

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 68

Introduced by Council Members Gentile, Jackson, de Blasio, The Public Advocate (Ms. Gotbaum), Koppell, Recchia Jr., Weprin, Gonzalez, Gennaro, Dickens, Fidler, Lappin, Palma, Vacca, Foster, Sears, Mark-Viverito, Gerson, Brewer, Reyna, Garodnick, Comrie, James, Mendez, Nelson, Seabrook, Vann, White Jr., Avella, Barron, Liu, Katz and Mitchell.

A LOCAL LAW

To amend the New York city charter in relation to requiring the New York city Department of Education to report on the implementation of Billy's Law.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. In August of 2005, the New York State Legislature passed "Billy's Law" (§483-d of the New York State social services law) to improve State and local monitoring of out-of-state residential facilities that house New York State children who are placed in such facilities for specialized services, including specialized educational services. One such facility was the subject of an investigation by the New York State Department of Education. The investigators' report concluded, among other things, that the facility's use of certain therapies raised health and safety concerns, and that students in the facility did not receive adequate academic and special education instruction. Such findings reinforce the need to monitor allegations of abuse or neglect arising from an out-of-state residential facility placement. It is therefore the Council's intention to improve such monitoring in accord with the goals of Billy's law by requiring biannual reports to the Council on the Department's monitoring

of such facilities.

§2. Chapter 20 of the New York city charter is hereby amended by adding a new section 530 to read as follows:

§530. *Reporting of information concerning out-of-state facility placement.* a.

Definitions. For the purposes of this section:

(1) *“Child” or “children” shall mean any city resident or residents under twenty-two years of age.*

(2) *“Department” shall mean the New York city department of education.*

(3) *“Individual” shall mean any resident under twenty-two years of age.*

(4) *“Out-of-state facility” shall mean any facility outside of New York state in which the department, pursuant to section 4407 of the New York state education law, places a child for the purposes of providing instruction to such child.*

b. *The department shall report to the city council twice annually, on or before the first day of September and February, respectively, information concerning children placed in out-of-state facilities, including but not limited to:*

(1) *The name and location of each such out-of-state facility at which the department places children and the number of children placed by the department at each such out-of-state facility.*

(2) *The general population served by each such out-of-state facility, including but not limited to, the number of individuals served, and the age, race, gender and nature of any disabilities of such individuals, to the extent such information is available to the department.*

(3) *The types of services and therapies provided by each such out-of-state*

facility.

(4) The total amount spent annually by the department to provide services to children at out-of-state facilities, the total amount spent by the department to provide services to children at each such out-of-state facility and the average cost per child to provide services at each such out-of-state facility.

(5) The number of children who are discharged from each such out-of-state facility annually, and, if applicable, information concerning the type of facilities in which such children are subsequently placed.

(6) For each out-of-state facility listed pursuant to paragraph (1) of this subdivision, information known by the department concerning whether (i) any enforcement action has been taken with respect to the license, certificate, charter or other authorization held by such facility, (ii) the department has informed the New York state department of education of any such enforcement action and (iii) the facility has taken or is taking any action with respect to such enforcement action.

(7) For each out-of-state facility listed pursuant to paragraph (1) of this subdivision, the final outcome of any investigation known by the department of abuse or neglect regarding any child placed by the department in such facility to the extent that such information may be made public consistent with applicable laws, including the law of the jurisdiction where such investigation was conducted.

(8) The department shall promptly notify in writing the parents or guardians of any child who is placed in an out-of-state facility of any information with respect to such out-of-state-facility that is reported pursuant to paragraphs (6) and (7) of this subdivision.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

d. The biannual reports required pursuant to this section shall be made available on the department's website and to any member of the public upon request.

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on ...October 14, 2009..... and approved by the Mayor onOctober 28, 2009.....

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 68 of 2009, Council Int. No. 396-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 14, 2009:
47 for, 0 against, 0 not voting.
Was signed by the Mayor on October 28, 2009
Was returned to the City Clerk on October 28, 2009

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.