

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 138

Introduced by the Public Advocate (Mr. Williams) and Council Members Powers, Joseph, Louis, Yeger, Stevens, Restler, Abreu, Avilés, Brooks-Powers, Dinowitz, Marte, Gutiérrez, Hanif, Velázquez, Narcisse, Lee, Rivera and Gennaro.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to dyslexia screening in city jails and referrals to evidence-based programs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-166 to read as follows:

§ 9-166 *Dyslexia screening and evidence-based programs. a. Definitions. As used in this section, the following terms have the following meanings:*

Department. The term “department” means the department of correction.

Dyslexia. The term “dyslexia” has the same meaning as such term is defined in subsection 1 of section 3635 of title 18 of the United States code.

b. The department shall offer to screen all incarcerated persons between the ages of 18 and 21 who self-report that they do not have a high school diploma or its equivalent for being at risk of dyslexia within 10 days of entering custody of the department. Provided that the department of education may screen such persons who enroll in a program administered by the department of education for being at risk of dyslexia. Any information provided to such incarcerated individuals about available educational services must include specific information about the availability of

screening for being at risk of dyslexia and evidence-based interventions based on such screening. Any refusal by such incarcerated person to be screened for dyslexia or to receive educational services offered by the department of education at the time of such screening must be documented by either a video or written statement by the incarcerated individual. The department shall refer such incarcerated person who was identified through the screening as being at risk of dyslexia to a program that provides evidence-based interventions as necessary for persons who are at risk of dyslexia.

c. No later than December 31, 2024, the department shall offer to screen all incarcerated individuals over the age of 21 who self-report that they do not have a high school diploma or its equivalent and who received a sentence of imprisonment and are subject to an order of commitment that provides that such incarcerated individual shall remain in the custody of the department. The department shall offer to screen such incarcerated individuals within 10 days of receiving such order. The department shall refer an incarcerated person who was identified through the screening as being at risk of dyslexia to a program that provides evidence-based interventions as necessary for persons who are at risk of dyslexia. Notwithstanding anything to the contrary in this subdivision, the department need not offer such screening where such incarcerated individual previously received such screening by the department.

d. No later than December 31, 2025, the department shall offer to screen all incarcerated persons over the age of 21 who self-report that they do not have a high school diploma or its equivalent for dyslexia within 10 days of entering custody of the department. The department shall refer an incarcerated person who was identified through the screening as being at risk of dyslexia

to a program that provides evidence-based interventions as necessary for persons who are at risk of dyslexia.

e. The department may enter into an agreement with another agency to provide such evidence-based interventions and shall coordinate with the office of criminal justice and city-contracted programs that serve justice-involved individuals to identify and provide referrals to dyslexia screening programs and evidence-based interventions available to individuals after being released from the custody of the department.

f. No later than December 31, 2024 and quarterly thereafter, the commissioner shall submit to the mayor, the speaker of the council and the public advocate and post conspicuously on the department's website a report regarding dyslexia screening and referrals for enrollment in evidence-based intervention programs in city jails. Such report shall not contain personally identifiable information. Such report shall include the following information for the previous quarter:

1. The number of individuals who were screened by the department for being at risk of dyslexia pursuant to subdivision b of this section;

2. The number of individuals who were screened by the department for being at risk of dyslexia pursuant to subdivision c of this section;

3. The number of individuals who were screened by the department for being at risk of dyslexia pursuant to subdivision d of this section;

4. The number of individuals who were identified through screening as being at risk of dyslexia disaggregated by race, gender, zip code of last known address, and age as follows: 18-21, 22-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older; and

5. The number of individuals who received a referral and participated in evidence-based interventions as a result of screening, disaggregated by race, gender, zip code of last known address, and age as follows: 18-21, 22-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older.

§ 2. This local law takes 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 September 28, 2023 and approved by the Mayor on October 18, 2023.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 138 of 2023, Council Int. No. 349-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.