



Justice in Every Borough.

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*****FOR IMMEDIATE RELEASE*****

DOC and DOE Failing to Provide Mandated High School Education for Incarcerated Youth in New York City Jails

Legal Aid Files Motion to Appoint New Monitor and Bring City Into Compliance with 2016 Court Order

(NEW YORK, NY) – The Legal Aid Society and pro bono counsel filed a [motion](#) to secure the reappointment of an independent monitor in [Handberry et al. v. Thompson et al.](#), litigation brought against the New York City Department of Correction (DOC) and the Department of Education (DOE), that sought to secure a high school education for youth under the age of 21 who have not received a high school diploma and are incarcerated in New York City’s adult jails.

After a federal court found that New York City was violating the constitutional and statutory rights of incarcerated youth, it issued an injunction in 2016 to force the City to provide these young people their high school education. Because adolescents are no longer in DOC custody, the injunction applies to 18 to 21 year olds without a high school diploma. While school is not mandatory for this age group, the City must provide it upon request.

Despite the [2016 court order](#) requiring DOC and DOE to provide a minimum of three hours of education, including special education and related services, every school day to incarcerated youth, scores of young people who want to attend school have reported not receiving adequate education and, in many cases, no education at all.

Legal Aid’s motion relies on the representative experiences of 29 incarcerated youth who describe, in declarations, the severe obstacles they faced trying to access the education they are entitled to by law. The majority of young people who were denied services had received special education services and had Individualized Education Plans prior to incarceration.

Students were regularly denied access to school even after requesting it multiple times, and in some cases, despite interventions by their attorneys, while others were not even informed they had the right to receive educational services. Some students were unable to attend class simply because there was no correction officer available to

escort them. In most cases, individuals were told that they were in a housing unit, including protective custody, that did not offer classes and were not moved to a unit that did. Students also report receiving no, or sporadic, schooling in restrictive housing. Each of these reports describes clear violations of the 2016 court order.

Documents:

[Memorandum of Law in Support of Motion](#)

[Notice of Motion](#)

[Plaintiff declarations](#)

[Counsel declarations](#)

[Third Report on the Status of Education Services for Youth Aged 16-21 at Rikers Island](#)

“This case concerns a vulnerable group of New Yorkers – incarcerated young adults – eager to use their time in jail as productively as possible by pursuing their education,” said **Lauren Stephens-Davidowitz, Staff Attorney with The Legal Aid Society’s Prisoners’ Rights Project**. “The City’s failure to educate these New Yorkers is not only a blatant violation of the 2016 court order, but heartbreaking and immoral. We look forward to fighting in court to ensure that no young adult is deprived of a high school education due to incarceration on Rikers Island.”

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org