



January 8, 2021

Jennifer Jones Austin, Chair
Margaret Egan, Executive Director
New York City Board of Correction
One Centre Street
New York, NY 10007
Sent via email

Re: Access to Schooling in Department of Correction (DOC) Facilities

Dear Chair Jones Austin, Executive Director Egan, and Members of the Board:

Girls for Gender Equity (GGE) is writing in advance of the January 13, 2021 meeting of the Board to raise and echo advocates' concerns regarding educational access in city jail systems during the pandemic. We write as a Brooklyn-based intergenerational organization established in 2001 and committed to the physical, psychological, social and economic development of girls and gender expansive youth of color.

We sincerely thank the Board for utilizing public meetings to bring desperately needed transparency to city jail conditions. The December meeting of the Board brought the public an update from DOC staff that, nine months into the pandemic and nine months after the first shift to remote learning, city jails have yet to set up virtual learning for incarcerated students. Instead, young people must rely on paper packets and a student/educator text function on tablets in lieu of in-person schooling.¹

With this information, we were left with further questions about the student/educator text function: Is it live? What are the response times? When, where, and how often is the function available? Given citywide educator shortages, is this a designated or assigned educator building a relationship over time? Is the educator with the East River Academy or a substitute or with the teacher reserve?

¹ 2020-12-16 NYC Board of Correction Public Meeting. At 01:14:50 <https://youtu.be/64UqYdouGOW?t=4487>.

The Department of Education (DOE) is experiencing tremendous resource and staffing challenges due to the blended learning model underway citywide, in which case we encourage the Board to again advocate that the City pursue decarceration as a solution to compromised access to education.

Following the December meeting of the Board, THE CITY, the independent newsroom, reported a statement from DOC that on-site staff will be provided once middle and high schools reopen for in-person instruction.² As of today, it remains unclear whether the city will reopen middle and high schools for in-person learning any time soon. At the same time, Pre-K, 3-K, K through 5, and District 75 schools have been identified as needing accommodations and are open for in-person instruction. **We urge the Board to proactively advocate for supporting incarcerated students and question the justification for linking or tying together these desperately needed educational supports to the citywide timeline for middle and high schools.**

The Mayor's own explanation of his reasoning for the delay is specific to different factors, such as scaling up testing capacity:

"The amount of testing is a crucial piece of the equation. So, since we're moving to weekly testing, that's going to take a lot of capacity. We wanted to make sure we can do that consistently and well, and that's why it's important to go by phases. Also, again, the need levels for District 75, for younger kids, the need is even more intense to be there in school, and we know that the health realities for the youngest kids have been the most favorable. So, all of those reasons are why we're doing it. Now we look forward to the day when we can move to middle and high school, but we're just not able to do that yet."³

We ask that the Board seek the explicit reasoning for delaying access to live instruction or video capability. DOC staff stated that the DOE has "been working to try to set up video classrooms,"⁴ and deferred questions to the DOE, to which we encourage the Board to proactively verify. As DOC stated that they need DOE staff on-site in the room to manage a virtual classroom, we strongly encourage the Board to expeditiously bring the DOE to appear before the Board to speak to education access concerns. Specifically, how is the DOE measuring efficacy, academic engagement and achievement during this time of packet work? What metrics can be publicly reported? Further, we are concerned with what this might mean for students with individualized education plans (IEPs). Students with IEPs have the right to special education services that are similar to what is on their IEPs when they attend school

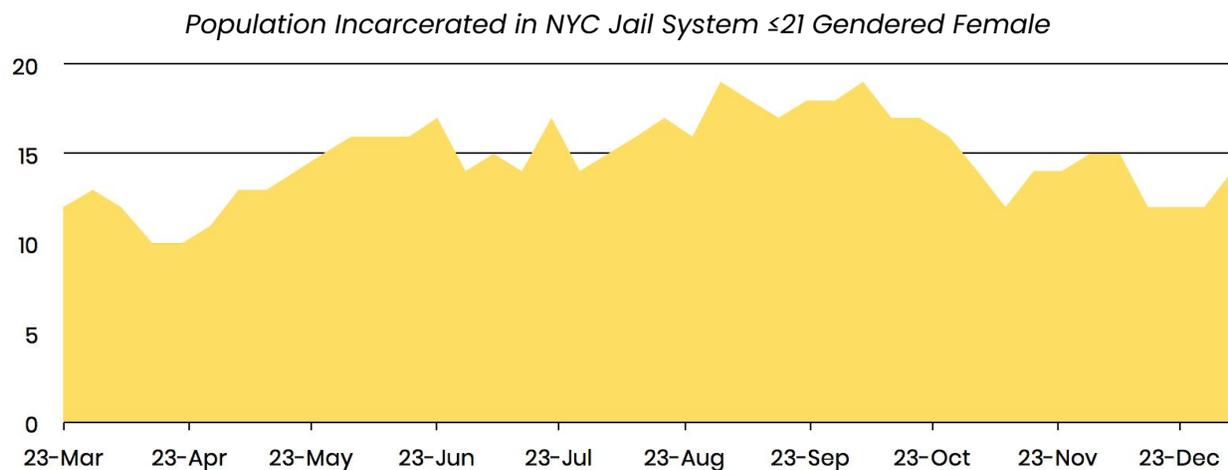
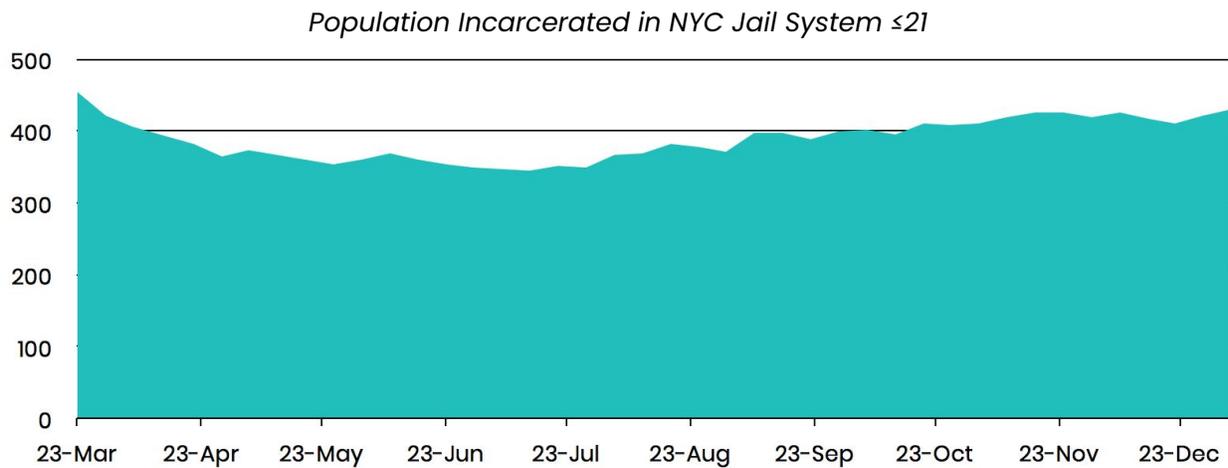
² Rosa Goldensohn. "Students on Rikers Island Locked Out of Remote Learning Video Chat With Teachers." Retrieved from <https://www.thecity.nyc/education/2020/12/16/22179869/students-on-rikers-island-locked-out-of-remote-learning-video>.

³ Transcript: Mayor de Blasio Holds Media Availability November 29, 2020. Available at <https://www1.nyc.gov/office-of-the-mayor/news/818-20/transcript-mayor-de-blasio-holds-media-availability>.

⁴ 2020-12-16 NYC Board of Correction Public Meeting. At 01:14:50 <https://youtu.be/64UqYdouGOW?t=4487>.

at East River Academy. We encourage the Board to inquire about educational accommodations under these circumstances.

We sincerely thank the Board for the leadership shown since March and the pressure directed to the administration to decarcerate during the pandemic.⁵ As has been raised by advocates and members of the Board, the incarcerated population has been growing to pre-pandemic levels. Weekly since March, GGE has been tracking the shifting population of young people incarcerated in City jail systems, and as the below charts illustrate,⁶ the total population of young people potentially eligible for educational services is also returning to pre-pandemic levels, heightening the urgency to address issues of educational quality and access:



⁵ Letter from Board of Correction Interim Chair Jacqueline Sherman to New York City Criminal Justice Leaders, March 21, 2020. Retrieved from <https://www1.nyc.gov/assets/boc/downloads/pdf/News/covid-19/Letter-from-BOC-re-NYC-Jailsand-COVID-19-2020-03-21.pdf>.

⁶ "Daily Inmates in Custody." NYC OpenData. Analysis by GGE. See <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb>.

We encourage the Board to also incorporate into these transparency efforts specific attention to educational access in all jail facilities, inclusive of RMSC and the young people incarcerated there, as generalizations presented by DOC often neglect to identify disparities in access for young people incarcerated at Rosies.

As the Board has reiterated over many years, students in New York City who are 18 to 21 are not required to go to school, but they have the right to go and work towards a high school diploma until the end of the year in which they turn 21. We are also now grappling with the impact of the pandemic on chronic absenteeism and awaiting enrollment numbers, attrition rate or the number of students who have left the system before graduation from the City and DOE. **We strongly encourage the Board to inquire with the DOE about how they are supporting young people entering the city jail system newly disengaged from schooling.**

Lastly, we encourage the Board to question DOC on the number of young adults enrolled in schooling – last reported at 200 – in comparison to the growing population. Specifically, how is effective and impartial communication about access to education being ensured given density, safe housing and quarantine protocols during the pandemic?

Thank you again for your leadership and your attention to this issue.

Sincerely,

Charlotte Pope
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