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TESTIMONY OF:

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Presented before the New York City Council

Committees on Education and Children and Youth

Educational Access in New York City’s Juvenile Detention Centers

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My name is Anna Arkin-Gallagher, and I am the Associate Director of the Civil Justice Practice at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For nearly 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services in Queens. We are proud to bring the same dedication and excellence to Queens. We thank the Committees on Education and Children and Youth and Chairs Joseph and Stevens for the opportunity to address the Council about educational access in New York City’s juvenile detention centers.

BDS’ Education Unit delivers legal representation and informal advocacy to our school-age clients and to parents of children in New York City schools. Many of the people we serve are involved in the criminal legal system or in family court proceedings. A significant number of the students we work with qualify as “over-age and under-credited” and have been retained at least one grade, and more than half of the students we work with are classified as students with disabilities. We also represent parents in Article 10 proceedings in family court and advocate for their children to access educational resources while placed in the foster system. As an interdisciplinary legal and social work team, we work to improve our clients’ and their children’s access to education. A significant portion of our advocacy is to ensure youth have access to the special education services they are entitled to as well as to defend youth in school discipline proceedings to ensure they have access to an education. We also have expertise in educational

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matters related to those who are in detention and jails and work to ensure our clients who are incarcerated or leaving incarceration are able to access the education to which they are entitled or alternative pathways to graduation.

Decarcerate Youth Detention Facilities

We believe that children and young adults learn best when they are in their homes, and not behind bars. The best way to provide educational supports to the young people we serve would be to avoid putting them in detention and focus on diverting them from the criminal legal system all together. Incarceration, even short stays in detention, is extraordinarily harmful to young people and does not achieve public safety. Young people who have experienced incarceration have lower high school graduation rates, decreased employment opportunities, and poorer health in adulthood, compared to their peers. Youth released from incarceration experience high rates of recidivism—with longer stays in confinement, raising these rates even higher. Additionally, the conditions within youth detention facilities are increasingly harmful. Given the Administration for Children's Services' (ACS') continued staffing and management challenges, the potential for harm in facilities must be front of mind as we focus our efforts on minimizing young people's entry into detention. To decrease the population of incarcerated youth and break the cycle of re-arrest it is imperative that the city focus on alternatives to detention and keeping young people in the community with their families, while providing the supportive services they need.

In 2017, New York enacted the Raise the Age (RTA) law which created new protections for young New Yorkers, preventing 16- and 17-year-olds from automatically being tried as adults and bringing New York State law in line with 48 states across the country. The juvenile legal system was created to rehabilitate youth who have committed illegal acts and ensure community safety. Raise the Age is responsible for a consistent decrease in youth crime since its implementation in 2018. In New York City alone, since 2013, there has been a 48% decrease in adolescent arrests for serious offenses. Evidence from implementation across the State clearly shows how the law has improved community safety and youth well-being. Calls to rollback parts of the Raise the Age law to prosecute more 16- and 17-year-olds as adults won't make our communities safer. New York spent decades treating 16- and 17-year-olds as adults in criminal court, which did not result in reduced crime rates. Evidence shows that community-based programs and services for young people who have contact with police is the surest way to promote community safety. We ask the Council to support Raise the Age and protect New York's children from incarceration.

Educational Services in Juvenile Detention

Students who attend Passages Academy at Crossroads Juvenile Center and Horizon Juvenile Center have long struggled to access high-quality educational services and have sometimes been unable to access educational services at all. Young people have reported to us occasions in which

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individual students—and sometimes even entire units—have been prevented from attending school for disciplinary reasons, due to staff shortages, and—most recently—sleeping accommodations. When students have been unable to go to school, they have not received adequate alternative instruction, as required by law.

Missed Instructional Time

At least one young person our office is working with at Crossroads reports that he has not been to school since the start of the current school year. Another student at Crossroads reports that he has frequently been receiving worksheets in place of live instruction, and a young person at Horizon told us that his access to school was inconsistent; in late October he told us he had only been to school five or six times.

We thank the Council for passing Local Law 21 of 2024, which requires New York City Public Schools (NYCPS) to report data that further sheds light on the issues with education in juvenile detention facilities. The recently released data for the 2024-25 school year indicates that students missed hundreds of days of school for all but one month of the school year due to the ACS failing to take them to school.¹ ACS and NYCPS must work together to ensure that young people are able to attend school every day, as required by law.

Special Education Services

The missed instructional time for students at Passages Academy is particularly alarming considering the significant academic remediation and supports that many of the students in detention require. The data obtained through Local Law 21 indicates that the average functional level of students at Passages Academy is in the bottom twentieth percentile, and at least one third of the students entering Passages Academy receive special education services.²

During the time we have been working with students at Passages Academy, we have seen a number of students with disabilities fail to receive the special education services to which they are entitled. The Special Education Programs (SEPs) that are created for students are nearly identical to one another, and students rarely have their Individualized Education Programs (IEPs) updated annually as required by federal and state law. The data indicates that last year fewer than five students enrolled at Passages received their mandated three-year evaluations, and fewer than five students received their annual reviews.³ Passages must increase staffing to ensure that there are sufficient school psychologists, special education teachers, and related services providers so that students can receive their special education services and evaluations.

¹ New York City Public Schools, “Educational Programming for New York City Juvenile Delinquents, Juvenile Offenders, and Adolescent Offenders – Local Law 21 of 2024” (Sep. 30, 2025), at 13.

² *Id.* at 3-4.

³ *Id.* at 6.

General Educational Issues

At Passages, students attend classes based on what housing unit they are placed in. This often results in students working at many different grade levels being placed in classes together. We have worked with some students who have entered Passages Academy and who have been enrolled in classes they have already taken, or who have not been able to access the classes they need to graduate. Other students have reported feeling disengaged in classes where students are performing at vastly different grade levels, either unable to keep up with coursework or bored by work at too low a level. NYCPS must work to ensure every student at Passages has access to varied and engaging educational services and programming, as well as the supports they need to be successful in school. When a student enters detention, NYCPS must quickly evaluate which classes an entering student needs to graduate and ensure that any class needed by a student to make progress towards graduation is available.

Transitional Services

Students at Passages are also often not given the transitional support they need to reintegrate into their home schools or transfer into appropriate schools when they leave Passages and return home. The data reported through Local Law 21 indicates that the average attendance rate for most students after they leave Passages Academy is less than 50%.⁴

We have worked with a number of students who have been unable to seamlessly reenroll in their former school after leaving Passages. When students are released from detention, NYCPS is supposed to immediately place these students back on the roster of their home school, but we have seen some cases in which this did not happen, and students were thus unable to attend school until the NYCPS corrected this issue. In other cases, students have desired to switch schools upon returning home—either to enroll in a credit-recovery school or to obtain a new start in a different school than that which they attended before their incarceration—and were left on their own to figure out how to transfer schools. In all of these cases, students have missed days or weeks of school while waiting to begin school again, and in some cases have lost the opportunity to earn credits as a result of delayed reenrollment. Our office worked with one student leaving Passages at the end of last school year who missed days of school simply waiting for emails to go back and forth from the enrollment team to the transition team at Passages to confirm his school enrollment. Another student our office represented wanted to enroll in a transfer high school. While transition staff at Passages discussed transfer high schools with this student in general terms, they gave him no actual support to enroll him in a transfer high school. Our office was able to help him enroll in a transfer school only after contacting a number of schools, finding a school with space, and helping him to set up an interview and gather the necessary records. The process of helping him get into a transfer high school took weeks, during which he was receiving no educational services.

⁴ *Id.* at 9.



Dedicated school staff at Passages should work with students before their release to plan for education upon their return home and assist students in securing their desired educational placement to minimize any disruption for students. NYCPS should consider allowing guidance counselors and transition staff to enroll students directly in schools and should strengthen connections with transfer high schools—including giving priority for enrollment to students leaving Passages.

Conclusion

Students at Passages Academy have been ill-served by the educational services they have received, or, in too many cases, failed to receive. The city must ensure that every young person entitled to receive educational services can consistently access high-quality educational services. Thank you for holding this important hearing and for your consideration of our comments. If you have any questions, please feel free to contact me at aarkingallagher@bds.org.