



Legislation Text

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Int. No. 1224

By Council Members Dromm, Cumbo, Ampry-Samuel and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education, the administration for children's services and the department of correction to report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Education report for juvenile delinquents, juvenile offenders and adolescent offenders. a.

Definitions. For the purposes of this section, the following terms have the following meanings:

ACS division. The term "ACS division" means the ACS division of youth and family justice.

Adolescent offender. The term "adolescent offender" means any individual who is charged pursuant to the criminal procedure law as an adolescent offender, as such term is defined in subdivision 44 of section 1.20 of the criminal procedure law, and who is in custody.

Assault. The term "assault" means any action taken with intent to cause physical injury to another person.

Compulsory educational programming. The term "compulsory educational programming" means educational programming required pursuant to part 1 of article 65 of title 4 of the education law.

Custody. The term "custody" means the holding of an individual by the ACS division or the department of correction through detainment, placement or sentencing.

Department of education site. The term "department of education site" means any site (i) that is

operated by the department of education that offers educational programming to individuals aged 21 years or younger who are in custody pursuant to a court order on a juvenile delinquency, juvenile offender or adolescent offender matter and (ii) that is located on property that is either under the control of the department of education, ACS or the department of correction or that is subcontracted by the department of education, ACS or the department of correction.

Department of education staff. The term “department of education staff” means any employee of the department of education assigned to work at a department of education site.

Detainment. The term “detainment” means the remand of a juvenile delinquent in the custody of the ACS division, the remand or holding on bail of a juvenile offender in the custody of the ACS division or the remand or holding on bail of an adolescent offender in the custody of the ACS division or the department of correction.

Educational programming. The term “educational programming” means any educational services that the department of education offers to juvenile delinquents, juvenile offenders and adolescent offenders in custody.

High school equivalency diploma test. The term “high school equivalency diplomacy test” means any test that the New York state education department offers for the purpose of establishing the equivalent of a high school diploma, including but not limited to a general education development test or the test assessing secondary completion.

Individualized education program. The term “individualized education program” has the same meaning as is set forth in paragraph (1) of subsection (d) of section 1414 of title 20 of the United States code and any regulations promulgated thereto.

Juvenile delinquent. The term “juvenile delinquent” means any individual in the custody of the ACS division who is charged pursuant to the family court act as a juvenile delinquent, as such term is defined in

subdivision 1 of section 301.2 of the family court act.

Juvenile offender. The term “juvenile offender” means any individual in the custody of the ACS division who is charged pursuant to the criminal procedure law as a juvenile offender, as such term is defined in subdivision 42 of section 1.20 of the criminal procedure law.

Placement. The term “placement” means the court ordering of any juvenile delinquent to a placement pursuant to section 353.3 of the family court act.

Sentencing. The term “sentencing” means the conviction of any adolescent offender resulting in a period of incarceration not greater than one year, pursuant to section 70.20 of the penal law.

b. The department of education, ACS and the department of correction shall each produce an annual report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders in ACS division or department of correction facilities who have been detained, placed or sentenced. No later than 90 days after the final day of the 2018-2019 school year and no later than 90 days after each subsequent school year, the department of education, ACS and the department of correction shall post the reports on their respective websites and provide links in each such report to the reports of the other two agencies.

c. The department of education report shall include, but need not be limited to, the following information, provided that no information shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting juvenile delinquents, juvenile offenders or adolescent offenders or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 such delinquents or offenders, or allows another category to be narrowed to between 1 and 5 such delinquents or offenders, the number shall be replaced with a symbol. The report shall include data about juvenile delinquents, juvenile offenders and adolescent offenders, in total and disaggregated by category.

1. The number and percentage of juvenile delinquents, juvenile offenders and adolescent offenders enrolled in educational programming at department of education sites. Such number and percentage shall be

reported for each month. Such percentage shall be calculated on the final day of each month by dividing the number of juvenile delinquents, juvenile offenders and adolescent offenders enrolled in educational programming by the respective number of juvenile delinquents, juvenile offenders and adolescent offenders in custody on such date.

2. The number of hours of compulsory educational programming offered to juvenile delinquents, juvenile offenders and adolescent offenders on each school day and the curriculum subject areas included in educational programming.

3. The number of juvenile delinquents, juvenile offenders and adolescent offenders whose educational programming is designed for the regents diploma and the number of juvenile delinquents, juvenile offenders and adolescent offenders whose educational programming is designed for a high school equivalency diploma test.

4. The number of juvenile delinquents, juvenile offenders and adolescent offenders who completed elementary school program requirements for matriculation to middle school while in custody.

5. The number of juvenile delinquents, juvenile offenders and adolescent offenders who completed middle school program requirements for matriculation to high school while in custody.

6. The number of juvenile delinquents, juvenile offenders and adolescent offenders who graduated from high school while in custody.

7. The number of juvenile delinquents, juvenile offenders and adolescent offenders to whom a high school equivalency diploma test was administered while in custody.

8. The number of juvenile delinquents, juvenile offenders and adolescent offenders who passed a high school equivalency diploma test while in custody.

9. The average functional level of juvenile delinquents, juvenile offenders and adolescent offenders on tests such as the STAR assessment, the test of basic adult education or similar testing. The average functional level may be calculated by adding the percentage results achieved by juvenile delinquents, juvenile offenders

and adolescent offenders on the last such test administered each school year and dividing this sum by the respective number of juvenile delinquents, juvenile offenders and adolescent offenders to whom such last test was administered. This data about juvenile delinquents, juvenile offenders and adolescent offenders shall be disaggregated by category and not reported in total.

10. The number and percentage of juvenile delinquents, juvenile offenders and adolescent offenders who are enrolled in educational programming and have individualized education programs. Such number and percentage shall be reported for each month. Such percentage shall be calculated by dividing the number of juvenile delinquents, juvenile offenders and adolescent offenders so enrolled on the final day of each month by the respective number of juvenile delinquents, juvenile offenders and adolescent offenders in custody on such date.

11. The number of juvenile delinquents, juvenile offenders and adolescent offenders who have individualized education programs and are receiving the full range of special education services indicated in their individualized education programs. This information shall be further disaggregated by whether such juvenile delinquents, juvenile offenders and adolescent offenders have been detained, placed or sentenced.

12. The number and percentage of juvenile delinquents, juvenile offenders and adolescent offenders enrolled in educational programming whom the department of education identifies as having an English language learner status. Such number and percentage shall be reported for each month. Such percentage shall be calculated by dividing the number of juvenile delinquents, juvenile offenders and adolescent offenders so enrolled on the final day of each month by the respective number of juvenile delinquents, juvenile offenders and adolescent offenders in custody on such date.

13. The number of full-time equivalent teachers working at department of education sites, in total and disaggregated by general education teachers and special education teachers assigned to teach juvenile delinquents, juvenile offenders and adolescent offenders.

14. The number of department of education staff other than teachers assigned to work at department of

education sites, in total and disaggregated by staff role and by those working with juvenile delinquents, juvenile offenders and adolescent offenders.

15. The average class size for educational programming that the department of education provides to juvenile delinquents, juvenile offenders and adolescent offenders. This information shall be further disaggregated by facility location.

16. The number of juvenile delinquents, juvenile offenders and adolescent offenders participating in department of education vocational training, the nature of such training, including whether it constitutes career and technical education, and the number of juvenile delinquents, juvenile offenders and adolescent offenders who complete such training.

17. The average and median number of credits that juvenile delinquents, juvenile offenders and adolescent offenders enrolled in high school educational programming accumulate while in custody. This paragraph only applies to those juvenile delinquents, juvenile offenders and adolescent offenders who are in custody for a sufficient period during the reporting period to have earned credits.

18. The number of juvenile delinquents, juvenile offenders and adolescent offenders enrolled in physical education.

19. The average and median rate of attendance in a department of education school for juvenile delinquents, juvenile offenders and adolescent offenders upon six months after their release from custody and upon one year post-release.

20. The plans, if any, of the department of education to ensure the educational progress of juvenile delinquents, juvenile offenders and adolescent offenders released from custody.

d. The ACS and department of correction reports shall include, but need not be limited to, the following information, provided that no information shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting juvenile delinquents, juvenile offenders or adolescent offenders or that would interfere with law enforcement investigations or

otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 such delinquents or offenders, or allows another category to be narrowed to between 1 and 5 such delinquents or offenders, the number shall be replaced with a symbol. The reports shall provide data about juvenile delinquents, juvenile offenders and adolescent offenders, in total and disaggregated by category.

1. The number of juvenile delinquents, juvenile offenders and adolescent offenders that ACS or the department of correction prevented from attending educational programming because of a behavioral issue or assault.

2. The number of incidents of use of physical restraints at a department of education site, in total and disaggregated by whether such physical restraints were used on a juvenile delinquent, juvenile offender or adolescent offender.

3. The number of incidents of use of mechanical restraints at a department of education site, in total and disaggregated by whether such mechanical restraints were used on a juvenile delinquent, juvenile offender or adolescent offender.

4. The number of incidents of use of chemical restraints, including pepper spray and other chemical agents, at a department of education site, in total and disaggregated by whether such chemical restraints were used on a juvenile delinquent, juvenile offender or adolescent offender.

5. The number of juvenile delinquents, juvenile offenders and adolescent offenders who participate in educational programming while placed in mechanical restraints, including but not limited to restraint desks or shackles, and the number of days each such juvenile delinquent, juvenile offender or adolescent offender is so restrained.

§ 2. This local law takes effect immediately.

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