



# Advocates for Children of New York

## Protecting every child's right to learn

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### **Students' Rights under "J. G." Settlement**

In *J. G. et al. v. Mills, et al.*, 04 CV 5415 (EDNY), AFC and the Legal Aid Society of New York filed a lawsuit in the District Court of the Eastern District of New York on behalf of court-involved students who were denied education in DJJ or upon return to the New York City schools from detention centers and placements. The case was brought in 2004 and is before Judge Allyne R. Ross and Chief Magistrate Judge Steven M. Gold. The settlement is valid until October 14, 2013 (or later if extended).

The New York City Department of Education (DOE) must take the following actions during the life of the settlement Order (until October 14, 2013 or later if extended):

- Enroll students returning to New York City community schools from DJJ/Passages Academy **within two school days** of discharge from Passages Academy.
- Provide a school placement to students returning to New York City schools from OCFS or agencies under contract with OCFS **within five school days** of appearing at a New York City DOE enrollment location seeking enrollment.
- Provide a placement for students with disabilities returning from OCFS, either in accordance with the student's last DOE IEP or a "Comparable Services Plan."
- Develop a new IEP for students with disabilities returning from OCFS.
- Require schools to enroll students who have been assigned to the school by a DOE Enrollment Office.
- For students returning directly from DJJ/Passages Academy to a DOE community school, provide student records (e.g., transcripts, report cards, and Education Plans) from the student's time in DJJ/Passages Academy to the student's community school.
- Request records from OCFS for students returning from OCFS.
- Provide records to OCFS for students being sent to OCFS.
- Ensure that a principal or his/her designee evaluates any OCFS transcripts for students enrolled at their school after their return from OCFS to make sure students are getting full credit for work already done and are not repeating classes they have already completed.
- Ensure that DJJ/Passages Academy identifies any incoming student who has an IEP, and for each student, requests a copy of the IEP.
- Arrange for new evaluations for students with disabilities entering DJJ/Passages if they haven't had one in more than 3 years. For students with disabilities who have attended DJJ/Passages for 60 days, take steps to begin the special education review process.
- Create an Education Plan for students with disabilities who attend DJJ/Passages Academy, and review that Plan after 30 days.

- Make available services to students at DJJ/Passages Academy who are performing below grade-level to help them catch up.
- Provide all 8th grade students in DJJ/Passages Academy the opportunity to take State standardized exams required for promotion. Provide eligible high school students in DJJ/Passages Academy the opportunity to take Regents and Regents Competency tests.

**Other DOE General Obligations:**

- Prepare a guide to assist New York City school staff on how to get educational records, award credits, and make programming decisions for students returning from DJJ/Passages Academy and OCFS placement to NYC schools.
- Make training available for schools concerning the requirements included in the settlement, and specifically invite 10 schools a year to participate.
- Designate individuals at Enrollment Offices who will be available to provide assistance to students returning from Court-ordered Settings with the re-enrollment process.

**Enforcing your Rights:**

If you feel that you have been denied any of these rights, please contact Chris Tan at 212-822-9542