they are
14 released. Despite the man obstacles presented by the
15 pandemic, we have continued our parent engagement
16 efforts through zoom meetings and parents and family
17 connection newsletters. And again, similar to
18 Passage Academy, we have 10 transition counselors at
19 East River Academy who work with these 233 students
20 at ERA to help them plan well in advance for their
21 next educational program. As mentioned earlier,
22 because of this program as part of the D79 network,
23 students have the opportunity to access the seamless
24 transition to a range of different educational
25 programs while remaining part of a district that they

2 are familiar with and has familiarity with them. And
3 looking ahead, the pandemic provided us with an
4 opportunity to learn, ways to engage in our students,
5 and reinforce our best practices when it comes to
6 educational programming and residential and
7 correctional facilities. As we did prior to the
8 pandemic, we continue to work closely with our agency
9 partners at ACS and DOC to ensure we are meeting
10 educational needs of every student. This past year
11 showed us that using technology within these spaces
12 are powerful tools, and we will continue to innovate
13 and build on the lessons that we have learned. Like
14 the rest of the educational system, we are looking
15 forward to providing even more personal instruction,
16 and similarly we are planning an increased summer
17 programming this year, including not only academics
18 but enrichment programs, SEL programs and summer
19 youth employment opportunities where possible. As
20 key [sic] to propose the legislation that Council
21 Member Dromm just discussed, we are briefly-- we
22 briefly turned to this proposed legislation Intro.
23 Number 1224 that amends local laws relating to
24 reporting on education programs for [inaudible]
25 juvenile defenders and adolescent offenders. We

2 support the goals of this bill highly and look
3 forward to working with Council to ensure that the
4 reopening requirements align with the current
5 programming-- that the reporter requirements align
6 with the current programming model and practices. In
7 conclusion, throughout my career and doing this work
8 at the DOE, I have witnessed marked improvements we
9 have made in educational programming in jails and
10 juvenile facilities. Our city has a unique unified
11 district dedicated not only to supporting the
12 education of our students in detention, but also
13 designed to promote smoother and more thoughtful
14 pathways to transitioning to high school and
15 continuing education upon re-entry. The pandemic has
16 certainly created immense hardships for our students,
17 their families, our staff, and our educational
18 processes, but despite those new challenges, our
19 commitment to providing high-quality education
20 supports for our students remain unwavering and we
21 continue to work diligently with our agency partners
22 towards these goals. Thank you very much for holding
23 this important hearing and we look forward to taking
24 your questions. Thank you.

2 CHAIRPERSON TREYGER: Thank you,
3 Superintendent. I just want to note that we've also
4 been joined by Council Member Levine, Council Member
5 Gibson, and Council Member Van Bramer. I will now
6 begin with some questions. What is the total
7 enrollment at Passages Academy and East River Academy
8 sites, and can you give us a breakdown also by race
9 and gender?

10 EXECUTIVE SUPERINTENDENT LISANTE: At
11 this time, we don't have the race and gender. We
12 can-- we'll get that to you by Friday, but we do have
13 the number of students that are being served
14 currently: 175 students at Passages Academy, and what
15 was it-- 133-- 233 at East River Academy, sorry.

16 CHAIRPERSON TREYGER: And Superintendent,
17 just for our knowledge, why isn't the data on race
18 and gender available now?

19 EXECUTIVE SUPERINTENDENT LISANTE: Oh,
20 I'm sorry, we do have it. I'm going to ask Deputy
21 Superintendent Marinacci to go over that data.

22 DEPUTY SUPERINTENDENT MARINACCI: Sure.
23 Thank you, Chair. The data for East River Academy,
24 I'll do that first. East River Academy is 10 percent
25 female, 90 percent male, 56 percent black, 34 percent

2 Latino, five percent white, three percent other. And
3 would you like me to do Passages Academy now?

4 CHAIRPERSON TREYGER: Yes, please.

5 DEPUTY SUPERINTENDENT MARINACCI: Sure.

6 Passages Academy currently is eight percent female,
7 92 percent male, 64 percent black, 29 percent Latino,
8 four percent white.

9 CHAIRPERSON TREYGER: Do you have data on
10 the number of students at both the academies with
11 IEPs, and how many are multi-lingual learners?

12 DEPUTY SUPERINTENDENT MARINACCI: Yes, we
13 have that data, Council Member. Hold on one second.
14 Yes, so for Passages Academy out of the 175 students,
15 114 have IEPs and 14 are English language learners,
16 and for East River Academy out of the 233 students
17 110 have IEPs and 33 are English language learners.
18 These are current snapshot data from last week.

19 CHAIRPERSON TREYGER: And do you have the
20 most up-to-date attendance data for Passages and for
21 East River?

22 DEPUTY SUPERINTENDENT MARINACCI: Yes,
23 give me one moment. So for Passages Academy, the
24 most up-to-date attendance data is 96 percent

2 overall. For Crossroads Secure Juvenile Detention is
3 91 percent, and for Horizon it is 94 percent.

4 CHAIRPERSON TREYGER: Now, are all
5 students who are eligible to participate in these
6 programs, are they all opting in for these
7 educational programs? Because in our briefing we had
8 learned that the significant number of students are
9 not enrolled in educational programming. Is that
10 correct? Can you elaborate on that?

11 DEPUTY SUPERINTENDENT MARINACCI: So,
12 Council Member, I think if you're-- if we're talking
13 about Passages Academy, all of the students are
14 compulsory age so they-- we work with ACS and all
15 students are required to attend the educational
16 programs. There are a couple of students who are
17 graduates and we have to provide alternative
18 programming for them.

19 CHAIRPERSON TREYGER: And how is
20 attendance taken in Passages and East River Academy?

21 DEPUTY SUPERINTENDENT MARINACCI:
22 Passages Academy right now-- both are on a blended
23 learning model. So I'm going to speak to Passages
24 Academy for the students who are in-person.
25 Obviously, we take their attendance when they come to

2 class. For the remote students we follow the
3 attendance procedures similar to the rest of the
4 Department of Education, which we measure the
5 interactions and we record those.

6 CHAIRPERSON TREYGER: And are all
7 students in receipt and possess technology and
8 internet connection? Because there was some-- there
9 was a report that that was a barrier for many of
10 those students. So, to date, are there any students
11 in Passages or East River that don't have access to
12 technology and internet, and are they learning
13 through another platform at this time?

14 DEPUTY SUPERINTENDENT MARINACCI: sure.
15 So I'll speak to Passages Academy first. At Passages
16 Academy all students are issued a Chromebook by the
17 Department of Education, and so all students have
18 devices. In terms of internet connectivity, these
19 are not DOE facilities, so I would defer to my
20 colleagues at ACS if they have anything to add about
21 internet connectivity.

22 COMMITTEE COUNSEL: If we can unmute
23 Charles Barrios?

24 COMMISSIONER BARRIOS: Thank you, Council
25 Member. Thank you, Nick. So last year we adapted

2 immediately when the pandemic hit to transition many
3 functions that were previously in-person to remote
4 and have continually worked to ensure that these
5 functions operate seamlessly. This included
6 installing additional hotspots throughout our secure
7 facilities, thereby increasing our bandwidth. So
8 there have not been any issues related to Wi-Fi or
9 bandwidth.

10 CHAIRPERSON TREYGER: So, just to be
11 clear, every student who has requested a Chromebook,
12 the appropriate technology, and also there are
13 students with IEPs who might require adaptive
14 technology in order to receive instruction. Is the
15 DOE or any of the agencies aware of any students who
16 are still requesting whether it's technology,
17 adaptive technology, or internet services, or have we
18 met those needs?

19 COMMISSIONER BARRIOS: Good question,
20 Chair. I will defer back to my collages at the DOE.

21 DEPUTY SUPERINTENDENT MARINACCI: Again,
22 thank you, Chair Treyger. Every student at Passages
23 who's enrolled receives a Chromebook through the DOE.

24 CHAIRPERSON TREYGER: Now, you mentioned
25 Passages. Now, it's my understanding that

2 participation at East River Academy is not
3 compulsory, is that correct?

4 EXECUTIVE SUPERINTENDENT LISANTE: Yes,
5 that's correct. Again, students are over 18 years
6 old, so it's voluntary for them to come. Again,
7 thank you for that question and thank you for also
8 your advocacy for the non-compulsory age students.
9 So we provide full services for students that are 18,
10 19, 20, 21 years old. And the other thing that I
11 wanted to point out with the non-compulsory age
12 students is that adult education now is under our
13 auspices at access, meaning that students when they
14 age out at 21 can stay in our system seamlessly as
15 well. So, it's voluntary at non-compulsory age in
16 East River Academy.

17 CHAIRPERSON TREYGER: So how many
18 students are not enrolled in the program at East
19 River Academy?

20 DEPUTY SUPERINTENDENT MARINACCI: I'd
21 have to-- we only know how many are enrolled. We
22 don't have access to Department of Correction data on
23 the overall population. So we have 233 students
24 enrolled currently. One of the things that--

2 CHAIRPERSON TREYGER: [interposing] Is DOC
3 on the call?

4 DEPUTY SUPERINTENDENT MARINACCI: Yeah.

5 COMMITTEE COUNSEL: we can go ahead and
6 unmute the Department of Correction.

7 ASSISTANT COMMISSIONER TORRES: Good
8 morning, Chair. My name is Francis Torres and I'm
9 the Assistant Commissioner for Education for the
10 Department of Correction. We'll be very happy to
11 work with our partners at the DOE to give you that
12 number by your set deadline this Friday. Since they
13 know the number of students who are enrolled in
14 school, we could go back to our daily census and work
15 with them, you know, to-- I'll forward you data by
16 Friday.

17 CHAIRPERSON TREYGER: I just, you know,
18 want to note that this is basic data. This is not--
19 this should be complicated or hard. This is
20 information that should have been made available at
21 today's hearing, because we're talking about all of
22 our students, and so we would like that information
23 as quickly as possible because we need to have a
24 holistic picture of what's happening at these
25 academies. Can DOE provide for me what is the social

2 worker to student ratio at Passages, and then we'll
3 ask the same question for East River Academy.

4 DEPUTY SUPERINTENDENT MARINACCI: Yes,
5 Chair Treyger, thank you. And we appreciate how
6 devoted you are to these support services [inaudible]
7 social worker. So, we have a combination of social
8 workers and guidance counselors at Passages, and it's
9 a ratio of approximately one to nine. That's at
10 Passages. At East River Academy it's approximately
11 one to 15 or 16 ratio of counselors/social workers to
12 students.

13 CHAIRPERSON TREYGER: So, and what is it
14 just for social workers?

15 DEPUTY SUPERINTENDENT MARINACCI:
16 Passages Academy has 14 social workers.

17 CHAIRPERSON TREYGER: Passages at how
18 many sites?

19 DEPUTY SUPERINTENDENT MARINACCI: There
20 are seven sites at Passages, but--

21 CHAIRPERSON TREYGER: Does each site have
22 a fulltime social worker working in that site?

23 DEPUTY SUPERINTENDENT MARINACCI: Some
24 social workers are assigned to multiple sites. Some
25 of the sites are very small, so there may only be a

2 few students at a particular site, particularly the
3 limited secure placement sites.

4 CHAIRPERSON TREYGER: And what about East
5 River Academy?

6 DEPUTY SUPERINTENDENT MARINACCI: East
7 River Academy has five social workers and five
8 guidance counselors.

9 CHAIRPERSON TREYGER: What is-- do you
10 have data on teacher retention, teacher turn-over
11 rates at both Passages and at East River Academy?

12 DEPUTY SUPERINTENDENT MARINACCI: Yes, we
13 do. If you could give me just one moment I'll just
14 find that. But I can-- before I find the actual
15 number of teachers, I could tell you that we have
16 very low turnover rate and we experience almost no
17 attrition due to the pandemic. Do you want the total
18 number of teachers?

19 CHAIRPERSON TREYGER: Correct, and if you
20 have data that average, you know, how long they stay
21 working at the school.

22 DEPUTY SUPERINTENDENT MARINACCI: I know
23 when we've done this survey in the past, it's very
24 similar to the transition rate of teachers outside of
25 these programs, and we do have an awful lot of people

2 who have dedicated their entire careers, been out
3 there 20 and 25 years, including the principal.
4 She's been there 25 years at East River Academy. She
5 was a teacher when I was a principal. She's got a
6 background in special education and same at Principal
7 in Passages. He has a background as a school
8 psychologist. Not too many school psychologists
9 become principals. So I think we have two leaders in
10 these two programs who have been there a long time
11 and really have provided dedicated services and very
12 special leaders. You have the numbers? So, for
13 Passages Academy there are 82 teachers, and for East
14 River Academy there are 39 teachers.

15 SUPERINTENDENT ZWEIG: And Chair Treyger,
16 if I may, it's Robert Zweig. While we may not have
17 the exact retention rate at this point, we can get
18 them. It's important to note that the average
19 teacher salary, which is how the DOE kind of
20 classifies seniority for budgetary purposes, in both
21 programs is around 100,000 dollars which is the high-
22 end of salary. Now, clearly, that does not mean that
23 these teachers have been in these facilities for all
24 these years, but they are veteran teachers, and the
25 turnover, anecdotally, and I understand we need to

2 get you the exact retention, is really very minimal,
3 very minimal. As Doctor Lisante said, from our
4 administrative staff to our teachers to our support
5 staff, most are tenured, and most have been there for
6 many years.

7 CHAIRPERSON TREYGER: And how many
8 paraprofessionals? Are there any para's that work at
9 East River or Passages?

10 DEPUTY SUPERINTENDENT MARINACCI: yes,
11 there are paraprofessionals at both. I don't have
12 the exact number of paraprofessionals, but in both
13 programs-- for Passages there are 30 support staff.
14 That's a combination of paraprofessionals, DC 37
15 community titles, and secretaries. And for East
16 River Academy there are 34 support staff.

17 CHAIRPERSON TREYGER: Well, the reason
18 why I asked about Paras is that-- and again, I'm not
19 privy to obviously what's in the IEPs, but in many
20 cases when a student has an IEP they might require
21 the support of paraprofessionals, someone beyond just
22 the regular classrooms settings. And so do you have
23 data with you, what is the percentage of students
24 with disabilities who receive all of their mandated
25

2 IEP services this year, and how does that compare to
3 previous school years?

4 DEPUTY SUPERINTENDENT MARINACCI: So,
5 when we're talking about students with disabilities,
6 I think it's important to give a little context here
7 about how student services are delivered to students
8 in these settings. So students in both Passages
9 Academy and East River Academy on Rikers Island have
10 a special education plan developed for them during
11 the time for which they are there. That special
12 education plan, the reason for the special education
13 plan is the result of two pieces of two court cases.
14 One is still ongoing for Rikers Island, but when it's
15 settled for ACS, and both of those court cases
16 mandate us to create a special education plan, we
17 call it a SEP for students with disabilities. So the
18 SEP, to create the SEP, our teachers and counselors
19 consult the IT from the previous school. They assess
20 the students. We have 30 days to complete the SEP.
21 So assess the student need within those 30 days and
22 we develop a SEP. The SEP includes testing
23 accommodations and related services. Again, it does
24 not mirror the IEP because it's designed for-- to
25 serve the students while they're in the setting, and

2 then when the student leaves the setting their IEP
3 kicks in when they go back to the school. Right now
4 we're really proud that we have very high compliance
5 rates for the completion of the SEPs in both
6 programs.

7 CHAIRPERSON TREYGER: Right, but it's my
8 understanding that if a student has an IEP--
9 remember, these are-- they were attending a school
10 prior to entering, you know, whether it's Passages or
11 East River Academy, and if the student has an IEP
12 their rights travel with them wherever they go. And
13 so, you know, we passed a number of compliance bills
14 to require reporting on the percentage of students
15 with IEPs who are receiving their mandated services.
16 Do you have that data with you today, or is that
17 something that you're going to have to also get back
18 to us by Friday?

19 DEPUTY SUPERINTENDENT MARINACCI: we'll
20 have to get back to you on the compliance measures.
21 Again, because the students of Passages use SEPSs and
22 not IEPs it's a little bit different.

23 CHAIRPERSON TREYGER: Well, give me an
24 example of what that means, because I-- as many of
25 you know, I was a teacher, and so if a student

2 requires a paraprofessional to assist, to stay on
3 task, if the students requires a paraprofessional to
4 assist-- to stay on task. If a student requires
5 certain related services, speech therapy, explain to
6 me what is similar and what is different?

7 DEPUTY SUPERINTENDENT MARINACCI:

8 Absolutely. So, the SEP, again, is designed to serve
9 the student while they're in the facility. So, Chair,
10 you know as a teacher the students IEP is written for
11 the needs of the student, but in secure settings, the
12 student is often placed in class based on the house
13 they live in. For example, if they live in A Hall,
14 they only go to class with other students from A
15 Hall, like Crossroads, for example. That's just an
16 example. So, things like self-contained special
17 education classes are different in these settings
18 because we don't always control the makeup of the
19 classes. So we have to individualize and
20 differentiate. So if the students IEP says they need
21 extra support in mathematics, we might have to push a
22 special ed teacher into the class with students to
23 provide [inaudible] support, whereas in the community
24 he might have had either pull-out support or might
25 have been in a CPT [sic] class. So that's why we use

2 the SEP to create the best to meet the needs of the
3 student while they are there in the setting.

4 CHAIRPERSON TREYGER: So--

5 EXECUTIVE SUPERINTENDENT LISANTE:

6 [interposing] And Chair Treyger, if I may--

7 CHAIRPERSON TREYGER: [interposing] Yes,
8 please.

9 EXECUTIVE SUPERINTENDENT LISANTE: So,
10 the average length of enrollment in both programs is
11 shorter than a school year. Our data from last school
12 year to school year 19-20 for example, the median
13 length of instructional days was 35 days in Passages,
14 and it was 51 days in East River Academy. To your
15 question about what's similar and what's different, I
16 think what's similar is that we have the licensed
17 teachers, the social workers on staff. We have
18 paraprofessionals, and each program does have a
19 speech therapist on staff. So, the similarities are
20 that we have the credentialed staff to provide those
21 supports, provide that individualized type of
22 attention that would be consistent with the IEP.
23 What's different is because the length of enrollment
24 is shorter and because as Deputy Superintendent
25 Marinacci said, the housing areas are not determined

2 necessarily by educational need but by safety needs
3 and classification needs, we have to be more nimble
4 in having adequate staff in the appropriate licensing
5 and titles on-- at the facility that then provide
6 either that push-in or pull-out type support.

7 DEPUTY SUPERINTENDENT MARINACCI: And
8 students receive mandated counseling. We have all of
9 our students receive counseling, not just the special
10 education students. So all students need counseling
11 very frequently for transitioning and other needs.
12 This population needs a lot of counseling, and so we
13 have the staff that provides that.

14 CHAIRPERSON TREYGER: And do you have any
15 fulltime school psychologists?

16 DEPUTY SUPERINTENDENT MARINACCI: Yes, in
17 both programs we do, yeah.

18 CHAIRPERSON TREYGER: How many?

19 DEPUTY SUPERINTENDENT MARINACCI: We have
20 two in Passages and one at East River Academy.

21 CHAIRPERSON TREYGER: Just a couple more
22 things I just want to get to, and then I'll turn it
23 to my Co-Chairs. Aside-- I think you had mentioned
24 that the task, the exam, there was a pause in the
25 Administration due to the pandemic. What other

2 goals-- are the other types of goal setting that
3 takes place in these classroom settings beyond just
4 strictly academic work. This is obviously a very
5 traumatized student population. This is, you know, I
6 cannot even begin to fathom the physical space as far
7 as the learning environment. Remember I was a high
8 school teacher and physical space matters a lot
9 about-- you know, to make education conducive. But
10 can anyone speak to me about what other goals are set
11 of students in these settings, please.

12 EXECUTIVE SUPERINTENDENT LISANTE: Again,
13 thank you for this question. It's so important, and
14 you mentioned the trauma. One of the thing that
15 start-- transitioning starts day one, and the
16 students have been through such much trauma with the
17 arrest and central booking and the courts and
18 everything. So we have a welcoming environment with
19 our counselors as the students come in, you know,
20 especially at the East River Academy. Again, they're
21 voluntarily coming in. So we really take-- we have a
22 robust orientation to get them acclimated and to
23 support them. and every student has a blue print, we
24 call it a blue print, and one of the things on there,
25 what are their goals, what are their aspirations and

2 how can we support them in meeting those goals. And
3 again, transitioning begins day one. Say, okay,
4 let's see-- let's start thinking about where you can
5 go when you go back home. But I can't over emphasize
6 the trauma. Again, these are n to students obviously
7 who applied to come here out of eighth grade, and
8 they've gone through so much. I really want to give
9 a shout out to our orientation people. To answer
10 your question before, we do continuous-- with the
11 DOC, we do continuous recruitment. Because a lot of
12 times students come in, they might now want to go to
13 school right away, but after two or three weeks they
14 might. So we have a zero reject policy. Everybody
15 gets to come to school, and don't discharge anybody.
16 Because sometimes stuff happens and they don't come
17 down for a week. Other places may discharge them.
18 So, again, thank you for raising that trauma issue
19 again. That's why I'm so thankful that everybody is
20 a counselor, all the teachers, everybody. It's very
21 therapeutic, and like I kept mentioning in our
22 opening remarks, very small class sizes. So, again,
23 that really helps the students with IEPs. But you
24 know, in Passages, more than 60 percent of students
25 have an IEP. That's three times the average in a

2 high school, for example. So, again, this has been
3 something that we've worked on for years. Again,
4 because our goal, our vision, really is everybody
5 graduates, everybody, and how can we support them in
6 graduating.

7 CHAIRPERSON TREYGER: But can someone
8 just explain what do you then do with students at
9 East River that are not opting-- or not participating
10 in the education program?

11 DEPUTY SUPERINTENDENT MARINACCI: Yeah,
12 sure, Chair Treyger, thank you. Yes, so recruitment
13 is always an issue. We have worked with the
14 Department of Correction very closely. So there's a
15 few different things that we do. First of all, the
16 first phase of recruitment really starts when
17 students from the housing area in DOC is always
18 introducing them to their rights to education, but
19 then we provide, we prepare a list of all students in
20 the facility. Again, COVID has changed things a
21 little bit, but we look forward to moving back to
22 that, and we're doing it right now again. All
23 students in the facility who are age eligible even if
24 they opt out of school on the forms they give the
25 DOC, we put those students on a call-down list to

2 come to orientation and we strive to get as many
3 students to come in-person orientation as possible.
4 I personally conducted the in-person orientation for
5 March 22nd through March 25th on Rikers before our
6 teachers returned because we wanted to do our intake
7 with the students, and in the orientation we did
8 things like a mood meter for students to assess how
9 they were feeling. We talked about their strengths
10 and their goals. I could say personally the students
11 were so excited to return to in-person learning. It
12 was really inspiring to talk to them, and many of the
13 students had been participating either via the tablet
14 who I met or on packets [sic]. So they were really
15 enthusiastic. So the students who-- now, if a
16 student never comes down for orientation, it's harder
17 for us. We've done many different things with our
18 colleagues with the Department of Corrections. We
19 passed various incentive programs. I could tell you
20 that every year-- and I will defer to my DOC
21 colleagues after this-- but every year it almost
22 starts out with a discussion of what incentives could
23 we try this year. And there have been various from
24 breakfast incentives to student being in special
25 housing areas to go to school. We've tried many,

2 many things. Because of the short length of stay and
3 the non-compulsory age of the students, it is an
4 ongoing challenge, and it was a challenge before
5 COVID, and it's-- one important number that I think
6 that might interest you, 73 percent-- it's either
7 between 70 and 75 percent of students right now at
8 East River Academy-- these numbers have been
9 consistent for a few years-- come into school
10 disconnected. They were dropped out of school before
11 they came. So they came into school, dropped out of
12 school. So we are not only trying to engage them in
13 school in a correction facility which is a challenge,
14 but also trying to engage them back in school when
15 they dropped out of the [inaudible] overall.

16 CHAIRPERSON TREYGER: And that's why, you
17 know, we began asking what the attendance, because
18 attendance is a major indicator of things, and also
19 the kids who are not participating at East River,
20 that's further disconnection which concerns me and
21 worries me. And that kind of addresses a question
22 that we had about as part of the conditions of the
23 funding that you receive to administer services, it
24 talks about coordination with the previous school
25 that these students were in, and with-- and once they

3 leave these sites, can anyone speak to if the student
4 was disconnected prior to arriving to East River or
5 Passages? What does connection look like once they
6 leave? If they-- if the average length of stay is
7 as you're saying is short?

8 EXECUTIVE SUPERINTENDENT LISANTE: And
9 that's why again, we talk about transitioning
10 beginning day one. So we have access to all the
11 transcripts. One of the things we pull up with the
12 student and the counselor the first day, see where
13 they are, see when they were discharged from school.
14 one of the-- again, one of the great practices here
15 is that we run the high school equivalency programs
16 throughout New York City, as you know, at many sites,
17 and last year for example 37 percent of the students
18 who passed that test, which is a rigorous exam-- it's
19 got physics and high-level math-- 37 percent were--
20 who passed-- were discharged from the school. They
21 dropped out of school, which means they re-engaged
22 and got their high school equivalency. So, even if
23 the students comes to us like Nick said that had been
24 discharged, we can still pull up their transcript to
25 see what level they're on, and then start planning
their next step for continuing their education in the

2 community. So, we have access to all the former
3 schools and the students that come in, and we review
4 how many credits they have and if they're on high
5 school equivalency track or a high school diploma
6 track.

7 SUPERINTENDENT ZWEIG: And if I may on
8 that, I'd like to add some things that Doctor Lisante
9 just said, and to Deputy Marinacci's comments before.
10 We have added career and technical education on
11 Rikers Island. We do have credentialed teachers
12 there that provide courses. So that also is a
13 motivation, and not only a motivation, but something
14 that gives skill for when that young person leaves
15 and goes back to the community. In terms of-- you had
16 asked earlier about, you know, some of the goals and
17 the pause [sic] on the task [sic] exam, yes, that is
18 true, but through-- largely through our advocacy here
19 in DOE, state ed [sic] instituted a waiver where
20 prior test scores and prior Regents are counted, and
21 so there are 13 students that-- on Rikers Island that
22 have taken advantage of that waiver and have received
23 their high school equivalency diploma during this
24 pandemic. Now that we resumed the in-person testing
25 in a few weeks that number will obviously go up, and

2 the waiver is still in effect at least through June
3 30. In terms of the outside community and our
4 transition work, something we're really proud of is
5 our partnership with community-based agencies. So
6 there's a whole slew, many of which the Chair people
7 [sic] are very familiar with and help support and
8 fund through our local community that we can openly
9 refer students to and make sure that there is
10 admission on the other end. There are others that
11 are specific for students that are coming out
12 [inaudible].

13 CHAIRPERSON TREYGER: But if I may, and
14 I'll just-- I'll wrap up shortly and turn to my
15 colleagues. What worries me is there is this-- we
16 all agree that we're dealing students who are
17 traumatized who have obviously a lot going on in
18 their lives for a variety, for many reasons. It
19 sounds like that there is-- there are social workers
20 for work at these sites. There are counselors who
21 work at these sites. You have stated that many of
22 these kids were previously disconnected from the
23 school system when they arrived here. They had a
24 certain level of support. I'm hearing that the

2 average length of stay is not very long. That's-- is
3 that correct Superintendent?

4 EXECUTIVE SUPERINTENDENT LISANTE: Yes,
5 that is correct.

6 CHAIRPERSON TREYGER: And then what
7 happens after? Then they go back to a school system
8 where we don't have enough social workers,
9 counselors, this kid with the trauma still carries
10 with them? Who from the system is responsible to
11 ensure that these students are still receiving
12 critical counseling services or, you know,
13 therapeutic services and making sure that they're
14 staying on the right track? Because attendance is a
15 major indicator of students' progress and school
16 climate, and also I would argue literacy. If you
17 have any data on reading level for many of these
18 students-- and one final question I have here is, the
19 staff who work at Passages, East River Academy, are
20 there any staff members that are trained in Orton
21 Gillingham [sp?] or Wilson Reading, or other
22 methodologies proven to help youth who show
23 significant delays in reading and literacy?

24 SUPERINTENDENT ZWEIG: Yes. So I'm going
25 to take on one program at a time, Chair. So, in

3 Passages Academy we have four fulltime reading
4 specialists and what those specialists do is they're
5 trained in a variety of different programs. However,
6 the way that students come to them is based on an
7 intake reading assessment and then, you know, some
8 follow-up. Sometimes the students, you know, you
9 need to check them and make sure the assessment is
10 accurate. But if they test below a certain level,
11 the reading specialists then does an additional
12 assessment and they decide the methodology that's the
13 best for the student. And so there's a variety of
14 different ones that we use, but it really is tailored
15 to the student, and sometimes that takes into account
16 how long the student is going to be with us, because
17 some of the techniques you mentioned are more long-
18 term techniques, and if the students aren't going to
19 be with that teacher for 30 days, it's -- the effect
20 isn't as great. So we try to match the [inaudible]
21 for the kid.

21 CHAIRPERSON TREYGER: And I think that
22 you've-- you've, again, I think we're making the same
23 point that there is great inconsistency for these
24 students who are in dire need of consistency and
25 stability, and it seems that they came from a

2 disconnected school structure where there was
3 inadequate support, entered-- you know,
4 unfortunately, this was-- something happened
5 obviously during the course of their lives, and quite
6 frankly, again, many of these kids, you know, they're
7 still awaiting trial. They have not been-- this is
8 not the-- this is not truly due process, quite
9 frankly, and they're even adding more trauma to their
10 lives, but there are some increased number of social
11 workers and counselors in this setting than they're
12 used to in their previous setting, and then after
13 their length of stay they're back into society with
14 inadequate supports and there's no one watching--
15 from this macro level watching to make sure that
16 these kids are getting the services that they
17 rightfully need. So this is an area of concern I
18 think that Chair Dromm and others have alluded to for
19 quite some time. But I'm going to turn it over now
20 to my colleagues in the interest of time. Thank you.
21 We'll hear from Chair Powers.

22 CHAIRPERSON POWERS: Hi there. First of
23 all, before we go on, I just want to acknowledge
24 we've been joined by Council Member Reynoso, Miller,
25 and Ulrich, and I think we'll be likely joined by a

2 few more. So I'll be sure to recognize them. I
3 just, you know, wanted to go into a couple of
4 questions. This is more for the DOC on education,
5 particularly for individuals, young adults, that are
6 in restricted housing. I was, as you know, at Rikers
7 yesterday as we were looking at some of the new
8 [inaudible] we were looking at the restrictive
9 housing units at the Board of Corrections and
10 Department contemplate changes and rule making
11 related to solitary confinement and restricted
12 housing. Can you tell us just, you know, how young
13 adults in restrictive housing units are provided
14 access to education and educational materials? What
15 is it? And tell us what that consists of.

16 COMMISSIONER TORRES: Good morning, Chair
17 Powers. Thank you so much for your question. This
18 is AC Torres. We are excited to share with you the
19 fact that pre-pandemic, our partners from the
20 Department of Education were affording in-person
21 services in those specific housing areas. As you
22 could imagine, the pandemic has posed a challenge to
23 both agencies, and presently those services are done
24 through learning packets that are prepared and given
25 to us by our partners from the DOE.

2 CHAIRPERSON POWERS: So right now if
3 you're an individual, a young adult, in a restricted
4 housing unit and you are looking for learning
5 education, you are essentially getting a packet
6 that's given to you, and how often is that given to
7 you in terms of-- how often are you getting new
8 materials?

9 COMMISSIONER TORRES: Sure. I think that
10 it'd be best for me to refer to the DOE. I know that
11 because they are the ones who prepare the packages.
12 I know that we receive the packages bi-weekly and the
13 kids are giving two weeks to complete the packet. At
14 which point, members from the Department of
15 Educational Services Unit retrieves the packets and
16 gives them to the Department of Education.

17 CHAIRPERSON POWERS: Does Department of
18 Education want to add anything to that?

19 DEPUTY SUPERINTENDENT MARINACCI: No,
20 what Ms. Torres said is accurate. The schedule is
21 every two weeks. As we-- we revise that schedule
22 over time, and as we return and have more staff in
23 person on the island, it may be revisited in the
24 future, but right now two weeks seems to be about how
25 much the students can handle at one time.

2 CHAIRPERSON POWERS: And what-- look, I
3 don't-- it doesn't strike me that giving students a
4 packet every two weeks without much guidance or
5 teaching is going to accomplish much in terms of
6 attainment [inaudible]. So what is the experience
7 here for students? What are students-- what is the--
8 you know, how many students are receiving packets?
9 Let's start there.

10 DEPUTY SUPERINTENDENT MARINACCI: I'd have
11 to defer to DOC on that because it depends on which
12 facility they're in.

13 CHAIRPERSON POWERS: So let's say in DOC
14 facilities like Rikers Island, Rikers Island. How
15 many students are given packets every single week?

16 DEPUTY SUPERINTENDENT MARINACCI: So,
17 it's only the students-- so right now, it'd only be
18 students in-- two facilities would be given packets,
19 students in the GRBC facility and students in the
20 OBCC facility. So the number I have here would be 39
21 students out of the 233 would have packets. The
22 other students are at RNDC and Rose M. Singer
23 facilities, and those students are currently on a
24 blended learning model where they have some in-person
25 and some remote instruction.

2 CHAIRPERSON POWERS: Okay. Let's just
3 take those 39 for a second, because this is what we
4 were focusing a little bit on yesterday. How many of
5 those students are completing that packet every two
6 weeks in full?

7 DEPUTY SUPERINTENDENT MARINACCI: Well,
8 the number of students changes over time. It's not
9 the same 39.

10 CHAIRPERSON POWERS: Right, okay.

11 DEPUTY SUPERINTENDENT MARINACCI: So it
12 really depends.

13 CHAIRPERSON POWERS: But my question is
14 how many-- like what are you seeing in terms of
15 percentage completion of those packages bi-weekly?

16 DEPUTY SUPERINTENDENT MARINACCI: It's
17 not a very high percentage. I'd have to get back
18 with you exactly.

19 CHAIRPERSON POWERS: Yeah, I mean, it's
20 not a high percentage because you're giving packets
21 to students is not learning, and everybody recognizes
22 the challenge here with COVID, but I think that-- and
23 both the health concern and the challenges here,
24 social distancing, everything, but I don't think it's
25 reasonable to believe that giving any student, by the

2 way,- this is not even-- I mean, you have to be a
3 pretty motivated 18-year-old or, you know, 20-year-
4 old to-- I include myself in that when I was, you
5 know, that-- you have to be pretty motivated without
6 any classes or ongoing learning or even, you know,
7 otherwise incentives to do it. It feels like a
8 strategy that was not meant to succeed from the
9 start.

10 SUPERINTENDENT ZWEIG: Chair Powers, if I
11 may. This is Robert Zweig. Yes, I mean, we agree,
12 and like you, I myself would have a hard time
13 remaining motivated to do packets on my own. I think
14 the good news now is that we are back on-site with
15 our DOE staff at at least two facilities. As you
16 referenced the challenges of COVID and the space
17 constraints have been just a huge challenge, but
18 right now, the good news is that our staff is back.
19 We plan on that continuing straight through to the
20 summer and into next school year, and as soon as we
21 can think about ways to safely expand that on-the-
22 ground staff, the we will-- we'll be better equipped
23 is the only way I could really say it to address what
24 you're bringing up now. We acknowledge that it's
25 difficult. I will say that a lot of thought and

2 effort went into creating the packages by the
3 teachers. I've gotten to see these packets. There's
4 videos built in. Have we've been able to use them
5 and maximize them? Absolutely not. It's back to
6 however that we are back on the ground with DOE
7 licensed staff. It holds out a lot of hope and
8 promise to make up for that loss.

9 DEPUTY SUPERINTENDENT MARINACCI: And I'd
10 like to just add that students-- while it's not ideal
11 support, there was-- very quickly we established with
12 the Department of Corrections a phone hotline
13 available from every housing area, where throughout
14 the school day students were able to call teachers
15 and counselors for support with that work.

16 CHAIRPERSON POWERS: How many phone calls
17 have resulted because of that?

18 DEPUTY SUPERINTENDENT MARINACCI: We'd
19 have to get back with that data. We don't have that
20 right--

21 CHAIRPERSON POWERS: [interposing] Okay.
22 Department of Corrections, this is for you guys. You
23 know, there seems to be sort of an open question for
24 me about whether-- well, let me ask you a direct
25 question. Do we have adequate space and facilities

3 to be able to provide in-person or hybrid learning to
4 folks in restricted housing units if-- or what is the
5 constraint in terms of providing, you know, adequate
6 and equitable education for those folks?

7 COMMISSIONER TORRES: That's a very
8 question, Chair Powers. I know that in very specific
9 facilities we do have adequate space, while in other
10 facilities because of the structure, you know, keep
11 in mind that some of our facilities are very old, it
12 makes it a little difficult, especially during this
13 time where social distancing is at the forefront, but
14 we are always looking as to how best to provide
15 educational services in any given scenario.

16 CHAIRPERSON POWERS: So when I was there
17 yesterday, we went over to NIC and, you know, the
18 units that we saw, their programming space that was,
19 you know, I think would be designated for those
20 units, the lights didn't work and there was nothing
21 in that. I mean, I know those units have been
22 converted recently as I understand it, and they're I
23 think somewhat of a new model here, but you know,
24 there wasn't any actual space to provide programming.
25 And I mean, it's a confined space to begin with to
even just walk through it and it's very old, and I

2 think the concern I'm raising here is that there's
3 not space-- there might even be a little bit of space
4 if you wanted to do something, but there's not even
5 any-- the lights-- you know, the lights didn't even
6 work in that space because we were using flashlights
7 to go take a look at it. I think that the-- one of
8 the issues here is the lack of available space to do
9 learning and programming in these-- in some of these
10 facilities. Do you-- it seems like you agree with
11 that assessment.

12 COMMISSIONER TORRES: So, Chair, if I
13 may, the space is always a concern to us. You are
14 correct in terms of the structure at NIC. However,
15 we are working closely to identifying the necessary
16 space that would allow us to afford programming, and
17 when I mean programming I don't mean cell or next to
18 the cell, but rather a programming space conducive
19 for counseling as well as educational services.
20 Where you see the timeframe that we have, you know,
21 from now until November, to actually be able to come
22 up with the necessary space solutions that would
23 allow us to do educational services in a cohesive,
24 quantitative, and qualitative way.

2 CHAIRPERSON POWERS: Okay, and when the--
3 how many young adults right now are currently housed
4 in restrictive housing units where restraint desks
5 are used?

6 COMMISSIONER TORRES: Oh, no, sir. We
7 don't have anyone in the restricted chair.

8 CHAIRPERSON POWERS: When did that end?

9 COMMISSIONER TORRES: Actually, the day
10 before April 15th.

11 CHAIRPERSON POWERS: Okay, so you have
12 now as of April 15th, last week, April 14th I guess,
13 stop using restraint desks on Rikers Island and for
14 young adults?

15 COMMISSIONER TORRES: That is accurate
16 Chair Powers.

17 CHAIRPERSON POWERS: Okay. On-- are
18 individuals receiving tablets right now? You know,
19 when we were there yesterday there was a discussion
20 about beginning rolling out tablets for-- we talking
21 one of the programming staff that we met with and
22 they were talking about now deploying tablets. Do
23 young adults who are trying to learn, they're not--
24 they're getting paper. They're not getting tablets
25 like other individuals seem to be receiving now?

2 COMMISSIONER TORRES: So, Chair Powers,
3 if I may, are you talking about NIC, sir?

4 CHAIRPERSON POWERS: No, we were looking
5 at some of the new units yesterday at GRBC, I think,
6 and we met with programming staff there before we
7 went to take a look at the units. They're telling us
8 that certain individuals now in certain units are
9 starting to receive tablets that I think are-- has
10 some restrictions on them during the day. They can
11 access Law Library, I think educational [inaudible].
12 So I wanted to hear if there was a plan that-- more
13 information that we were hearing yesterday from staff
14 about deploying tablets to individuals in custody.

15 COMMISSIONER TORRES: Thank you so much,
16 Chair Powers. I am happy to actually hear you make
17 this statement, and I'm particularly thrilled that
18 you had the opportunity to meet with our staff
19 assigned to the command. I would like to share with
20 you that we have had the tablet program rolled out at
21 the department since 2016, and in fact, the tablet
22 program is part of our work positive behavior
23 management system, and our tablets at the island have
24 two very specific tracks: enrichment and
25 entertainment. And so when we have the deployment of

2 the tablets, we are always careful to have an
3 orientation with a young adult as well as the adult
4 as what it means to receive a tablet. And so we
5 discuss with them the fact that the tablets will be
6 deployed to them from eight o'clock in the morning
7 until 8:00 p.m. We also address with them that the
8 tablets need to be returned to us in the same way
9 that they received it. They need to take care of
10 them. And so there's time in which the tablets may
11 not necessarily come back to us the way in which the
12 population received it. So we adhere to the fact
13 that there is an accountability process and there is
14 an accountability expectation, and in doing so there
15 are times in which us as an agency based on that
16 accountability as well as any security concerns, we
17 may pull the tablets back. Our goal has always been
18 to ensure that anything that we implement as an
19 incentive continues, especially at this time, Chair
20 Powers. I think it's important for us to share with
21 you that when we were impacted by the pandemic we
22 immediately relied on the tablets as that remote
23 learning for us to support the Department of
24 Education's effort, and as such, any interruption
25 that has taken place with the tablet, I am happy to

2 report to you, that we have already began the
3 redistribution and the deployment of tablets, and it
4 is our effort to continue to do so on a regular
5 basis.

6 CHAIRPERSON POWERS: Okay, and it was
7 GRBC, sorry. [inaudible] The-- one of the issues we
8 heard and I heard this yesterday, and I've heard in
9 the past, is the disruption to learning as a result
10 of lock-downs and alarms and incidents. So what is
11 the plan or how does the agency deal with, and maybe
12 DOE you can jump in here too if there's particular
13 issues you want to, you know, talk to as well, but
14 how do you address disruptions in learning when it
15 comes to repeated lock-downs or other incidents that
16 occur that would disrupt learning time, and is there
17 a plan to try to figure out how to fill in the gaps
18 of learning when those lock-downs occur?

19 COMMISSIONER TORRES: So, Chair Powers,
20 if I may, I take very seriously the fact that as the
21 Assistant Commissioner of Educational Services there
22 are minimal interruptions to the provision of
23 education on a daily basis. There are specific plans
24 at all of the commands on how best to minimize those
25 interruptions. As you could imagine, the

2 interruptions are for the most part as a result of
3 any alarm status. Since I am not the best and well-
4 versed when it comes to that, if you allow me to
5 actually pass that question to Warden Walker who is
6 our Warden at RNDC who will be able to share with you
7 what it is she does at the Robert N. Davoren Center.
8 Warden Walker?

9 ASSISTANT DEPUTY WARDEN WALKER: Good
10 morning Chair Powers.

11 CHAIRPERSON POWERS: Good morning.

12 ASSISTANT DEPUTY WARDEN WALKER: First, I
13 would like to share that an alarm is an event where a
14 staff member utilizes their personal body alarm in
15 which they feel like they need assistance to manage
16 the situation. When there is an alarm, the
17 supervisors work to assess the nature of the issue
18 and determine if a supervisor a pro-team [sic] is
19 needed to be deployed to that area. Wherever
20 possible we do work to de-escalate the situation and
21 to localize the alarm response to that location
22 wherever the event transpired. Where possible, the
23 tour commander or management team, we work to allow
24 movement through the alarms for our services such as
25 school and any other educational services. The goal

2 is to absolutely ensure that these young adults are
3 being provided their services.

4 CHAIRPERSON POWERS: Okay, I mean, I
5 think we've heard-- we heard this when we were
6 talking to individuals yesterday that, you know,
7 there were kind of constant disruptions it felt like
8 and the ability to have sort of-- you know, sort of
9 stable, constant learning was being disrupted by it.
10 I recognize that the agency may not specific control
11 over when these incidents or alarms happen, but
12 trying to recognize the idea that we're trying to
13 learn and you are-- there's these sort of constant
14 disrupt-- it seems like what we heard was kind of
15 ongoing disruptions. I just want to-- I see a lot of
16 hands up and I know there's more questions ahead, so
17 I will [inaudible] and then I'll come back. But just
18 a few more. DOE, can you talk to us more about the
19 packets that individuals are receiving right now?
20 What is included in those packets? And how are they
21 targeted to individual specific needs or learning?
22 And I guess one basic question is are all individuals
23 receiving the same packet?

24 DEPUTY COMMISSIONER MARINACCI: Thank
25 you, Chair Powers. So when it comes to the packet,

2 the initial packet that a student will get will be based
3 on their pathway, whether they're a high school
4 equivalency students or a high school students,
5 right? So that makes a difference in what courses
6 they need, and so even beyond that as Superintendent
7 Zweig mentioned before, some students might be
8 eligible for parts of the waiver for the high school
9 equivalency exam. So for example, if I pass the
10 Science test and a Math quiz, I might only need to
11 take English and Social Studies. We try to target
12 the packet to meet the students' needs. The initial
13 packet that the students get will be more similar
14 depending on their pathway, more of an assessment for
15 the teachers, and then future packets can be
16 individualized for students as they return.

17 CHAIRPERSON POWERS: And they're graded?

18 DEPUTY COMMISSIONER MARINACCI: They are
19 graded and teachers provide feedback for the
20 students.

21 CHAIRPERSON POWERS: And are there, you
22 know, is there a method if an individual finishes one
23 quicker? I mean, it sounds like the completion rate
24 is not very high, but if there was an individual who
25 completed it is there a-- you know, are they waiting

2 until the next two weeks, or are they receiving a new
3 one as needed?

4 DEPUTY COMMISSIONER MARINACCI: So, I
5 have to give a lot of credit to Ms. King and her
6 staff at DOC. Her team actually goes into the
7 housing areas to collect those packets, and they're
8 in the housing areas more frequently than that in
9 order to support students with other things, so I
10 defer to them, but I believe in any case where they
11 communicated to that team that they need a packet
12 quicker, we've been able to accommodate it in
13 collaboration with the Department of Correction.

14 CHAIRPERSON POWERS: Okay, I appreciate
15 that. I still think that this is not really a great
16 way to, you know, try to help-- try to educate an
17 individual. It is really a very thin strategy for
18 trying to address what is learning needs of what I
19 think is 200 and something, you know, I think it 233
20 I think was the number you said. I'm going to ask
21 one more question and then I just want to-- I want to
22 hand it over but I'll come back. We had heard from
23 some providers-- this kind of goes back to the
24 hearing we did a few months ago on re-entry. This is
25 maybe for the DOC, but DOE obviously, of course, add

2 in your thoughts here, too. we had heard from
3 individuals that youth, the young adults, about 50
4 percent of them released did not have any government
5 issued ID such as IDNYC, a New York State ID, a
6 driver's license, passport, and I know that IDNYC,
7 for instance, is in our public library system. I
8 think even some schools have found ways to go get
9 them for middle school students. Is there an effort
10 here to try to get-- I know this is little bit, you
11 know, sort of adjacent to this issue, but I want to
12 just go back to it because we [inaudible] still in
13 the same category generally. Is there efforts to
14 bring in IDNYC cards to DOC facilities or to improve
15 access to ID for young people that have been impacted
16 here and might want one in particular for re-entry
17 services might need want? I think it's for DOC.

18 COMMITTEE COUNSEL: You can go ahead and
19 unmute the Department of Correction.

20 COMMISSIONER TORRES: Hi Chair Powers.
21 Great question again, and we do understand and we
22 value and support that not only our young adult
23 population but the adult population as well really is
24 in need of that ID to continue engaging in employment
25 as well as receiving all of the necessary benefits.

2 I do need to share with you that we will be happy to
3 defer this question to our partners from MOCJ as well
4 MOIA since we have been working with them
5 [inaudible].

6 CHAIRPERSON POWERS: Well, you guys are
7 the Department of Corrections, you operate the
8 facility. So my question is, if I'm leaving a
9 facility to go home, I need to go get a job, is there
10 access to getting something like IDNYC as-- in the
11 facility.

12 COMMISSIONER TORRES: So, we are working
13 with them to find a solution because there is a
14 concern regarding identity and proof of identity, and
15 I think that we really need to reach out to our
16 partners at MOCJ and MOIA to get you a better
17 response. I don't want to mislead you in any
18 fashion.

19 CHAIRPERSON POWERS: Yeah, I mean, you're
20 not misleading me. I just-- it sounds like the answer
21 is no, but the-- but you know, like I recognize the
22 sensitivity around ID and identification as a larger
23 issue that has more than just that, but I think
24 there's been a concern raised that some of the young
25 adults particularly are leaving without having access

2 to it. It might be [inaudible] necessary as part of a
3 re-entry, or just a good access point to be able to
4 get it if they so desire. I'm going to hand it back
5 over to-- I think I'm handing it over to Chair Levin
6 now, and I see some Council Members with questions as
7 well, and I may have some follow-ups as well.

8 Thanks.

9 COMMITTEE COUNSEL: Yes, we'll now turn
10 to Chair Levin. Just bear with us everyone. He's
11 joining us by phone, so just give us one moment
12 please. Chair Levin, can you hear us?

13 CHAIRPERSON POWERS: You know what, I
14 think Council Member-- I'm sorry, Chair Levin said
15 he--

16 CHAIRPERSON LEVIN: [interposing] I'm
17 here. I'm here. I'm here, Chair. Sorry, I'm here
18 on audio. I'm actually-- if it's okay, I'm going to
19 let other members go first with their questions. I'm
20 sorry, I'm doing double-duty here and doing childcare
21 at the moment. So I'll be able to have a little less
22 distractions in about 20 minutes or so. So I'll let
23 other members ask questions first, and then I'll come
24 back.

2 COMMITTEE COUNSEL: Okay, we will come
3 back to you. So, first on our list for committee
4 members, we're going to turn to Council Member
5 Barron, and then Council Member Cornegy also had his
6 hand up, but we'll start with Council Member Barron.

7 SERGEANT AT ARMS: Time starts now.

8 COUNCIL MEMBER BARRON: Thank you to the
9 Chairs for holding this hearing and thank you to the
10 panel for coming and peenting testimony. I have a
11 lot of questions. So, there was reference made to
12 Passages, and if you could please tell me as
13 succinctly as possible because we only have five
14 minutes, how many facilities are secure and how many
15 are limited or non-secure?

16 DEPUTY SUPERINTENDENT MARINACCI: Two
17 facilities are secure, and the other five are non-
18 secure or limited secure.

19 COUNCIL MEMBER BARRON: Okay. So, when
20 we get the data regarding Passages, can we
21 disaggregate it to particularly the secure
22 facilities? How many are at Horizons and Crossroads?

23 DEPUTY SUPERINTENDENT MARINACCI: So,
24 there are 37 students at Horizon right now and 71
25 students at Crossroads. This was as of last week.

2 COUNCIL MEMBER BARRON: Okay. So I
3 believe Crossroads is in the adjoining district
4 represented by Council Member Alicka Ampry-Samuel,
5 and I've had a chance to visit Horizon once and a
6 chance to visit Crossroads twice, and particularly at
7 Horizons-- no, particularly at Crossroads I was very
8 impressed with what I saw in terms of instruction.
9 Of course, this was pre-pandemic. But I saw teachers
10 who were very much in tune with make the curriculum
11 relevant to the population of students that they were
12 serving. There was one teacher who had used
13 corrugated cardboard and all kinds of little tapes or
14 whatever to construct a facsimile of a boxing ring,
15 because they were having themed instruction, and the
16 theme was boxing, and that sport and around the room
17 he had all kinds of-- sorry, I don't remember his
18 name. But having been a teacher for 37 years and
19 also been an Assistant Principal and Administrative
20 Principal, that was an environment that was
21 stimulating to the students. When we're talking now
22 about moving to packets of materials that are given
23 to children who may in fact have other kinds of needs
24 and have an IEP which is adjusted because they're
25 only going to be there-- we're saying that a packet

2 goes out every two weeks. That child may never, in
3 fact, get a response to what he has done or she has
4 done in the first packet. If it gets sent to the
5 child, child does it, sends it out. I don't know
6 what the turnaround time is for someone to evaluate
7 that packet and send it back, and if the child is
8 there for a period of 35 days, that's only really two
9 packets that he's getting for that month that the
10 child is there. That's not a system that works at
11 all. There's no engagement at all in that kind of
12 system. so we've got to find another way for those
13 children who are not in any kind of hybrid learning
14 situation to be able to take advantage of what it is
15 that's being offered. I also wanted to go back and--
16 I read an article that talked about students being--
17 having their tablets removed because they had broken
18 some policy, and I did hear reference to the fact
19 that this is an incentive, and we want to make sure
20 that they're responsible for the equipment, but there
21 still has to be another way. This is not, you know,
22 an extra. This is something that students need. And
23 my other question gets to the fact of what is the
24 real time interaction that students have with their
25 instructors. The article that I had read which was

2 printed in November or December said, "Students have
3 to pose their questions via chat." We're talking
4 about a population of students that may already have
5 some deficiencies in their academic performance.
6 It's not the easiest thing in the world to chat via
7 typing your question into that format for someone to
8 respond. So, I do want to know what is the immediacy
9 of turnaround for students who have questions to be
10 able to get an immediate response, if not an
11 immediate response, how long does that take? Is
12 there any opportunity for students to interact with
13 other students, because that really is one of the
14 best ways for students to learn, learning from each
15 other from their own experiences and knowledge. And
16 the other question that I had, I think I heard an
17 answer to the fact that the restraints at Rikers are
18 no longer being used. We did take a trip to Rikers
19 many years ago. Danny Dromm was the Chair, and we
20 saw those restraints and they were horrible. I don't
21 know how they would think that anyone would want to
22 take advantage of an educational opportunity when
23 they would have to be restraint and--

24 SERGEANT AT ARMS: [interposing] Time
25 expired.

2 COUNCIL MEMBER BARRON: [inaudible] thank
3 you-- when they would have to be restrained in that
4 environment to try to take advantage. So I'm glad to
5 hear that that's no longer the case, but I do want to
6 have an answer to those other questions about
7 students having-- students who are remote having an
8 opportunity other than through a chat to be able to
9 interact with their students, has that been changed?
10 And how many students actually are using the blended
11 or hybrid model, and can a student have immediate
12 ability to connect with someone via phone? I heard
13 someone in this testimony say that students can
14 connect via phone. How immediate is that connection
15 for students to be able to get information for their
16 questions, academic questions from someone or to
17 reach out for an immediate intervention, perhaps,
18 from a social worker? Thank you.

19 EXECUTIVE SUPERINTENDENT LISANTE: Thank
20 you, Council Member Barron. Thank you also for your
21 comments on Crossroads. I know I was there myself two
22 weeks ago. Very impressed with the teaching and the
23 collaboration among ACS and our teachers, and also
24 something-- small point, but a big one, is that we
25 had a lot of substitute teachers filling in during

2 this crisis. So I think that's a shout out to the
3 Department of Education. So let's address the
4 Passages issues first. As far as the packets, the
5 packets were only on Rikers Island. So, as far as
6 Passages is concerned, I think most of these
7 questions have to do with Rikers, right?

8 DEPUTY SUPERINTENDENT MARINACCI: In
9 reference to the article you mentioned, Council
10 Member Barron-- thank you for that-- since January,
11 I've had the ability to speak in Passages to their
12 teachers back and forth over the computers so they
13 could both talk and electronically chat. So, that
14 has been [inaudible].

15 EXECUTIVE SUPERINTENDENT LISANTE: And
16 again, we're moving away from packets.

17 DEPUTY SUPERINTENDENT MARINACCI: Yes,
18 yes.

19 EXECUTIVE SUPERINTENDENT LISANTE: In-
20 person learning--

21 DEPUTY SUPERINTENDENT MARINACCI: In
22 juvenile detention there really are no packets. The
23 only time a student would get a packet is if they're
24 brand new and we have to enroll them or something
25 else happens in media, but we work very closely with

2 ACS to ensure that the students have access to the
3 technology they need as quickly as possible. The--
4 no technology can take away from any student as any
5 kind of form of punishment.

6 SUPERINTENDENT ZWEIG: And then for me, I
7 personally observed a lesson last month at Passages
8 where it was real time interaction in high level math
9 class between the teacher and the students. I
10 observed it virtually, but very heartened to see that
11 it was real-time interaction, and that was at
12 Passages and it was it Horizons.

13 EXECUTIVE SUPERINTENDENT LISANTE:
14 Council Member, you asked the schedule. So, all the
15 students at Passages are on a hybrid schedule. So
16 they have some in-person and some remote.

17 COUNCIL MEMBER BARRON: Okay. Thank you
18 very much. If I could just ask, the learning that
19 takes place on Rikers, is it in one designated area,
20 or are there several rooms? I remember seeing
21 several rooms when I went many years ago--

22 DEPUTY SUPERINTENDENT MARINACCI:
23 [interposing] Yes, we have a school area in both R--
24 in every facility we have a school area, but right
25 now they're operating [inaudible] in RNDC and at Rose

2 M. Singers. In both those school areas there are
3 multiple classrooms.

4 COUNCIL MEMBER BARRON: Multiple classes
5 in different areas. Thank you. Thank you, Mr.
6 Chair. Thank you to the Chairs.

7 DEPUTY SUPERINTENDENT MARINACCI: Thank
8 you.

9 EXECUTIVE SUPERINTENDENT LISANTE: Thank
10 you.

11 COMMITTEE COUNSEL: Chair Treyger--

12 COUNCIL MEMBER BARRON: [interposing] And
13 again, kudos to the staff at Horizons and Crossroads,
14 particularly at Crossroads. I really appreciate what
15 you've done. And I also want to say there's also an
16 affiliation with one of the community-based
17 organizations, Man Up where they are bringing their
18 experience to those who are being held, who are in
19 these facilities to let them know, listen, you've got
20 to find alternatives to methods that you have
21 previously been using. Thank you.

22 COMMITTEE COUNSEL: Chair Treyger, while
23 we give more time to Chair Levin, I will turn it back
24 to you, and I'll let you know when we're ready to
25 hear from Chair Levin.

2 CHAIRPERSON TREYGER: Thank you. Mostly
3 just making sure-- I don't know if this was answered.
4 Forgive me if it was just for clarity. The
5 attendance rate at East River Academy, did folks
6 provide that number for East River?

7 DEPUTY SUPERINTENDENT MARINACCI: It's
8 important to note that the educational program is not
9 compulsory, and in terms of tracking daily attendance
10 because the-- some students were on tablets while
11 other students were in packets, it was impossible for
12 us to accurately capture the daily attendance for the
13 students who were working on a tablet. Our recent
14 return to blended learning should allow us to get a
15 more accurate picture moving forward, and so we just
16 don't want to-- we don't have accurate daily
17 attendance data to share because of the use of the
18 packets.

19 CHAIRPERSON TREYGER: But what do you
20 have available for us today that you might need to
21 get back to us in additional days, but do you have
22 anything you could say about attendance at East
23 River? That seems to be a pretty concerning answer.

24 SUPERINTENDENT ZWEIG: I mean, we could--
25 we just don't want to share the data that we have

2 because we need to-- it's not-- because of the
3 packets it's not an accurate reflection. So we want
4 to-- now that the students are in-person we'll be
5 able to supply accurate attendance data once we-- in
6 the weeks moving forward. We just started in-person
7 on April 5th.

8 CHAIRPERSON TREYGER: Right, but schools
9 were still taking attendance even with the different
10 blended models, and I'm sure that that's still being
11 required. Is there anything you could share with us
12 today?

13 SUPERINTENDENT ZWEIG: Unfortunately, not
14 today. Again, as Deputy Marinacci said, I'm not sure
15 we would characterize it as a blended model before
16 our teachers and staff were back on site on April
17 5th. It was really the packets. It was hard to
18 really kind of manage what that looked like. Was a
19 student doing it all in one day? Was a student
20 doing, you know, taking each day a little bit a time?
21 So, we really-- unlike the rest of our district, and
22 I understand the rest of the system, we didn't have a
23 process whereby to do that. Now, since April 5th,
24 that students are being taken to the school floors,
25 escorted to the school floors both in Rose M Singer

2 and RNDC, we now will have by the end of next week
3 four weeks of data that will tell us what the actual
4 attendance rate is based on who's coming into the
5 school floor and interacting with teachers. I know
6 not a satisfactory answer, but one-- it's the only
7 one we have at the moment where we're very confident
8 that we're going to be in much better shape now that
9 our staff is back on the premises since April 5th.

10 CHAIRPERSON TREYGER: But just so we're
11 clear, you have the data, but you don't want to share
12 it, or are you saying that-- because attendance,
13 taking attendance, that's not negotiable. You have
14 to take attendance. Do you have the data and you're
15 just-- you just don't want to share it today, is that
16 correct?

17 DEPUTY SUPERINTENDENT MARINACCI: No, we
18 don't have daily attendance data for Rikers Island
19 because we're not able to take daily attendance on
20 paper packets.

21 CHAIRPERSON TREYGER: Taking attendance,
22 that's a part of our job. That's-- that's why-- can
23 you elaborate why you're not taking daily attendance.

24 DEPUTY SUPERINTENDENT MARINACCI: Sure,
25 Chair. As you know, during remote learning the

2 attendance policies for the entire DOE have been
3 changed to talk about interactions and other things.
4 So attendance policy has been differentiated. In
5 this site, we did the best that we could in terms of
6 reporting all the work that we got back from
7 students, but it just wouldn't be accurate to say the
8 percentage of the daily attendance, because again,
9 when a student is working on a paper packet, we don't
10 know if he did it on Tuesday, or Wednesday, or
11 Thursday, or they weren't turning these back every
12 single day.

13 CHAIRPERSON TREYGER: I have to tell you,
14 this is the first time I've ever heard this, and to
15 be clear, my committee, we actually had to subpoena
16 the DOE to get attendance data from last spring
17 because they were stonewalling us for quite some
18 time. I-- this is not-- just not that it's
19 satisfactory, this is bizarre, and this is very
20 concerning because even if the data is concerning to
21 you, we need to know that, because we need to know
22 how to target more support where it's needed the
23 most. Attendance, it's really important for us to
24 know, even with handouts. There are ways of
25 communicating and there are ways of making sure that

2 our students are accounted for and that they're okay.
3 What can we do to get data and information in real-
4 time about students showing up or participating,
5 because not knowing is just-- that's just not
6 acceptable.

7 SUPERINTENDENT ZWEIG: So, now that our
8 staff is on the premises, we can do real-time data,
9 and so we can-- actually, I said that by the end of
10 this month we'll have a month's worth of data, but
11 [inaudible] this hearing, by this Friday, we will
12 give you by this Friday what the attendance has been
13 since our staff returned on April 5th, because that
14 shows us who actually came to the school floor, who
15 interacted with teachers. Prior to that, prior to
16 our staff coming back, we don't have a way of
17 measuring that daily-- I can't really-- I'm sorry--
18 say anything more than that. It's not stonewalling,
19 sir, please. We're not. We're sitting here with all
20 sorts of data. It is a totally unusual situation that
21 existed at Rikers Island prior to us having staff
22 back on April 5th.

23 DEPUTY SUPERINTENDENT MARINACCI: And our
24 staff do not have the ability to reach out to reach
25 out to students. Students are incarcerated in

2 housing. You can't call a housing area. The
3 students would need to call us.

4 CHAIRPERSON TREYGER: Right, but you
5 know, I'm just not sure if I can accept an answer
6 that we just have had zero connection with students,
7 like zero.

8 DEPUTY SUPERINTENDENT MARINACCI: Well,
9 we didn't have zero--

10 SUPERINTENDENT ZWEIG: That's not
11 accurate. We didn't have zero--

12 CHAIRPERSON TREYGER: [interposing]
13 Right, but-- right, so I'm saying, if you're able to
14 reach them to give them the packet, how are you not
15 able to reach them to take attendance.

16 DEPUTY SUPERINTENDENT MARINACCI: We can
17 gather information on the completion of the packet,
18 we just couldn't-- when you think about traditional
19 attendance taking, is the person physically in a
20 classroom Wednesday, April 21st? That's-- there's no
21 way for us to accurately reflect that through the use
22 of a package. So we want to make sure whatever data
23 we provide is accurate.

24 CHAIRPERSON TREYGER: There's no phone
25 calls. There's nothing else that can be done?

2 DEPUTY SUPERINTENDENT MARINACCI: We can--
3 - we can't physically call--

4 [cross-talk]

5 SUPERINTENDENT ZWEIG: We can refer to
6 the DOC who we work very closely with, AC Torres and
7 King, because the phones were made available in the
8 housing areas. We had staff always ready to engage
9 and interact, but we didn't control the phones and
10 there's no number unlike anywhere else in New York
11 City that we have an opportunity to call in. So, it
12 was always a call out. So that whole structure is so
13 unusual that it's the completion of the packets,
14 that's our proxy for attendance, but gauging that
15 interaction like we define attendance even in a
16 remote paradigm, we couldn't do other than through
17 those packets. We just couldn't do until
18 [inaudible].

19 CHAIRPERSON TREYGER: Right. So how
20 would a social worker know who needs services? How
21 does a social worker make connections during this
22 time?

23 DEPUTY SUPERINTENDENT MARINACCI: So, the
24 way our social workers did it was we would send
25 communication through with the packets with the

2 schedule. You could call your social worker. We
3 would send communication to the student about what's
4 available and letting them know that they always have
5 the opportunity to call. There were some students who
6 did call, and we were able to engage with those
7 students.

8 CHAIRPERSON TREYGER: And were there any
9 notes taken about the number of kids who reached out
10 to make connections versus kids who did not?

11 DEPUTY SUPERINTENDENT MARINACCI: Yes, we
12 have data on the-- we don't have it here, but we can
13 get you the data on how many phone calls were made.
14 The system just tells us whether or not a call was
15 made, but our counselors--

16 CHAIRPERSON TREYGER: [interposing] So,
17 that's an example of a connection beyond just getting
18 a packet.

19 DEPUTY SUPERINTENDENT MARINACCI: Yes.

20 CHAIRPERSON TREYGER: And that's kind of
21 what I'm talking about.

22 DEPUTY SUPERINTENDENT MARINACCI: Yeah,
23 absolutely.

24 SUPERINTENDENT ZWEIG: And students also--
25 - you know, we're talking a lot about the packet, but

2 many students also had access to tablets during this
3 time. And so the students who were on the tablets,
4 they also had a way to message with the teacher and
5 counselor. It wasn't in real-time, but we did get
6 messages from students that way.

7 CHAIRPERSON TREYGER: Okay. I think
8 Chair Levin is back on. I'll turn to him.

9 COMMITTEE COUNSEL: Thank you. We will
10 go ahead and unmute Chair Levin. Chair Levin, you
11 will see a prompt asking you to accept.

12 CHAIRPERSON LEVIN: Yes, thank you. Can
13 you hear me okay?

14 COMMITTEE COUNSEL: Yes, go ahead.

15 CHAIRPERSON LEVIN: Okay. Thank you very
16 much. I want to thank my Chairs and I want to thank
17 the Administration again. My apologies for--
18 whatever-- my situation here. So, I'd like to ask
19 about vaccinations. Are all students in either East
20 River Academy or Passages that are 16 years of age or
21 over, are they getting vaccinated now? Are they
22 being provided information around vaccines? How are
23 they are getting vaccinated?

24 EXECUTIVE SUPERINTENDENT LISANTE: We
25 would have to pass that to our [inaudible] ACS.

2 COMMITTEE COUNSEL: Can we go ahead and
3 unmute Commissioner Barrios?

4 COMMISSIONER BARRIOS: Thank you very
5 much, Council Member Levin. So, a number of youth in
6 our secure facilities have received their vaccine.
7 As you know, the Pfizer vaccine is available for
8 youth 16 and older, and the Moderna vaccine is
9 available for persons 18 and over.

10 CHAIRPERSON LEVIN: Okay. What-- with
11 the ultimate goal of getting back into in-person
12 classes, that being essential to that, what's the
13 process? How are they getting vaccinated? How many
14 have been vaccinated? What percentage? Can you
15 share any of that with us? Of the students in the
16 schools.

17 COMMISSIONER BARRIOS: We already have a
18 process in place to vaccinate youth in our secure
19 facilities with support from the Vaccine Command
20 Center and through our health services provider, the
21 floating hospital. That process, however, requires
22 both consent from the youth and the parent, assuming
23 that young person is 16 and 17 years old, and
24 obviously youth 18 and older can consent for
25 themselves. As you know, there is currently not a

2 mandate for young people to be vaccinated, but with
3 respect to the question about how does that impact
4 education, I'll defer to my colleagues at the DOE.

5 CHAIRPERSON LEVIN: Okay, yeah, but I do
6 want to know some numbers. I want to know what
7 percentage of youth at-- I want to know what
8 percentage of students that are eligible for the
9 vaccine, so 16 years of age or older at Passages, and
10 then what percentage at East River Academy who are
11 all eligible for the vaccine are vaccinated at least
12 with one dose right now, and really would like to
13 know one dose and two doses?

14 COMMISSIONER BARRIOS: So, right, Council
15 Members, I can speak to the number of youth that have
16 been vaccinated in our secure facilities, but with
17 respect to the question what percentage of students,
18 that one I'm going to kick over to the DOE.
19 Currently, we've had seven youth total who have been
20 vaccinated, having obtained the necessary consents.
21 Six of the seven have already received their second
22 dose, and we are continuing efforts to try to provide
23 the necessary information and education to both youth
24 and parents so they can make an informed decision
25 about getting vaccinated.

2 CHAIRPERSON LEVIN: Okay, but so that's
3 seven, six or seven out of how many?

4 COMMISSIONER BARRIOS: So, I'd have to go
5 back to census and I can get that information to you,
6 Council Member.

7 CHAIRPERSON LEVIN: Okay, but that's out
8 of-- that's out of like over 100. So that's under 10
9 percent, right?

10 COMMISSIONER BARRIOS: Approximately.

11 CHAIRPERSON LEVIN: So that's obviously
12 not acceptable. I mean it's essential to have young
13 people-- I don't know what the process of obtaining
14 that consent is, but you know, may be that-- I don't
15 know, who's in charge of obtaining the consent? Is
16 that ACS, DOC, Department of Health? Who's in charge
17 of that?

18 COMMISSIONER BARRIOS: So, for ACS
19 juvenile facilities, ACS is responsible for working
20 with young people and parents to obtain consents.
21 Again, there is not currently a mandate for young
22 people to be vaccinated, and therefore, we have to
23 work with both the young person and the parent in
24 cases where young people are ages 16 and 17. In some
25 situations you might have a young person who says

2 yes, but a parent who refuses to sign a consent, or
3 vice versa.

4 CHAIRPERSON LEVIN: Right, I imagine
5 there's legit single challenges to it. That's why I
6 want to know--

7 COMMISSIONER BARRIOS: [interposing]
8 Right.

9 CHAIRPERSON LEVIN: what the logistical
10 process is.

11 COMMISSIONER BARRIOS: And so we make,
12 you know,--

13 CHAIRPERSON LEVIN: [interposing] The
14 issue for me being that, you know, if we're not able-
15 - if we don't have a process that is effectively more
16 than 10 percent of students in detention vaccinated,
17 then you know,-- if we don't have an effective
18 process, then we're never going to get back to in-
19 person learning. I mean, how are we going to get
20 back to in-person learning if we don't have-- if we
21 don't have an effective vaccination regimen for them?

22 COMMISSIONER BARRIOS: So, we do have it,
23 Council Member. As I stated, we have a process in
24 place to both obtain consents and to provide vac--

2 CHAIRPERSON LEVIN: [interposing] No, I
3 understand there's a process, but your process right
4 now is 10 percent effective or less. You know,
5 young-- everyone over the age of 16 has been eligible
6 for a vaccine, the Pfizer vaccine, for weeks now, so
7 you know, I would expect that that number would be--
8 you know, if it was 30 percent or 40 percent that
9 would be one thing. Six percent, that does not give
10 me a lot of confidence that this is going to, you
11 know, be widespread enough to be able to have in-
12 person learning.

13 COMMISSIONER BARRIOS: So, Council
14 Member, if I may, I just wanted to clarify that in-
15 person learning is available at our secure
16 facilities. So, whether or not kids are vaccinated
17 has no bearing on their ability to receive in-person
18 instruction, but we will continue to make efforts and
19 we have, to speak with more young people and parents,
20 to provide them with the necessary information to
21 make an informed decision about getting the
22 vaccination.

23 CHAIRPERSON LEVIN: And in-person option
24 right now is entirely at the young person's
25 discretion?

2 COMMISSIONER BARRIOS: No, sir. I'm
3 going to defer to the DOE on that, but no.

4 EXECUTIVE SUPERINTENDENT LISANTE: We
5 need to refer to the DOC for vaccination on Rikers
6 Island.

7 COMMISSIONER TORRES: Hi, this is
8 [inaudible] Torres from the DOC. I'll be more than
9 happy to speak to our provider, DHS, to be in a
10 better position to give you any data related to
11 vaccinations for the young adults.

12 CHAIRPERSON LEVIN: But you don't have it
13 with you at your fingertips right now?

14 COMMISSIONER TORRES: No, sir, I don't.

15 CHAIRPERSON LEVIN: Okay. And then
16 sorry, back to my previous question, then who's-- who
17 makes the decision as to whether a young person is
18 remote or in-person right now?

19 EXECUTIVE SUPERINTENDENT LISANTE: All
20 the students at Crossroads and Horizon are on a
21 blended learning schedule. The schedule is by hall.
22 So, the-- when a hall comes down, when a hall is
23 scheduled to come to school, the entire hall comes
24 down to school.

2 CHAIRPERSON LEVIN: Can you repeat that
3 last part again, I'm sorry?

4 EXECUTIVE SUPERINTENDENT LISANTE:
5 Whenever a hall is called down to school or a housing
6 area is called down for school, the entire hall is
7 brought to school. You know, with the obvious
8 exception of court or a medical issue.

9 CHAIRPERSON LEVIN: So, okay, so moving
10 along. I want to ask about youth integrated units or
11 young people in segregated units in-- at Rikers. I'm
12 a little bit perplexed. There's no in-person
13 opportunities for them, or remote option? It's
14 purely the packets for them? Is that right?

15 EXECUTIVE SUPERINTENDENT LISANTE: I'm
16 sorry, were you asking us that question, Chair Levin?

17 CHAIRPERSON LEVIN: Sorry. I'm asking
18 the Department of Education for the young-- for
19 people that are in segregated units at Rikers at the
20 East River Academy, is that-- are these-- when you're
21 talking with Council Member Powers you mentioned--
22 you spoke about the packets every two weeks. Are
23 there no-- there's no in-person option for youth in
24 segregated units in-- at East River Academy?

2 DEPUTY SUPERINTENDENT MARINACCI: I think
3 it depends on what you mean by segregated units.
4 There are in-person options currently at two
5 facilities, RNDC and Rose M.

6 SUPERINTENDENT ZWEIG: And that's where
7 the overwhelming majority of the students are. And
8 so, Chair Levin, this is Robby Zweig again. And so
9 we in the DOE [inaudible] facilities serve every and
10 any students that is escorted to the floor. I think
11 our colleagues at DOC may be able to better answer
12 about how those decisions are made, but from the DOE
13 perspective, any student brought to the school floor
14 in either of those two facilities, we serve in
15 person. But who is escorted I think is more of a
16 DOC, and perhaps our DOC colleague can answer that a
17 little more thoroughly.

18 COMMISSIONER TORRES: Hi, this is AC
19 Torres from DOC. Will please just repeat the
20 question for us in order to give you an accurate
21 response?

22 CHAIRPERSON LEVIN: Sure. So, students
23 that are not in general population, are in a
24 segregated unit of some kind at Rikers, are they
25 provided with the option of in-person learning? I

2 think that Council Member Treyger-- I mean, Council
3 Member Powers-- you had an entire back and forth with
4 him around the packets that are available for-- that
5 are given to those students.

6 COMMISSIONER TORRES: Well, thank you
7 Chair Levin. I think I understand your question.
8 When it came to my statement with Chair Powers I
9 indicated to him that pre-pandemic we had staff
10 members from the Department of Education assigned to
11 any of our restrictive houses, which of course, at
12 the present time [inaudible] as well as the social
13 distancing, we have not been able to do so. We are
14 always--

15 CHAIRPERSON LEVIN: [interposing] But
16 there--

17 COMMISSIONER TORRES: Sorry, sir?

18 CHAIRPERSON LEVIN: But are these
19 students given tablets?

20 COMMISSIONER TORRES: They are given
21 presently learning packets as well as--

22 CHAIRPERSON LEVIN: [interposing] No, no,
23 tablets, tablets.

24 COMMISSIONER TORRES: [inaudible]

2 CHAIRPERSON LEVIN: Why not tablets?

3 Tablets, why not tablets?

4 COMMISSIONER TORRES: So where we are
5 right now in terms of one specific area housing area,
6 or two housing areas, we always need to look into
7 number one, connectivity, and also any security
8 concerns that are posed to us by the command. We are
9 always willing to explore how best to provide
10 educational services, but at this very moment the
11 only best option happens to be learning packets.

12 CHAIRPERSON LEVIN: That's not-- that
13 cannot possibly be the case. Why-- explain to me why
14 a learning packet is a better educational option than
15 a remote learning through tablet?

16 COMMISSIONER TORRES: So, if there are
17 any security [inaudible], Chair Levin, we are not
18 quick to actually give the tablets out. We are, in
19 fact, discussing how best to move forward with that.
20 We are not--

21 CHAIRPERSON LEVIN: [interposing] I'm
22 sorry-- can you-- wait, I'm sorry. Can you re-- I'm
23 sorry, can you repeat that? Why are you not giving
24 the tablets out?

25

2 COMMISSIONER TORRES: Because there are
3 some security concerns.

4 CHAIRPERSON LEVIN: Like what, what would
5 be considered a security concern?

6 COMMISSIONER TORRES: Well, we need to
7 basically share with you that there are concerns with
8 connectivity. There are concerns with how tablets
9 could be destroyed and how in being destroyed, those
10 components become sharp objects that can seriously,
11 number one, hurt the individual who has been assigned
12 to the tablet, and hurt any other peers assigned to
13 their housing areas, as well as staff.

14 CHAIRPERSON LEVIN: So, the concern is
15 using a tablet as a weapon, that's the concern?

16 COMMISSIONER TORRES: So, the concern is
17 dual. The concern is the possibility of security
18 breaching from connectivity and as well as being used
19 as a weapon.

20 CHAIRPERSON LEVIN: I'm sorry, I don't
21 understand the connectivity issue? What's the
22 connectivity issue?

23 COMMISSIONER TORRES: So, there are areas
24 within our facilities that even though we have
25 created hot spots and we have gone out of our way to

2 work closely with IT, that regardless of how much
3 effort we put together or forth, we are still unable
4 to assign a tablet that will establish connectivity.

5 CHAIRPERSON LEVIN: But that's not a
6 security issue. That's just a-- that's an IT
7 problem.

8 COMMISSIONER TORRES: That's correct,
9 sir.

10 CHAIRPERSON LEVIN: But we're a year into
11 the pandemic and we haven't figured out the IT
12 problem?

13 COMMISSIONER TORRES: So, I'm sorry, but
14 I might be at a loss, Chair Levin. I hope that you
15 know that every effort is made to ensure that the
16 best remote learning capability is afforded to any
17 young adult who is interested and enrolled in
18 educational services.

19 CHAIRPERSON LEVIN: Okay, but I'm sorry,
20 but you cited two issues. One is a security issue
21 where they could potentially break the tablet and use
22 it as a weapon. I imagine the glass, a glass shard
23 for example could be used as a weapon. Maybe the
24 tablet itself could be used as a weapon. I think
25 there's probably some way to address that issue as a

2 security issue. The other issue is students'
3 connectivity. The connectivity issue, for every-- I
4 mean, there has to be a solution. You know, you can
5 get connectivity, you know, in the South Pole. You
6 can make-- this is just Rikers Island. It's in the
7 idle of New York City. You should be able to have a
8 level of connectivity for a segregated housing unit,
9 restricted housing unit. That shouldn't-- I don't
10 understand. That-- so those are two issues that I'm
11 saying-- if I was-- if I was working on this, I would
12 say, okay, so we have two problems to address, and I
13 would work to find out how to address that problem,
14 not come back a year into the pandemic and say, you
15 know, that's the reason why we're just giving people
16 in restrictive housing a packet and we'll come back
17 two weeks and see if you have filled it out. And if
18 you haven't, then no big whoop anyway. That's your
19 education. That's not an education. So, I'm sorry,
20 I just-- we are 13 months into the pandemic. We've
21 had a lot of time to figure out the connectivity
22 issue, and if we have to-- in case the iPad and, you
23 know, and a substance or some kind of secure
24 encasement that makes it so it cannot be broken and
25 then chain it to the wall, fine. You know, then you

2 can't take it out of your cell. I don't understand
3 why that is so hard.

4 COMMISSIONER TORRES: So, Chair Levin, we
5 agree with you that we always need to explore how
6 best to provide educational services. We are
7 committed to doing so. We know that the tablets that
8 we use are indeed in a very secure case that often
9 times is compromised. And so we will continue to
10 explore how best to move away from delivering these
11 packets and going to a different route, whether it is
12 through tablets or whether it is through, once again,
13 video conferencing which we are already affording as
14 Rose M. Singer and RNDC.

15 CHAIRPERSON LEVIN: Okay. Obviously, I'm
16 not satisfied with the status quo. Second topic is
17 I've read in-- please correct me if I'm wrong-- that
18 tablets are being revoked from students as a form of
19 discipline, is that correct, at either East River or
20 Passages?

21 UNIDENTIFIED: [inaudible] Commissioner
22 Barrios?

23 COMMITTEE COUNSEL: Sure, if we could
24 please unmute Commissioner Barrios?

2 COMMISSIONER BARRIOS: Thank you for the
3 question, Council Member Levin. All youth in ACS'
4 care entitled to quality education services, and we
5 do not prevent any youth or students from
6 participating in those services as a form of
7 punishment. As my colleagues at the ACS-- I'm sorry,
8 the DOE noted earlier, all students are issued DOE
9 Chromebooks for remote learning, and ACS also
10 provides tablets that are used for recreational and
11 education purposes, but under no circumstances do we
12 take away from kids as a form of punishment.

13 CHAIRPERSON LEVIN: Nor tablets?
14 Chromebooks-- under no circumstances are tablets or
15 Chromebooks removed as a form of discipline?

16 COMMISSIONER BARRIOS: Not for
17 educational purposes, no sir.

18 CHAIRPERSON LEVIN: Okay, is the same
19 true for DOC?

20 COMMISSIONER TORRES: So, when it comes
21 to the DOC, we Chair Levin, do not remove the tablets
22 as a form of punishment. It is not what we do. The
23 only time-- and keep in mind, I don't know that I
24 made myself clear before, but when it comes to the
25 tablets that have been rerouted to educational

2 services, those are tablets that are regionally were
3 purchased as part of our positive behavior management
4 system. Never do we take away the tablets just as
5 punishment or to impede the young adult's progress as
6 it relates to educational services. We do so when
7 there is a security concern or when there is a lack
8 of adherence to contract that those who are
9 interested in accessing the tablets have read,
10 understood, and signed with us.

11 CHAIRPERSON LEVIN: Okay, so what is the-
12 - what is an example of-- that seems like kind of a
13 big caveat there at the end. What's an example then
14 of violating the contract?

15 COMMISSIONER TORRES: Sure, I'll give you
16 the example of tampering with the case that
17 [inaudible] the tablet. I'll give you the example
18 of, you know, we made the tablets available from
19 eight o'clock in the morning until 8:00 p.m. The
20 kids know that in order for them to be able to use
21 them and have the tablets ready for the next day
22 distribution, the tablets need to be returned by
23 eight o'clock at night. They know too well that
24 they're not to use the tablet codes that have been
25 assigned to their person. They're not to share it

2 with any other young adults. And those are just a
3 few of the examples, but I think that what is
4 crucial--

5 CHAIRPERSON LEVIN: [interposing] So then,
6 so then if those-- so if those, if they do engage in
7 any of those activities the tablet could be removed
8 from them and that's when they would be given a
9 packet?

10 COMMISSIONER TORRES: So, I need to share
11 with you that when we identify somebody who is doing
12 that, we always have a conversation with them. The
13 removal is not something that we do immediately. We
14 basically have the conversation with the person
15 whether it's a young adult or whether it is an adult.

16 CHAIRPERSON LEVIN: And then, I'm sorry--
17 going back to ACS, ACS is different in that it's the
18 Chromebook or the tablet is never removed from the
19 student or is there a similar contract?

20 COMMISSIONER BARRIOS: No, so just to be
21 clear, the Chromebooks and tablets are not taken away
22 for educational purposes as a form of punishment.
23 Now, there were-- there was an incident recently and
24 a few last year where a Chromebook was taken away for
25 security reasons because youth with the sophisticated

2 technology skills were able to find a way to
3 circumvent the security feature. And so in that
4 situation the Chromebook was retrieved, the matter
5 was reviewed, and then immediately after the matter
6 was resolved, the Chromebook was reissued. The only
7 other instance where a Chromebook was retrieved was
8 where a youth broke the Chromebook. That Chromebook
9 then had to be replaced. But just to be clear, we
10 don't remove the devices when they're being utilized
11 for educational purposes as a form of punishment.

12 CHAIRPERSON LEVIN: Okay, I appreciate
13 you taking your time. I'm going to turn it back over
14 to my co-chairs and then the other Council Members
15 that may have questions. Appreciate your time.
16 Thank you.

17 COMMITTEE COUNSEL: Thank you, Chair
18 Levin. There are no other committee members that
19 have questions, so I will turn it to Chair Powers and
20 then Chair Treyger to wrap things up.

21 COMMITTEE COUNSEL: [inaudible]

22 CHAIRPERSON POWERS: Thank you. I'm
23 going to hand it over to Chair Treyger for questions
24 and then we'll go onto panels. So I'll let him if he
25 has additional questions.

2 CHAIRPERSON TREYGER: Thank you. Thank
3 you both. I just-- I think some of the parts that we
4 did not hear really enough today is really the level
5 of coordination between the key agencies. A lot of
6 agencies, key agencies, are involved in order to make
7 this work. One agency could not do this work alone.
8 The DOE certainly has a critical role and
9 responsibility, but provided that they're not in
10 traditional school settings. We need DOC. We need
11 ACS. We need other folks to make sure that they've
12 also doing their part. So, and other areas that--
13 you know, maybe just one last piece here. If the
14 transition work, what happens once students leave
15 these temporary settings? The accountability, what
16 does that look like? Who stays in touch with them?
17 Who makes sure that they are continuously getting the
18 support that they need? Could each agency take a--
19 not just DOE, but could each agency take a piece of
20 that about what does the transition work look like,
21 making sure that students are continuously receiving
22 the support that they rightfully need. Because
23 remember, there's a reason why we hone in on
24 attendance, the reason why we hone in on these
25 factors, because attendance is an indicator of so

2 many different things during the course of a child's
3 academic life and beyond. Literacy, also. Just
4 trying to get a better grasp of what does connections
5 look like once students are transitioned out of these
6 programs. If we can hear from all the agencies,
7 please.

8 COMMITTEE COUNSEL: Can we unmute the
9 Department of Education? And also I just want to
10 acknowledge that Council Member Dromm has his hand
11 up.

12 EXECUTIVE SUPERINTENDENT LISANTE: I'm so
13 glad you brought this up, Chair Treyger. Thank you
14 so much. Again, I mentioned in my testimony in both
15 schools, the transition counselor follows the
16 students six months into the community. And the
17 other big thing that we have is all these
18 relationships. And you know, during crisis these
19 relationships really get manifested. You don't
20 develop relationships during a crises, right? It
21 comes out, meaning that we have all these different
22 sites in every borough, and as long as I've been
23 doing this work we have something called re-routing
24 students, because it may sound really good while
25 they're in detention, oh I want to go to this school,

2 and then they get there and it's not the right thing.
3 Our people re-route them to another place. And
4 again, having District 79 with 4,400-- whatever you
5 have-- 400 sites, there's all types of options like
6 Superintendent Zweig mentioned with CTE and mental
7 health. We have programs, high school equivalencies
8 within mental health. So again, I want to really
9 emphasize that six months follow-up with the
10 students, and again, as you mentioned, there has to
11 be collaboration because there's multiple needs of
12 our students, right? I was at Covenant House
13 yesterday, again, we have a lot of students who are
14 homeless. So, again, one of the best things that we
15 have is that transitional piece, and it starts day
16 one. And the last thing I wanted to say on this was,
17 you know, when Sponsored [sic] was around, right,
18 there was New York State teachers there, and I was
19 asked in 1998 to leave my principalship [sic] on
20 Rikers Island and open up Passages Academy and have
21 city teachers go into Sponsored, right, instead of
22 state teachers. The Superintendent said to me, have
23 a dynamite idea program. It's in 10th grade, you'll
24 be fine. But we found a high percentage of over-aged
25 middle school students, and it broke my heart. You

2 know, if you go to other counties, how many eighth
3 graders they're having in lock-up, in jail? So, we--
4 for those students-- again, another indicator of
5 dropping out is being left back, right, being
6 retained. So we started Restart Middle School,
7 alternative middle schools, because we said to the
8 students, "Don't go back to the school you weren't
9 going to." You know? We had this brand new option.
10 Restart Middle Schools are in high school so that the
11 students don't feel like they're out of place. So I
12 think we've made a lot of-- again, this is very hard,
13 but that's the whole point of this is to get students
14 transitioned into a school and continue their
15 education after they get out. I'm glad you brought
16 that up. That's something we continuously work on.
17 We've invested a lot in.

18 CHAIRPERSON TREYGER: Superintendent,
19 just a very quick follow-up on that. In my
20 experience in my district, when we had situations
21 with justice-involved youth and families, one of the
22 sobering data points that I've come across is that
23 the number of teenagers who have been through the
24 system not once, not twice, not three times, not four
25 times. I have young people who have been through the

2 system over a dozen times, even more. Can you share
3 with me from your experience some of the students who
4 have gone through these alternative settings, do you
5 see them again?

6 EXECUTIVE SUPERINTENDENT LISANTE: Yes,
7 and one of the things that we're really proud of--
8 you know, Judge Kay [sic] dedicated her life to
9 keeping kids out of lock-up in school at her court.
10 So when she passed away we were asked to open a
11 school in her name, and it's called Judith S. Kay
12 [sic] High School, and it's been very successful with
13 court-involved youth. I think it's a real model
14 because of three things. It has the high schools
15 diploma track. It has the high school equivalency
16 track. One of the bad things about transfer schools
17 is that if you go to a transfer school and you want
18 your high school equivalency, you got to transfer out
19 of the transfer school you transferred into. Here,
20 you have the dual tracks together, and it's the third
21 track that's CTE. So, again, we did an analysis of
22 Judith S. Kay [sic], and we looked at all the
23 different sites the students were in and the
24 mobility. I think one year at the average school, it
25 was high school the students had been in before they

2 came to us, was four years. So how do we break that
3 cycle of being re-arrested, and I think one of the
4 best ways is to get the students into a program that
5 they're really interested in so they continue their
6 education. But we definitely see-- the good news is
7 we see less over the years. Again, when I was out at
8 Rikers we had 20,000 people on Rikers. That's crazy.
9 So I think the city's done a great job, especially I
10 want to give a shout out to Probation. I know they're
11 not here, but they've done some great work and we had
12 a lot of collaborations with them. So, again,
13 breaking the cycle I think the key, and that's why
14 people like us dedicated our lives to this. It's a
15 quality education, connecting students to a school
16 that they're going to stick to and thrive in.

17 CHAIRPERSON TREYGER: I want to say in
18 closing and turn it over to Chair Powers that in my
19 district in Coney Island, I think we spoke about
20 this, we had to kind of break the mold for the health
21 education program because the old programs were just
22 not working to meet the needs of our families, and in
23 our district we partner with Opportunities for Better
24 Tomorrow to provide free adult education classes in
25 Coney Island. So, proximity matters, not having

2 folks travel across the city to get basic services.
3 So we removed one barrier as far as transportation.
4 We provide free meals, which is a barrier, because
5 their classes are typically in the evening and they
6 can last a couple of hours. We provide free child
7 care services, Connections. That's a barrier for
8 many families. And also case management services,
9 and we're actually looking this year to add
10 additional services as far as stipends. So when we
11 knock down all those barriers, we're actually-- and
12 we have seen retention rate, attendance rate pick up,
13 retention rate really improve, and the number of
14 adults passing-- or passed certain-- whether some
15 took the task, some took other type of credentialed
16 things, measures and they passed. So I think the
17 more we knock down the barriers, the better, and
18 that's how-- that's a part of the work of not-- of
19 breaking that vicious cycle. I know that Council
20 Member Dromm has his hand raised and he's been very
21 patient. So I'll turn it over to Council Member
22 Dromm.

23 SERGEANT AT ARMS: Time starts now.

24 COMMITTEE COUNSEL: There we go.

25

2 COUNCIL MEMBER DROMM: Okay. Can you
3 hear me now?

4 COMMITTEE COUNSEL: Yes.

5 COUNCIL MEMBER DROMM: Okay, thank you so
6 much. Thank you, Chair Treyger, and thank you to
7 Chair Powers and Chair Levin as well. You know, I
8 just want to say that I admire and I met with Mr.
9 Lisante on a number of occasions when I was the Chair
10 of the Education Committee as well to discuss the
11 situation on Rikers Island. So, I just want to say
12 that, you know, he's a very dedicated professional,
13 and you know, he's working with very challenging
14 conditions as is his whole team. But I do think that
15 with the line of questions that occurred today and
16 the answers that we received, I think it's really
17 important that we pass my legislation so that we can
18 get a better grasp of what's actually occurring in
19 Passages and in the Academy as well. So, I just want
20 to thank you and just move it along and say hopefully
21 we can get this legislation passed as soon as
22 possible. Thank you.

23 CHAIRPERSON TREYGER: Thank you, Chair
24 Dromm, and thank you for your leadership on this

2 issue from day one. Much appreciated. And I'll turn
3 it over now to Chair Powers.

4 COMMITTEE COUNSEL: Actually, no, Chair
5 Treyger this is-- everyone has concluded their
6 questions and comments.

7 CHAIRPERSON TREYGER: Yeah, I just want
8 to echo something I heard from Chair Dromm about
9 Superintendent Lisante. I agree. I've met with him.
10 He's been very response [sic] accessible to me and to
11 his team. We just have a lot more work to do here,
12 and but the DOE can't do this work alone. I
13 mentioned it before. This is going to require a
14 partnership, more resources. We need to be
15 innovative with the use of federal and state
16 resources that are coming now, and quite frankly we
17 need to make sure that we don't have young people
18 having to go through this in the first place, quite
19 frankly, and to build a more just system and
20 supportive system in our K to 12 and beyond, because
21 there are factors that led our young people here in
22 the first place, and they shouldn't be there quite
23 frankly, and but with that I appreciate the
24 Administration's testimony here today. We have a lot

2 more work to do, and with that, we'll now hear from
3 the public. Thank you.

4 COMMITTEE COUNSEL: Okay, that now
5 concludes testimony from the Administration. We will
6 now turn to the public portion of this hearing. I
7 would like to remind everyone that we will be calling
8 people in panels of persons of four to five.

9 Everyone is limited to two minutes. The Sergeant at
10 Arms when we call your name will announce when you
11 may begin, and we ask that when time is called, if
12 folks could wrap up their final thoughts before we
13 move onto the next panelist. So, for panel one we
14 are going to call Julia Davis, Children's Defense
15 Fund New York, Charlotte Pope, Girls for Gender
16 Equity, Daniele Gerard, Children's Rights, Cheavanese
17 Dietrick, Trinity Church Wall Street, and Gisele
18 Castro, Exalt. Following this panel we will have a
19 panel with the Legal Aid Society, Melinda Andra,
20 Stefen Short, Mary Lynne Werlwas, and Nancy Ginsburg.
21 So for panel one we will first start with Julia
22 Davis.

23 SERGEANT AT ARMS: Time starts now.

24 JULIA DAVIS: Thank you, Chairs. I'm
25 Julia Davis. I'm Director of Youth Justice and Child

2 Welfare at the Children's Defense Fund. I want to
3 thank you Chair Powers for going to Rikers so
4 recently and for Chair Levin and Chair Treyger for
5 being so deeply engaged, especially around the young
6 adults on Rikers Island. As you've heard today, it
7 is a very difficult time for them, and the amount of
8 education and support services they are getting is
9 meager to say the best. What you heard today in
10 terms of the access to services in terms of education
11 and programming is extremely limited, and so your
12 attention and focus is very timely. I have a
13 proposal. One thing that would move us forward in
14 this work is for the City Council to write
15 legislation and demand the Department of Correction
16 bring back together the Young Adult Advisory Board.
17 This was a committee created in 2014 that brought
18 together Department of Education, the Department of
19 Correction, ACS, MOCJ, all the service providers, the
20 Defenders, folks working with young people on the
21 island every day. This group was problem solving
22 partly in response to the Nunez litigation, partly in
23 response to the City's rule-making around the end of
24 punitive segregation. This group did extraordinary
25 work developing policy and practice on the ground and

2 responding to the very real problems as they merge in
3 real time. Four young adults to get to the root
4 problems of the issues behind violence and the need
5 for segregation and to connect young people with
6 services, which I know is the intent of this
7 committee. So I urge you to consider this as an
8 opportunity to bring that group back together. My
9 concern is that the Department will not do this
10 without your guidance and instruction. We have lost
11 an enormous amount by not having that group together,
12 especially during COVID, as you've seen. You know,
13 this is system that has been so profoundly broken
14 throughout the COVID pandemic and there's been great
15 lost opportunity to serve our kids at the highest
16 point of need.

17 SERGEANT AT ARMS: Time expired.

18 JULIA DAVIS: So thank you so much for
19 your time today. I encourage you to consider this as
20 your opportunity.

21 COMMITTEE COUNSEL: Next we will hear
22 from Charlotte Pope, Girls for Gender Equity.

23 SERGEANT AT ARMS: Time starts no.

24 CHARLOTTE POPE: Thank you, Chairs,
25 members and staff, for navigating this today and for

2 the opportunity to testify. My name is Charlotte
3 Pope and I'm speaking on behalf of Girls for Gender
4 Equity. We were confused to hear that the DOE
5 doesn't have access to the number of young people
6 eligible to be enrolled in school but are not
7 enrolled. That seems like a crucial indicator of
8 school climate and access. We appreciate the Council
9 continuing to hold the DOE accountable to support
10 incarcerated young people, particularly those newly
11 disconnected from schooling due to the pandemic,
12 economic crisis and resulting push-out. We want to
13 mention that looking at the Councils' mandatory
14 report on school counselors and social workers, that
15 this school year East River Academy saw a decrease in
16 the number of support staff, down by three people,
17 but that represents a quarter of that staffing, so we
18 echo the concerns raised about retention. We support
19 the legislation being considered today and expanding
20 the scope of the law. we see in the 2020 report, DOC
21 posted that 48 students were prevented from attending
22 students, a jump from 17 students in the very first
23 report, but because of how limiting that description
24 is, we ask that intro 1224 be clarified, similar to
25 the ways classroom removals or suspensions are

2 recorded under the Student Safety Act so we're able
3 to know the number of days, instances, and kinds of
4 exclusions that are happening. Seeing also that 53
5 percent of all infractions were categorized as
6 classroom disruptions, we call on the council to
7 clarify these consequences. The DOE's discipline
8 code, for example, offers a range of responses to so-
9 called disruptions, beginning with a student/teacher
10 conversation rather than the denial of educational
11 services. We agree with the concerns raised today
12 about the potential creation of RAMS at NIC with the
13 Board of Corrections restrictive housing rule making
14 underway where young people would be subjected to a
15 new kind of indefinite isolation of a cage inside of
16 a cage with compromised access to education. We
17 outline other concerns and questions in our
18 testimony, including any new reliance on substitute
19 teachers as was mentioned briefly. But thank you
20 again Chairs and members for the--

21 SERGEANT AT ARMS: [interposing] Time
22 expired.

23 CHARLOTTE POPE: brought forward today.
24 Thank you.

2 COMMITTEE COUNSEL: Thank you. And next
3 we will-- next we will hear from Cheavanesse Diedrick
4 from Trinity Church Wall Street. I apologize if I
5 mispronounced your first name.

6 SERGEANT AT ARMS: Time starts now.

7 CHEAVANESE DIEDRICK: Good afternoon
8 Chair Powers, Chair Treyger, Chair Levin, and members
9 of the Committee on Criminal Justice, General
10 Welfare, and Education. My name is Cheavanesse
11 Diedrick and I'm a Program Officer for Racial Justice
12 at Trinity Church Wall Street. Thank you for
13 providing Trinity with the opportunity to testify in
14 today's oversight hearing. Trinity Church is an
15 active Episcopal Church just down the street from
16 City Hall with more than 1,600 parishioners who
17 represent all five boroughs and form an ethnically
18 racially and economically diverse congregation. In
19 addition to our [inaudible] more than 20 million in
20 annual funding to critical partners including the
21 Osborne Association, Fortune Society, and Exodus
22 Transitional Community to address racial justice by
23 ending mass incarceration and homelessness. Last
24 year, Trinity helped to form the Safe Communities for
25 Just Re-entry Campaign, a coalition of over 40 faith

2 leaders across the city that seeks to address the
3 urgent need of justice-involved individuals leaving
4 city jails, as well as improve the city's supports
5 and services for fellow New Yorkers re-entering
6 society following incarceration. As you know, a
7 majority of incarcerated individuals in New York City
8 and State do not have a high school diploma or GED,
9 and a quarter of those incarcerated do not have
10 either credential due to a myriad of factors that
11 have marginalized and excluded them from receiving a
12 quality education. The intersection between
13 incarceration and various education can cause
14 significant harm to individuals who seeks to find
15 employment and stability. We believe that the city--
16 while New York City has made notable strides to
17 improve correctional education and re-entry services
18 for New Yorkers. We believe that is must do more to
19 provide comprehensive support to incarcerated
20 individuals in the process of re-entry to remove
21 barriers to ensuring successful and stable
22 readjustment following incarceration. We believe
23 that the city should establish a centralized office
24 that reports directly to the Mayor.

25 SERGEANT AT ARMS: Time expired.

2 CHEAVANESE DIEDRICK: [inaudible] city's
3 re-entry services.

4 COMMITTEE COUNSEL: Thank you. And next
5 we'll hear from Gisele Castro.

6 SERGEANT AT ARMS: Time starts now.

7 COMMITTEE COUNSEL: You'll see a box come
8 up asking you to accept. There we go.

9 GISELE CASTRO: Thank you. [inaudible]
10 Good afternoon everyone. Good afternoon Chairmen. I
11 want to give an overview of our organization which is
12 Exalt Youth. We work with young people who are
13 involved in the juvenile and criminal justice system
14 ages 15 through 19, founded in 2006. We created a
15 curriculum to really address the two biggest factors
16 which is education and criminal justice systems which
17 lead our young people to make substantial, you know,
18 regrets if they're not necessarily in a pathway to
19 make great success in their [inaudible]. Overall, I
20 want to highlight some of the things that were
21 addressed already this morning, which are the
22 challenges that our young people face when they are
23 in detention, especially right now during the COVID
24 pandemic era where so many young people have been
25 left behind. Last year in March 2020-- I cannot

2 believe it already almost a full year. Exalt, we
3 pivoted into a virtual platform making sure that our
4 young people had access to not just laptop, but also
5 to their digital services. With that opportunity we
6 were able to work with ACS and we service over 20
7 young people who have been able to make some great
8 and substantial, you know, progress. It is our hope
9 as an organization that services the five boroughs to
10 have an opportunity to make a greater impact.
11 Knowing and understanding that our young people who
12 are detained at this moment, they have multiple,
13 multiple challenges and multiple barriers to make
14 substantial progress, hopefully when they resume to
15 school in the beginning of the fall. Very quickly, I
16 want to give an overview of our model. I have the
17 testimony if folks want to read it, they will be able
18 to do so. But in the last few years we have been
19 able to not just support young people who have been
20 in a Close to Home facility, but we have been able to
21 work with young people who have been--

22 SERGEANT AT ARMS: [interposing] Time
23 expired.

24 GISELE CASTRO: [inaudible] 79 and other
25 school systems to make sure that our young people are

2 not just making gains academically, but moving away
3 from the criminal justice system. My time expired.
4 Once again, thank you all so much for this
5 opportunity.

6 COMMITTEE COUNSEL: Thank you, and I just
7 want to remind everyone folks can make sure that they
8 submit their written testimony to
9 testimony@council.nyc.gov. We accept testimony up to
10 72 hours after the close of this hearing. The next
11 panel will be from the Legal Aid Society, Melinda
12 Andra, Stefen Short, Mary Lynne Werlwas, and Nancy
13 Ginsburg. We will first start with Melinda.

14 SERGEANT AT ARMS: Time starts now.

15 MELINDA ANDRA: Hi, good afternoon. My
16 name's Melinda Andra. I'm an attorney in the
17 Education Advocacy Project of the Juvenile Rights
18 Division of the Legal Aid Society. We very much
19 appreciate the City Council's efforts to provide
20 adequate funding and oversight for the DOE, and in
21 particular, we appreciate the City Council's
22 attention to the needs of children and youth who are
23 incarcerated, and who as Councilman Treyger pointed
24 out, among the most vulnerable of New York City's
25 children. A 2014 [inaudible] study by the Vera

2 Institute indicated that up to 85 percent of those
3 children that were incarcerated identified as having
4 suffered traumatic events including abuse, neglect,
5 and contact with domestic violence. When screened,
6 up to a third of those children were found to have
7 PTSD and depression. So this is a very vulnerable
8 group of students. As Mr. Lisante pointed out, about
9 65 percent of children at Passages Academy, which is
10 a school that serves children under 18 that are in
11 secure, non-secured, and limited-secure detention, do
12 have disabilities, have been identified as having
13 disabilities. A great number of students that have
14 not been identified also are behind in their academic
15 skills for a variety of reasons and perhaps have not
16 been-- have tested or have other factors that have
17 led to them being behind in their academic
18 achievement. So this is an extremely vulnerable
19 group of students, and while the students at Passages
20 Academy are now receiving some in-person instruction,
21 it is important to note that that has not been the
22 case throughout the pandemic. From March 16th
23 through the summer of 2020, students attending
24 Passages Academy did not have any contact with their
25 teachers unless they made the affirmative--

2 SERGEANT AT ARMS: [interposing] Time
3 expired.

4 MELINDA ANDRA: attempt-- excuse me-- to
5 reach out to them. And many students who required
6 individualized attention did not receive it. It was
7 only in September when students at Passages were able
8 to see and hear their teachers and only in February
9 were they able to speak with their teachers through
10 the microphones and no devices. So we're asking that
11 the City Council continue to support the Passages
12 Academy and to do its utmost to remediate the
13 learning loss that these students have suffered by
14 ensure-- doing its utmost to ensure that the DOE
15 provide daily in-person instruction to these
16 students, and to ensure that funding is provided in
17 sure continuation of the tutoring programs that have
18 been established for them beyond the 2021 school
19 year. We also ask that the DOE create a system for
20 quickly determining and delivering compensatory
21 educational services to students with disabilities
22 that did not receive the full amount of special
23 education services for which they were entitled.
24 Thank you very much.

2 COMMITTEE COUNSEL: Thank you, and next
3 we'll hear from Stefen Short.

4 SERGEANT AT ARMS: Time starts now.

5 STEFEN SHORT: Thank you for the
6 opportunity to testify today. I'm Stefen short, a
7 supervising attorney with [inaudible] Rights Project
8 of the Legal [inaudible]. We're at a critical
9 juncture. For decades we laid a service class
10 counsel in Hanbury [sp?] versus Tom [sic], a class-
11 action challenging the City's failure to educate
12 those in its [inaudible]. Hanbury has resulted in
13 progress. In 2018, however, the Hanbury monitor
14 found that education for young adults was a
15 persistent problem. The situation worsened when the
16 city abandoned its young adult plan [inaudible]
17 access to school even more precarious. Amidst the
18 global pandemic, schooling on Rikers has collapsed.
19 DOE has not been on the island [inaudible]
20 participation, and DOC has failed to inform
21 [inaudible] of their eligibility, facilitate access
22 to remote learning, or maintain the safety necessary
23 to keep education [inaudible]. Hanbury class members
24 have gone the length of the pandemic without
25 meaningful education. As the city [inaudible]

2 blended education and in-person education on the
3 island, it must recommit itself to the young adult
4 plan, facilitate access to school, inform students of
5 their eligibility, and replacing restraint chairs
6 with other Draconian fashions [sic] such as cages.
7 Additionally, DOE must convene committees on special
8 education, update [inaudible] and ensure students are
9 receiving [inaudible], but there is no progress
10 without accountability. These agencies must answer
11 for their failures during this pandemic which have
12 set students back. The Council should evaluate DOC's
13 constant [inaudible] of educational access [sic] and
14 DOE's insufficient educational offerings including
15 perfunctory educational and unreliable remote
16 options. Put it bluntly, remote learning or
17 [inaudible] have always been abysmal and [inaudible]
18 front to educators. Finally, this is a racial
19 justice issue. As borne out by statistics disclosed
20 earlier in this hearing, black students and students
21 of color targeted and ensnared in the legal system,
22 trapped in these cycles of education [inaudible].
23 This woeful situation would never be tolerated for
24 predominantly white students.

25 SERGEANT AT ARMS: Time expired.

2 STEFEN SHORT: [inaudible] justice, you
3 need to prioritize educational equity, and that
4 starts by holding these agencies accountable for this
5 lost year and ensuring that these failures do not
6 persist.

7 COMMITTEE COUNSEL: Thank you. And,
8 excuse me, next we'll hear from Mary Lynne Werlwas.

9 SERGEANT AT ARMS: Time starts now.

10 COMMITTEE COUNSEL: Mary Lynne, one
11 moment. You should see a window come up asking you
12 to accept the unmute.

13 MARY LYNNE WERLWAS: Thank you. Good
14 afternoon, committee members. I'm Mary Lynne
15 Werlwas, the Director of Legal Aid Society's
16 Prisoner's Rights Project, and thank you so much
17 Chairs Treyger, Powers, Levin and all the members for
18 inviting us today. Mr. Short provided you with some
19 of our recommendations for education that are rooted
20 in our role as class counsel in Handbury [sp?], but
21 equally relevant and what I'm going to address are
22 some of the lessons of Nunez which is now a Consent
23 Decree governing use of force in jail and protection
24 of 18 year olds, and the two are deeply connected
25 because the abysmal state of education for youth at

2 Rikers is intertwined with the culture of violence
3 and impunity. Students cannot learn if they're not
4 safe, and Nunez shows us that students in the Rikers
5 jails are not safe. This is a level of danger and
6 insecurity with no parallel on the outside, and as a
7 New York City public school parent myself, I will add
8 I am certain that there's no school in the community
9 that any point in this horrible last year would have
10 tolerated bi-weekly packets to be a substitute for
11 education. We strongly encourage the Council Members
12 to read the Nunez Monitor's Reports for many reasons,
13 but including the alarming use of force problem at
14 RNDC. The use of force rate there which controls the
15 population went up 200 percent between 2016 and 2020
16 for 19 to 21 year olds. A significant driver of this
17 violence is staff instigation of conflict and over-
18 reliance on probe teams [sic] and alarms, and the
19 Department's operational decision to default to
20 placing youth in highly restrictive settings where
21 education demonstratively cannot be provided. If the
22 Department of Corrections does not demand competence
23 from its supervisors and leadership in implementation
24 of the school program and reduction of violence,--

2 SERGEANT AT ARMS: [interposing] Time
3 expired.

4 MARY LYNNE WERLWAS: it will not reduce
5 the violence in our jails and will fail the students
6 who are trying to learn there. There's just excuse
7 for the failure to hold supervisory staff, Wardens,
8 Deputy Wardens, Captains responsible for what is
9 happening in these facilities. Thank you.

10 COMMITTEE COUNSEL: Thank you. And
11 finally, we will hear from Nancy Ginsburg.

12 SERGEANT AT ARMS: Time starts now.

13 NANCY GINSBURG: Good afternoon Chairs.
14 My name is Nancy Ginsburg. I'm the Director of the
15 Legal Aid Society's Adolescent Project and the
16 criminal practice. We are at a moment of crisis in
17 the care of custody of young adults on Rikers Island,
18 and a meaningful conversation about delivery of
19 school services cannot happen until security is
20 secured in RNDC, the building that holds the young
21 men. Over the last two and a half months it has come
22 to our attention repeatedly that RNDC has become
23 alarmingly dangerous. This toxic pattern of DOC
24 withdrawals from years of commitment post-Nunez to a
25 young adult model based on age-appropriate services

2 delivered by specially trained officers. We
3 recognize that COVID has presented many challenges in
4 the past year. Nevertheless, there had been
5 commitment to work with young people in RNDC.
6 Efforts to mediate conflict led to improved
7 conditions in the building. Despite these advances,
8 these Department removed the Warden engaged in this
9 work and installed new leadership. That change
10 precipitated an almost immediate downward slide
11 resulting in increased incidents, daily alarms, and
12 deprivation of recreation, programming, medical, and
13 mental health care. Individuals are moved from
14 housing unit to housing unit, and some have been told
15 they were intentionally being placed in harm's way.
16 Creating unnecessary conflict has led to record high
17 numbers of young people transferred to restrictive
18 housing. Our clients, in addition, have not been
19 produced for counsel visits. In addition to
20 increasing the amount of time sequestered in their
21 housing areas, the decision was made to take away the
22 tablets from all young adults. There are no tablets
23 at RNDC. Further exacerbating these conditions,
24 during a time when the building is closed to the

2 public, K2 and other illicit drugs are being brought
3 into RNDC,--

4 SERGEANT AT ARMS: Time expired.

5 NANCY GINSBURG: causing some of our
6 clients to suffer serious adverse reactions. In
7 2016, the Department created an Advisory Board
8 focusing on adolescents and young adults, and we are
9 calling on the Council to call again for creation of
10 this Advisory Board. There is no reason to believe
11 any longer that the Department will do right by the
12 young adults and will follow a specialized young
13 adult plan without outside oversight and input.
14 Thank you very much.

15 COMMITTEE COUNSEL: Thank you. That
16 concludes the testimony for this panel. Chair
17 Treyger, did you have any questions for this panel or
18 the first one, because I forgot to ask after the
19 first one. Council Members, please remember, if you
20 ever have questions, please use the raise hand
21 function on Zoom. That concludes the testimony for
22 this panel. Next, we will hear from-- and I apologize
23 if I mispronounce names-- Stephany Betances from
24 Brooklyn Defender Services, Nikki Woods, New York
25 County Defender Services, Crystal Baker-Burr, Bronx

2 Defenders, and Kelly Grace Price, Close Rosie's. We
3 will first go ahead and start with Stephany.

4 SERGEANT AT ARMS: Time starts now.

5 STEPHANY BETANCES: Good afternoon. My
6 name is Stephany Betances, and I am a Mitigation
7 Specialists on the Adolescent Representation Team and
8 in the Education Practice at Brooklyn Defender
9 Services. Thank you for the opportunity to testify.
10 BDS' Adolescent Representation Team works to
11 eliminate contact and involvement within the criminal
12 legal system for youth age 21 and under through legal
13 representation, advocacy, and social work services.
14 Our Specialized Education Unit provides legal
15 representation and informal advocacy to our school-
16 aged clients and to parents of children in New York
17 City schools. We frequently work with young people
18 who are detained in the city's juvenile detention
19 facilities and on Rikers Island. BDS commends the
20 City Council for its attention to education services
21 provided to young people in the city's jails and
22 detention centers. We believe children learn best
23 when they are in their homes, not behind bars. The
24 best way to provide educational support to young
25 people would be to avoid putting them in jail and

2 instead focus on diverting them from the criminal
3 legal system altogether. But as long as young people
4 continue to be incarcerated, there are many ways the
5 education provided to them can be improved. For over
6 a year, young people have been held on Rikers Island
7 with virtually no programming and only minimal
8 education services available to them. Despite the
9 fact that young people on Rikers Island have the
10 right to receive education services, most young
11 people have received no live instruction whatsoever,
12 and many of the young people our office works with
13 were not even aware education services were supposed
14 to be available to them. Even prior to the pandemic,
15 young people told us that they were never made aware
16 of their eligibility for school or were not brought
17 to school even when they were signed up. For years,
18 BDS has advocated for young people on Rikers Island
19 who have struggled with education access to receive
20 the services they're entitled to. Despite
21 significant advocacy on our end, we have heard many
22 stories of DOC failing to bring young people to
23 school. The young people we serve have often gone
24 days or even weeks at a time without attending school
25 because DOC staff failed to bring them to school. DOC

2 needs to do better and work to ensure everyone who
3 wants school can access it. The young--

4 SERGEANT AT ARMS: [interposing] Time
5 expired.

6 STEPHANY BETANCES: people we work with at
7 Passages have had more success attending schools
8 during the pandemic, and we appreciate the work that
9 DOE has done to ensure education access for these
10 students that's available, but we have seen problems
11 there as well. Many young people report feeling
12 unengaged with what they're learning or the work does
13 not feel as if it's appropriate level. Some students
14 tell us that they are getting work without sufficient
15 instruction while others feel the work is too easy
16 like they're just being given busy work. ACS and DOE
17 should work together to improve programming at
18 Passages Academy, providing more targeted supports
19 for those students who need them and varied engaging
20 age-appropriate programming for those who desire. We
21 have expanded upon many of these concerns and
22 recommendations in our written testimony. Thank you
23 for the opportunity to testify today on this very
24 important topic, and I'm happy to answer any
25 questions.

2 COMMITTEE COUNSEL: Thank you. And next
3 we'll hear from Nikki Woods, New York County Defender
4 Services.

5 SERGEANT AT ARMS: Time starts now.

6 NIKKI WOODS: Good afternoon. Thank you
7 Chairs Treyger, Levin, and Powers for holding this
8 hearing. My name is Nikki Woods and I'm a Senior
9 Trial Attorney with the Juvenile Defense Unit at New
10 York County Defender Services. My unit represents
11 Raise the Age children and felony cases in both
12 Criminal and Family Court. I generally do not have
13 clients on Rikers Island. First, I would like to
14 offer our support for Intro. 1224. This change in
15 Local Law would produce data showing how existing
16 educational and vocational programs offered to youth
17 in juvenile detention failed to accommodate the needs
18 of our older youth in custody. Accountability and
19 transparency through data reporting is necessary for
20 the city to implement these much-needed changes to
21 our system-involved youth. This law will also
22 require ACS and DOC to report rates of violence for
23 children in juvenile detention and jails. Instances
24 of violence in these penal settings is woefully
25 under-reported. The truth is that our youth in jails

2 and in juvenile detention are not safe, and this must
3 be addressed immediately. Exposing this violence
4 whether at the hands of their peers or detention
5 staff is crucial to creating better systems of
6 accountability and for building programming that
7 immediately addresses and curves violence in juvenile
8 detention. Passages Academy currently offers youth
9 in detention and in placement an opportunity to earn
10 credits towards high school diploma. Many older
11 youth who enter detention or placement have not
12 attended school in a long time, and they are under-
13 credited for their age. These students may require
14 one-to-one tutoring from paraprofessionals, but these
15 services are rarely available. HSC programs are also
16 available to eligible under-credited youth. These
17 programs help re-engage youth in school. I've had
18 several clients benefit from the pathways that
19 Passages provides them towards a diploma. The
20 problem that I am seeing with my older clients is
21 that once they have received their diploma they have
22 reached the ceiling of educational opportunities
23 available to them in custody. To tackle this issue,
24 older youth in detention, placement, and jail must

2 have wider access to college courses and more age-
3 appropriate, career-oriented vocational programs--

4 SERGEANT AT ARMS: [interposing] Time
5 expired.

6 NIKKI WOODS: These programs are almost
7 non-existent for youth in non-secure detention and
8 non-secure placement. Increasing youth access to
9 age-appropriate educational programs like college,
10 providing one-to-one tutoring in detention, and
11 expanding vocational program offerings to older youth
12 will build stronger, safer communities and provide
13 more positive outcomes for our incarcerated youth.
14 Thank you.

15 COMMITTEE COUNSEL: Thank you. And next
16 we'll hear from Crystal Baker-Burr, Bronx Defenders.

17 SERGEANT AT ARMS: Time starts now.

18 CRYSTAL BAKER-BURR: Thank you Chairs
19 Treyger, Powers, and Levin, and members of the
20 Committee for the opportunity to speak to you today.
21 When my teenage client John was first incarcerated on
22 Rikers Island, prior to the pandemic shutdown, I
23 reached out to East River Academy and requested that
24 John be enrolled in high school. At the time, John
25 was housed in a unit that was a defacto solitary

3 confinement unit. He had no access to peers and he
4 was struggling mentally and emotionally. He wanted
5 to progress in school and have access to learning to
6 keep his mind occupied and focused on something
7 positive, but he was never given that opportunity.
8 It has been over a year and John has not had a single
9 in-person or a synchronous virtual class. He has
10 been denied his right to an education. Last fall,
11 John was given a packet of papers, educational
12 materials for various subjects and told that this
13 packet constituted the entirety of his education for
14 the year. John is a student with a disability and
15 struggles with literacy. He has been out of school
16 for some time. John had no teacher, no peers, not a
17 single person to go to with questions. He made his
18 best efforts to complete the packet. He lost
19 motivation because he didn't understand the work and
20 didn't have anyone to teach him. A subsequent move
21 to RNDC did not improve his prospects. We filed an
22 IDA complaint, but it was rejected with a
23 recommendation that he enroll in a local public
24 school, a ridiculous suggestion since he was
25 incarcerated on Rikers Island. John was given a
tablet to complete work, but it didn't help. John

2 needed a teacher. John is not alone. We interviewed
3 nearly two dozen incarcerated clients about their
4 educational needs, and not a single young person has
5 received an adequate education this year. About a
6 month ago, many of clients reported that their
7 tablets were all taken away. Even though we heard
8 today that hybrid learning has begun, none of our
9 clients have reported being brought for in-person
10 learning. These--

11 SERGEANT AT ARMS: [interposing] Time
12 expired.

13 CRYSTAL BAKER-BURR: are the Department--
14 oh, I apologize. These are the Department of
15 Education's most vulnerable and marginalized
16 students, and this is a racial justice issue, and
17 these students are predominantly black and students
18 of color. These students do not have access to their
19 family members, much less meaningful access to books,
20 writing implements, or the internet. There are young
21 people who, because the legal system has slowed to a
22 snail's pace, has lost their opportunity to graduate.
23 They're losing school credits and high school
24 equivalency diplomas. DOC and DOE must give students
25 access to actual in-person instruction, IEP services

2 and HSE classes. Students that are released should
3 be given free tutoring or other compensated services for
4 the time that was stolen from them. They should be
5 guaranteed seats at other D79 schools and given
6 priority to attend vocational programs. Navigating
7 the transfer school application process is not easy
8 and often takes a lawyer and a social worker from our
9 office to assist in order for a student to be
10 enrolled. These students should be guaranteed a seat
11 when they're released. This time stolen from them
12 cannot be given back, but the city can take informed
13 actions to give these students educational
14 opportunities now and in the future, and acknowledge
15 the harm that has been done. Thank you for your
16 time.

17 COMMITTEE COUNSEL: Thank you. And next
18 we will hear from Kelly Price.

19 SERGEANT AT ARMS: Time starts now.

20 KELLY GRACE PRICE: Hi, good afternoon.
21 I'm Kelly Grace Price from Close Rosie's. I'd like
22 to thank Chairs Dromm, Powers, Levin and committee
23 members for holding this hearing today. I beg your
24 pardon. You might recall that back in 2019 the City
25 Council held a hearing on programming and books and

2 education in general on Rikers, not just for youth,
3 and I submitted data at that time showing the paucity
4 of programming, educational, and non-compulsory for
5 women, girls, Trans, intersex, and gender non-
6 conforming people on Rikers. since that time I've
7 obtained new data encompassing not just the last five
8 years, but the last decade from 2009 to 2019
9 describing programming on Rosie's and youth detention
10 centers in New York City for women and girls. And
11 it's shocking. Only 100-- I'm sorry, 1,003
12 educational program certificates have been issued to
13 the over 60,000 women and girls, trans, intersex, and
14 gender non-conforming people on Rosie's and in
15 Horizons over the last decade. That's-- the paucity
16 of educational opportunities for women and girls
17 needs to be highlighted. I don't want to keep
18 stumbling over my words, but it just seems insane
19 that programming for women and girls, even though
20 we've been discussing it for years, has not ramped
21 up. The latest statistics from DOC show that more
22 educational opportunities are being provided for
23 youth and adolescent women and girls than for
24 adolescents at an alarming rate, actually. Ninety-
25 five percent of all programs are offered to youth and

2 adolescents instead of adults on Rikers, which in
3 itself is a problem, but I am happy that youth--

4 SERGEANT AT ARMS: [interposing] Time
5 expired.

6 KELLY GRACE PRICE: I'll turn in my
7 testimony with my data, but I wanted to point out
8 that we had a hearing last year about connectivity on
9 Rikers, specifically about visiting so that there
10 were-- there was connectivity in all units for
11 visiting or in all jails, and I'll refer you back to
12 that testimony. Please listen to it carefully
13 because the DOC did promise internet connectivity
14 ubiquitous throughout the island back in, I believe,
15 in April or in May 2020 Board of Correction hearing.
16 Thank you so much, and as always, I'll upload my
17 testimony.

18 COMMITTEE COUNSEL: Thank you. Council
19 Member Dromm has a question, if we can go ahead and
20 unmute Council Member Dromm.

21 COUNCIL MEMBER DROMM: Thank you very
22 much. Thank you Grace for your testimony also. My
23 question is really to Crystal Baker-Burr, if she's
24 still here. Hi, Crystal. Who are you with again?

2 CRYSTAL BAKER-BURR: I'm with the Bronx
3 Defenders.

4 COUNCIL MEMBER DROMM: Okay. And this
5 case John that you mentioned, am I right?

6 CRYSTAL BAKER-BURR: Yes.

7 COUNCIL MEMBER DROMM: Okay, and then who
8 did you reach out--

9 CRYSTAL BAKER-BURR: [inaudible]

10 COUNCIL MEMBER DROMM: Who did you reach
11 out to at the DOE and they told you to just transfer
12 him to the local public school? I'm not exactly sure
13 how you worded that.

14 CRYSTAL BAKER-BURR: Yes, I filed a Due
15 Process Complaint.

16 COUNCIL MEMBER DROMM: A what?

17 CRYSTAL BAKER-BURR: A Due Process
18 Complaint under the [inaudible] with the Impartial
19 Hearing Office, and they rejected my complaint and
20 wrote that in their emailed response.

21 COUNCIL MEMBER DROMM: And that was their
22 solution to the issue?

23 CRYSTAL BAKER-BURR: Yes, even though the
24 allegations were a denial of education at Rikers
25 Island.

2 COUNCIL MEMBER DROMM: Thank you. And
3 then what be-- what happened next after that?

4 CRYSTAL BAKER-BURR: We continue to
5 advocate for that client to receive educational
6 services. To-date, that client still has not had any
7 in-person education or virtual synchronous classes,
8 and he is at RNDC.

9 COUNCIL MEMBER DROMM: He's at RNDC right
10 now, and how long has he been there?

11 CRYSTAL BAKER-BURR: For over-- well,
12 RNDC less time, but for over--

13 COUNCIL MEMBER DROMM: [interposing] On
14 Rikers?

15 CRYSTAL BAKER-BURR: [inaudible] six
16 months, yeah. On Rikers, over a year.

17 COUNCIL MEMBER DROMM: Over a year on
18 Rikers without any educational involvement.

19 CRYSTAL BAKER-BURR: Yes, and he is--

20 COUNCIL MEMBER DROMM: [interposing] Is
21 he--

22 CRYSTAL BAKER-BURR: [inaudible] with a
23 disability.

24 COUNCIL MEMBER DROMM: Is he in
25 restrictive housing?

2 CRYSTAL BAKER-BURR: No. He was for a
3 time, but now is in general population.

4 COUNCIL MEMBER DROMM: Okay.

5 CRYSTAL BAKER-BURR: And has been for
6 over six months.

7 COUNCIL MEMBER DROMM: Okay, thank you.

8 I mean, this is just an incredible thing that I'm
9 hearing. It's somewhat familiar, unfortunately, but
10 I just wanted to be sure I got the details of it
11 right. Thank you.

12 CRYSTAL BAKER-BURR: Thank you for your
13 questions.

14 COMMITTEE COUNSEL: Do any other
15 committee members--

16 CHAIRPERSON TREYGER: [interposing] Yes, I
17 just-- I have just a quick follow-up. And also this
18 question is for Crystal, and I appreciate her
19 fantastic advocacy and for elevating this issue,
20 because it really speaks to many of the issues I
21 think we're trying to get at today. I don't know if
22 you heard earlier the exchange that I had with DOE
23 about IEPs, and they phrased it that they're somehow
24 allowed to be more flexible with IEPs in these
25 settings using different terminology, but it's my

2 understanding-- I'm not an attorney, but it's my
3 understanding that the rights of kids travel with
4 them, even to this setting, that those rights don't
5 disappear. They travel with them to this setting,
6 and the DOE needs to find ways to accommodate. Is
7 that your interpretation, as well?

8 CRYSTAL BAKER-BURR: Yes, Chair Treyger,
9 [inaudible] students with disabilities and they have,
10 you know, federally protected rights and state
11 protected rights. There is flexibility given the,
12 you know, type of housing and the nature that they
13 are incarcerated, but I would still say that more has
14 to be done and that the Department of Education is
15 still violating these students protected rights at
16 this time, and I'd love to speak with you more after
17 this hearing about that.

18 CHAIRPERSON TREYGER: Yes, and I also
19 would love to learn, because the DOE was kind of
20 vague about what services they feel that they cannot
21 render or provide, and just curious from your
22 experience, what are the types of services that kids
23 are entitled-- students are entitled to but they're
24 not regularly getting in these settings. Can you
25 speak on that?

2 CRYSTAL BAKER-BURR: I can speak on that,
3 and I can actually amend some of our written
4 testimony to provide more information, even more
5 information on that. I think many of students,
6 especially ones that have been disconnected, maybe
7 they signed themselves out, right, of services and
8 they didn't have an IEP at their last school, or they
9 were out of compliance. And so when they enter the
10 school at Rikers, they don't have a, you know, most
11 recent IEP. So they're not getting any services at
12 all, or it's not showing up that they need them. But
13 East River Academy still has a responsibility to
14 identify students with disabilities and provide them
15 services, and we're not seeing that happen as
16 frequently as it should, especially in this remote
17 setting where you can't tell if a students has a
18 disability when they're completing a packet that you
19 may or may not be retrieving, right? But they still
20 have that responsibility to identify those
21 disabilities and provide services to those students.

22 CHAIRPERSON TREYGER: And Crystal, in the
23 traditional settings when you're talking about an IEP
24 there's a school psychologist involved. Can you
25 speak to the extent that school psychologists are

2 involved here, because that is also part of the
3 mandated process? Can you speak about that?

4 CRYSTAL BAKER-BURR: yeah, actually it's
5 something that me and some of my colleagues at the
6 other Defender organizations have identified as an
7 issue currently. We have clients that do need to be
8 re-evaluated, right? They haven't been evaluated
9 some of them since middle school, and now they're 18
10 and 19 and still need support services to learn,
11 right? We've made referrals for certain students to
12 be evaluated, and we're told-- I've been told that
13 those students aren't enrolled, students that have
14 been actively doing work on tablets, that they
15 weren't connected to-- that they weren't connected
16 and they aren't saying that they are students that's
17 enrolled. So that's been an issue. I've had the
18 response that, "Once they're enrolled, then we'll
19 evaluate them." But then the enrollment process
20 takes months at a time. other people have had issues
21 where they're told that they can't do the in-person
22 evaluations, or they have to set up a phone call time
23 to do an evaluation for a young person, or that they
24 just review prior education records based on, you
25 know, the current situation with the pandemic, but

2 that's also not appropriate and doesn't get to the
3 students individualized needs. So that is something
4 that does need to be improved as soon as possible so
5 that we know what supports these students need.

6 CHAIRPERSON TREYGER: That's exactly--
7 that's exactly it. We need to know what they need,
8 and we need trusted voices to tell us that, and a
9 school psychologist could certainly play that roll in
10 addition to social workers and others. Thank you for
11 that very sobering information, but very important
12 information. I don't know if Chair Dromm has a
13 follow-up.

14 COMMITTEE COUNSEL: He does, and also
15 just for the record, we just want to say that we were
16 joined by Council Member Salamanca, but Council
17 Member Dromm?

18 SERGEANT AT ARMS: Time starts now.

19 COMMITTEE COUNSEL: If we could re-unmute
20 him?

21 COUNCIL MEMBER DROMM: Yeah, just very
22 quickly, Crystal. Did you bring this to the
23 attention of Mr. Lisante?

24 CRYSTAL BAKER-BURR: We've been in
25 communication with leadership in District 79. Mr.

2 Lisante has been very helpful on many different
3 issues. He's wonderful, but he is one person, right?
4 And we believe that these issues are more broad-
5 spread than just one individual client. And there's
6 systemic issues across the board.

7 COUNCIL MEMBER DROMM: Okay, thank you.

8 COMMITTEE COUNSEL: Seeing no other
9 Council Members raising their hands, if there are any
10 members of the public that we inadvertently missed in
11 calling, if you could please use the raise hand
12 function on Zoom, we will call you to testify now.
13 Seeing none, Chair Treyger, I will turn it back to
14 you for closing remarks.

15 CHAIRPERSON TREYGER: Just want to-- I
16 want to actually begin by just thanking Chair Dromm.
17 Chair Dromm highlighted many of these pressing issues
18 and has never forgotten about them and continues to
19 fight, continues to push through legislation, action,
20 advocacy. He continues to be a great resource for
21 me. I am a lifelong learner, and I am learning from
22 Chair Dromm, and I'm very grateful for him for always
23 centering the most vulnerable, marginalized students,
24 and I shared before-- again, I want to thank all the
25 amazing advocates and organizations for amplifying

2 the sense of urgency here. I mentioned before about
3 the young people in my district where it's not once
4 through the system, it's not twice, three times,
5 four-- it's so many, and like, where is the
6 responsibility to break the cycle and to make sure
7 that the conditions that led them to these things in
8 the first place are addressed and there are kids who
9 receiving a well-rounded excellent education in
10 their, you know, K to 12 and also [inaudible] with
11 supervised housing, security, and all the other
12 critical supports that kids need. And that's why we
13 have so much more work to do to really fix this
14 entire school system, but centering the kids who need
15 help, the students who need help the most. So I just
16 want to thank Chair Dromm for always centering that
17 sense of equity and I really appreciate it, and
18 again, thank my co-Chairs, Chair Powers, Chair Levin
19 for their great work and with their committees, and
20 to all my colleagues, thank the committee staff, and
21 with that, this hearing is adjourned.

22 COMMITTEE COUNSEL: Thank you, Chair.

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1 COMMITTEE ON EDUCATION WITH COMMITTEE ON GENERAL WELFARE AND
2 COMMITTEE ON CRIMINAL JUSTICE

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 5, 2021