



Legislation Text

File #: Int 0857-2022, **Version:** A

Int. No. 857-A

By Council Members Joseph, Hudson, Abreu, Ossé, Schulman, Williams, Cabán, Krishnan, Avilés, Ayala, Brooks-Powers, Louis, Sanchez, Riley, Menin, Restler, Barron, Nurse, Richardson Jordan, De La Rosa, Brewer, Fariás, Hanif, Lee, Rivera, Brannan and Dinowitz

A Local Law to amend the administrative code of the city of New York, in relation to expanding disaggregated data in department of education reporting, including metrics on students in foster care and students in temporary housing

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-955 of the administrative code of the city of New York, as amended by local law number 21 for the year 2020, is amended by adding a new definition of “student in foster care” in alphabetical order to read as follows:

Student in foster care. The term “student in foster care” means a student placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 2. Subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law number 27 for the year 2015, opening paragraph as amended by local law number 21 for the year 2020, paragraph 8 as amended by local law number 89 for the year 2018, paragraph 12 as amended by local law number 16 for the year 2020, subparagraphs (a) through (h) of paragraph 13 as amended by local law number 16 for the year 2020, subparagraphs (i) and (j) of paragraph 13 as added by local law number 17 for the year 2020, paragraph 14 as added by local law number 16 for the year 2020, paragraph 15 as renumbered by local law number 16 for the year 2020, is amended to read as follows:

b. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of students, not including preschool students, for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information:

1. the number of referrals for initial evaluations and reevaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, disaggregated by the district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

2. the number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the student was a student with a disability;

3. the number of IEP meetings that were convened less than or equal to [sixty] 60 calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

4. the number of IEP meetings that were convened more than [sixty] 60 calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

5. the number of reevaluations conducted, including the number of reevaluations that resulted in a determination that the student was no longer a student with a disability;

6. the number of IEP meetings that were convened less than or equal to [sixty] 60 calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing,

status as a student in foster care, recommended language of instruction, and grade level;

7. the number of IEP meetings that were convened more than [sixty] 60 calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

8. [(i)] the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, disability classification and school; [and]

[(ii)] 9. the total number of students within each disability classification referenced in [subparagraph (i)] paragraph 8 of this subdivision as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

10. the number and percentage of students, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, and disability classification who, by the end of the academic period, have an IEP with a most restrictive recommendation of:

(a) related services only;

(b) special education teacher support services;

(c) integrated co-teaching services;

(d) special class in a community school;

(e) special class in a district 75 school; or

(f) non-public school placement;

[9.] 11. the average number of school days between the date the department receives consent from the parent or person in parental relation for the initial provision of special education services as set forth in section 200.5(b)(1)(ii) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department issues notice of the school that will implement the IEP, provided that this information shall only be reported when the parent or person in parental relation has not consented to defer implementation of the IEP until the following semester or the following school year, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

[10.] 12. the following information, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level:

[(i)] (a) the number of reevaluations that resulted in an IEP recommendation of more periods per week in a special class than the student's previous IEP recommendation;

[(ii)] (b) the number of reevaluations that resulted in an IEP recommendation of fewer periods per week in a special class than the student's previous IEP recommendation;

[(iii)] (c) the number of reevaluations that resulted in an IEP recommendation of removal from a school that serves students who are not students with disabilities and placement in a separate school for a student not previously recommended for such placement; and

[(iv)] (d) the number of reevaluations that resulted in an IEP recommendation of placement in a school that serves students who are not students with disabilities for a student previously recommended for placement in a separate school;

[11.] 13. the number of [three-year] 3-year reevaluations conducted, including the number of such evaluations that were timely conducted, disaggregated by district, eligibility for the free and reduced price

lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, and grade level;

[12.] 14. the number and percentage of students, disaggregated by eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district, who were receiving special education services:

[12.] (a) in full compliance with their IEPs by the end of the academic period, and

[12.] (b) in partial compliance with their IEPs by the end of the academic period;

[13.] 15. the number and percentage of students, disaggregated by eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district, who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (a) through [(h)] (j) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the academic period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:

(a) Monolingual speech therapy;

(b) Bilingual speech therapy;

(c) Monolingual counseling;

(d) Bilingual counseling;

(e) Occupational therapy;

(f) Physical therapy;

(g) Hearing education services;

(h) Vision education services;

(i) Assistive technology services; and

(j) Special transportation services;

[14. The] 16. the number and percentage of students, disaggregated by eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district, who have a behavioral intervention plan; and

[15.] 17. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

[(i)] (a) 80% or more of the day;

[(ii)] (b) 40-79% of the day; and

[(iii)] (c) less than 40% of the day.

§ 3. Subdivision e of section 21-955 of the administrative code of the city of New York, as added by local law number 21 for the year 2020, is amended to read as follows:

[e.] f. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of preschool students for special education services and the provision of such services during the preceding academic period. To the extent such information is available, such report shall include, but shall not be limited to the following information, each disaggregated by community school district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, recommended language of instruction or services, home language, [and] status as a student in temporary housing, and status as a student in foster care:

1. The number of referrals for initial evaluations pursuant to section 200.4 of title 8 of the New York codes, rules and regulations;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was a preschool student with a disability;

3. The number of requests for referral for an initial evaluation pursuant to section 200.4 of title 8 of the New York codes, rules and regulations, for which the department has not received consent from the parent or person in parental relation;

4. The number of IEP meetings that were convened less than or equal to 60 calendar days from the date of consent for initial evaluations;

5. The number of IEP meetings that were convened more than or equal to 60 calendar days from the date of consent for initial evaluations;

6. The total number of preschool students with a disability who have an IEP as of June 30 of the reported academic period;

7. The number and percentage of preschool students with a disability for whom appropriate special education programs and services were arranged to be provided within 6- school days from the date of consent for initial evaluations pursuant to section 200.4 of title 8 of the New York codes, rules and regulations;

8. The number and percentage of preschool students with a disability who, by the end of the academic period, have an IEP that recommends the following enumerated services:

(a) Related services only;

(b) Monolingual special education itinerant services;

(c) Bilingual special education itinerant services;

(d) Monolingual full-day integrated special class program;

(e) Monolingual half-day integrated special class program;

(f) Bilingual full-day integrated special class program;

(g) Bilingual half-day integrated special class program;

(h) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(i) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(j) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios[;]:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

(k) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio[.];

[8.] 9. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs by the end of the academic period in partial compliance with their IEPs by the end of the academic period;

[9.] 10. The number and percentage of preschool students with a disability who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (a) through (s) of this paragraph as recommended in their IEPs; the number and percentage of preschool students with a disability who, as of the end of the academic period, were receiving in part such services; and the number and percentage

of preschool students with a disability who, as of the end of the academic period, were awaiting the provision of such services;

[10.] 11. The number and percentage of preschool students with a disability enrolled in 3-k or Pre-K for All programs at the end of the academic period, disaggregated by grade level where available;

[11.] 12. The number and percentage of preschool students with a disability enrolled in 3-K or Pre-K for All programs who receive full services at the 3-K or Pre-K for All program where they are enrolled;

[12.] 13. The number of preschool integrated special class programs in 3-K and Pre-K for All;

[13.] 14. The number of non-public preschool special education programs approved by the state education department;

[14.] 15. The number of preschool special classes administered by the department in 3-K and Pre-K for All, including programs in district 75 schools, in total and disaggregated by the following student-to-teacher-to-aid ratios;

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

[15.] 16. The number of non-public preschool special education programs approved by the state education department in total and disaggregated by the following student-to-teacher-to-aid ratio:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio.

§ 4. Subdivision f of section 21-955, as added by local law number 17 for the year 2020, is redesignated subdivision g.

§ 5. Subdivision g of section 21-955, as added by local law number 21 for the year 2020, is redesignated subdivision h.

§ 6. The definition of “school” in section 21-956 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, is amended and a new definition of “student in foster care” is added in alphabetical order to read as follows:

School. The term “school” means a school of the city school district of the city of New York, including district 75 programs, district 79 programs, and charter schools under the jurisdiction of the department.

Student in foster care. The term “student in foster care” means a student placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 7. Subdivisions a and b of section 21-957 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, are amended to read as follows:

a. For each community school district, school within such district, special program within such school, and grade within such school, the total number of public school students enrolled in the preceding school year in grades kindergarten through eight and the number and percentage of such students who:

1. Receive special education services;
2. Are English language learners;
3. Are eligible for the federal free or reduced price meals program;
4. Reside in temporary housing;
5. Are in foster care;

[5] 6. Are attending school out of the attendance zone in which the student resides; and

[6] 7. Are attending school out of the community school district in which the student resides.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;
2. Race or ethnicity;
3. Gender;
4. Special education status;
- [4] 5. English language learner status; and
- [5] 6. Primary home language.

§ 8. Subdivisions a and b of section 21-957.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, are amended to read as follows:

a. For each public high school, the total number of students enrolled in grades nine through twelve in the preceding school year and the number and percentage of such students who:

1. Receive special education services;
2. Are English language learners;
3. Are eligible for the federal free or reduced price meals program;
4. Reside in temporary housing; [and]
5. Are in foster care; and
- [5] 6. Are enrolled over the counter.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;
2. Race or ethnicity;
3. Gender;
4. Special education status;
- [4] 5. English language learner status; and
- [5] 6. Primary home language.

§ 9. Section 21-982 of the administrative code of the city of New York, as amended by local law number

63 for the year 2018, is amended by adding a new definition of “foster care status” in alphabetical order to read as follows:

Foster care status. The term “foster care status” means the circumstance in which a student is placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 10. Subdivision b of section 21-984 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

b. The data provided pursuant to subdivision a shall be disaggregated by race/ethnicity, gender, grade, year of birth, whether the individual is receiving special education services, whether the individual is an English language learner, foster care status, and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.

§ 11. Subdivision b of section 21-986 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

b. The chancellor shall submit to the council and post to the department's website by October 31 of each year a citywide report on EMS transports during the twelve-month period ending on June 30 of the same year. Each report shall be disaggregated by school and by race/ethnicity, year of birth, [and] whether the individual is receiving special education services[.], foster care status, and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.

§ 12. This local law takes effect immediately.

9/20/2023 1:40 PM