Legislation Details (With Text)

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Title:	A Local Law to amend the administrative code of the city of New York, in relation to requiring reports on preschool special education and early intervention services		
Sponsors:	Daniel Dromm, Mark Treyger, Stephen T. Levin, Helen K. Rosenthal, Justin L. Brannan, Margaret S. Chin, Deborah L. Rose, Brad S. Lander, Ben Kallos, Rory I. Lancman, Inez D. Barron, Diana I. Ayala, Farah N. Louis, Paul A. Vallone, Carlina Rivera		
Indexes:	Report Required		
Attachments:	1. Summary of Int. No. 1406-A, 2. Summary of Int. No. 1406, 3. Int. No. 1406, 4. February 13, 2019 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 2-13-19, 6. Minutes of the Stated Meeting - February 13, 2019, 7. Committee Report 2/25/19, 8. Hearing Testimony 2/25/19, 9. Hearing Transcript 2/25/19, 10. Proposed Int. No. 1406-A - 12/12/19, 11. Committee Report 12/17/19, 12. Hearing Transcript 12/17/19, 13. Committee Report - Stated Meeting, 14. December 19, 2019 - Stated Meeting Agenda with Links to Files, 15. Hearing Transcript - Stated Meeting 12-19-19, 16. Minutes of the Stated Meeting - December 19, 2019, 17. Int. No. 1406-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 21		

Date	Ver.	Action By	Action	Result
2/13/2019	*	City Council	Introduced by Council	
2/13/2019	*	City Council	Referred to Comm by Council	
2/25/2019	*	Committee on Education	Hearing Held by Committee	
2/25/2019	*	Committee on Education	Laid Over by Committee	
12/17/2019	*	Committee on Education	Hearing Held by Committee	
12/17/2019	*	Committee on Education	Amendment Proposed by Comm	
12/17/2019	*	Committee on Education	Amended by Committee	
12/17/2019	A	Committee on Education	Approved by Committee	Pass
12/19/2019	A	City Council	Approved by Council	Pass
12/19/2019	A	City Council	Sent to Mayor by Council	
1/19/2020	A	Administration	City Charter Rule Adopted	
1/21/2020	A	City Council	Returned Unsigned by Mayor	

Int. No. 1406-A

By Council Members Dromm, Treyger, Levin, Rosenthal, Brannan, Chin, Rose, Lander, Kallos, Lancman, Barron, Ayala, Louis, Vallone and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to requiring reports on

preschool special education and early intervention services

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 added by local law number 27 for the year 2015, is amended to read as follows:

a. For the purposes of this section, the following terms [shall] have the following meanings:

[1. "Academic period" shall mean] Academic period. The term "academic period" means the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

Committee on preschool special education. The term "committee on preschool special education" has the same meaning as set forth in section 200.1 of title 8 of the New York codes, rules and regulations.

[2. "Committee on special education" shall have] Committee on special education. The term "committee on special education" has the same meaning as set forth in section 200.1 of title 8 of the [official compilation of the] New York codes, rules and regulations [of the state of New York].

[3. "Date of consent" shall mean] Date of consent. The term "date of consent" means the date on which the department received written consent to conduct an initial evaluation from the parent or person in parental relation.

[4. "Date of referral for reevaluation" shall mean] Date of referral for reevaluation. The term "date of referral for reevaluation" means the date on which the department received a referral or referred a student with a disability for a reevaluation.

Home language. The term "home language" means the language most frequently used in the student's home, as indicated by the response provided by the parent or person in parental relation on the home language questionnaire as that term is defined in section 154-2.2 of title 8 of the New York codes, rules and regulations.

Individualized education program. The term "individualized education program" or "IEP" has the same meaning as set forth in section 200.1 of title 8 of the New York codes, rules and regulations.

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[5. "IEP meeting" shall mean] IEP meeting. The term "IEP meeting" means a meeting of the committee on special education or committee on preschool special education for the purpose of determining whether the student is a student with a disability and for the purpose of developing an IEP for any such student with a disability.

[6. "Initial evaluation" shall mean] Initial evaluation. The term "initial evaluation" means an evaluation to determine if a student is a student with a disability, conducted pursuant to sections 4401-a [and], 4402 and 4410 of the education law and section 200.4 of title 8 of the [official compilation of the] New York codes, rules and regulations [of the state of New York].

Integrated special class program. The term "integrated special class program" has the same meaning as set forth in section 200.9 of title 8 of the New York codes, rules and regulations.

Preschool student. The term "preschool student" means a child aged three to five who is not enrolled in kindergarten.

Preschool student with a disability. The term "preschool student with a disability" has the same meaning as set forth in section 200.1 of title 8 of the New York codes, rules and regulations.

[7. "Reevaluation" shall mean] Reevaluation. The term "reevaluation" means an evaluation of a student with a disability conducted pursuant to section 4402 of the education law and section 200.4 of title 8 of the [official compilation of the] New York codes, rules and regulations [of the state of New York], provided that such term shall not include a three-year reevaluation.

Related services. The term "related services" has the same meaning as set forth in section 200.1 of title 8 of the New York codes, rules and regulations.

[8. "School" shall mean a school of the city school district of the city of New York] School. The term "school" means any elementary, middle or high school within the jurisdiction of the New York city department of education and in any educational facility owned or leased by the city of New York, holding some combination thereof, including, but not limited to, district 75 schools.

[9. "Special class" shall have] Special class. The term "special class" has the same meaning as set forth in section 200.1 of title 8 of the [official compilation of the] New York codes, rules and regulations [of the state of New York].

Special education itinerant services. The term "special education itinerant services" has the same meaning as set forth in paragraph (k) of subdivision 1 of section 4410 of the education law.

[10. "Student" shall mean] Student. The term "student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law.

Student in temporary housing. The term "student in temporary housing" means a student who has been identified by the department as a "homeless child" as such term is defined in section 100.2 of title 8 of the New York codes, rules and regulations.

[11. "Student with a disability" shall have] Student with a disability. The term "student with a disability" has the same meaning as set forth in section 4401 of the education law [, provided that student with a disability shall not include a pre-kindergarten student or a preschool child].

[12. "Three-year reevaluation" shall mean] Three-year reevaluation. The term "three-year reevaluation" means a reevaluation that occurs at least once every three years unless otherwise agreed as set forth in section 200.4 of title 8 of the [official compilation of the] New York codes, rules and regulations [of the state of New York].

§ 2. The opening paragraph of 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, 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:

§ 3. Section 21-955 of the administrative code of the city of New York is amended by adding new subdivisions e and f to read as follows:

e. 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:

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 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 60 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

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(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. 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 and in partial compliance with their IEPs by the end of the academic period;

9. 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:

(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) Special transportation services;

(j) Monolingual special education itinerant services;

(k) Bilingual special education itinerant services;

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

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

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

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

(p) 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;

(q) 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;

(r) 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

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

(1) 6:1:2;

(2) 8:1:2;

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(3) 12:1:2; or

(4) Other ratio;

10. 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. 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. The number of preschool integrated special class programs in 3-K and Pre-K for All;

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

14. 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. 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.

f. The annual report required by subdivision e of this section shall be submitted and posted no later than November 1.

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§ 4. The administrative code of the city of New York is amended by adding a new section 17-199.12 to read as follows:

§ 17-199.12 Report of early intervention services. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Early intervention services. The term "early intervention services" has the same meaning as set forth in section 69-4.1 of title 10 of the New York codes, rules and regulations.

Evaluation. The term "evaluation" has the same meaning as set forth in section 69-4.1 of title 10 of the New York codes, rules and regulations.

Individualized family service plan. The term "individualized family service plan" or "IFSP" has the same meaning as set forth in section 69-4.1 of title 10 of the New York codes, rules and regulations.

IFSP meeting. The term "IFSP meeting" means a meeting for the purpose of developing a written plan for providing early intervention services to a child determined to be eligible for the early intervention program pursuant to section 69-4.11 of title 10 of the New York codes, rules and regulations.

Initial evaluation. The term "initial evaluation" means an evaluation to determine a child's initial eligibility for the early intervention program.

Referral. The term "referral" means referral of child less than three years of age who is suspected of having a disability, which includes a developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, pursuant to section 69-4.3 of title 10 of the New York codes, rules and regulations.

Reporting period. The term "reporting period" means the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

Student in temporary housing. The term "student in temporary housing" has the same meaning as that of the term "homeless child" as such term is defined in section 100.2 of title 8 of the New York codes, rules and regulations.

b. Report. No later than November 1 of each year, the department shall submit to the speaker of the council and post on the department's website an annual report regarding children receiving early intervention services from the department. To the extent such information is available to the department, such report shall include, but shall not be limited to the following information, disaggregated by zip code, race/ethnicity, child's dominant language, status as a student in temporary housing and gender:

1. The number of referrals for initial evaluations in total and disaggregated by referral source, including, but not limited to, referrals from parents, health professionals, child care providers, homeless shelters or nonprofits;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was eligible for the early intervention program;

3. The number of IFSP meetings convened less than or equal to 45 calendar days from the date of referral;

4. The number of IFSP meetings that were convened more than 45 calendar days from the date of referral;

5. The total number of children who have an active IFSP (i) during the reporting period and (ii) as of June 30 of the reporting period;

6. The average number of calendar days between the date of the initial IFSP meeting and the date children begin receiving early intervention services;

7. The number and percentage of children with IFSPs who, (i) during the reporting period and (ii) as of June 30 of the reporting period, have IFSPs that recommend the following enumerated services as such services are defined in section 69-4.1 of title 10 of the New York codes, rules and regulations:

(a) Assistive technology services;

(b) Applied behavior analysis;

(c) Audiology;

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(d) Family training, counseling, home visits or parent support groups;

(e) Medical services;

(f) Nursing services;

(g) Nutrition services;

(h) Occupational therapy;

(i) Physical therapy;

(j) Psychological services;

(k) Service coordination;

(l) Sign language or cued language services;

(m) Social work services;

(n) Special instruction;

(o) Speech-language pathology;

(p) Vision services;

(q) Health services; and

(r) Transportation services; and

8. The number and percentage of children with IFSPs who were, during the reporting period, receiving in full the early intervention services enumerated in subparagraphs (a) through (r) of paragraph 7 of this section as recommended in their IFSPs within 30 days of the meeting pursuant to section 69-4.11 of title 10 of the New York codes, rules and regulations; the number and percentage of children with IFSPs who were receiving in part such services within 30 days of such meeting and the number and percentage of children with IFSPs who were awaiting the provision of such services after 30 days of such meeting.

c. No information that is 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 information. If a category contains between one and five children, or allows another category to be narrowed to between one

and five children, the number shall be replaced with a symbol. A category that contains zero children shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to personally identifiable information.

§ 5. This local law takes effect immediately.

DFC/MMB
LS # 3252, 7502, 7503
12/11/19; 9:34 pm