

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2011**

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**No. 42**

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Introduced by Council Members Jackson, Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Mealy, Nelson, Palma, Rose, Sanders Jr., Seabrook, Williams, Koslowitz, Lappin, Rodriguez, Vann, Crowley, Foster, Levin, Mendez, Van Bramer, Arroyo, Weprin, Gonzalez, Gennaro, Vacca, Greenfield, Halloran and Ulrich

**A LOCAL LAW**

**To amend the New York city charter, in relation to requiring the department of education to provide data regarding student discharges.**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 530-b to read as follows:

*§530-b Student discharge reporting data. a. For the purposes of this section:*

- 1. "Cohort" shall mean a group of students who entered into a specified grade in the same year.*
- 2. "Department" shall mean the department of education of the city of New York.*
- 3. "Discharge code" shall refer to any code utilized by the department to indicate when a student leaves a school within the department without transferring to another school within the department or without graduating.*
- 4. "Discharged" shall mean any student whose enrollment at a school organization has been voluntarily or involuntarily terminated or withdrawn for reasons including, but not limited to, discharge to a private or parochial school or a non-DOE institution, or the absence of any student after twenty consecutive days.*

5. *“Graduation” shall mean the act of meeting all requirements outlined by the state education law in order to receive a high school diploma.*
6. *“Student” shall mean any pupil under the age of 21.*
7. *“Transfer code” shall mean to any code utilized by the department to indicate when a student transfers from one school within the department to another school within the department.*
8. *“Transferred” shall mean any student who has been voluntarily or involuntarily reassigned to another school or program including, but not limited to, a part-time or full-time department GED program, or a temporary reassignment to another school program.*

*b. Not later than June 30th of the year two thousand and twelve and on an annual basis thereafter, the chancellor of the city school district of the city of New York shall submit to the council and post on the department’s website, a report which identifies the number of students discharged or transferred during the previous school year from each school under the jurisdiction of such district including any and all discharge and transfer codes utilized by the district and disaggregated by cohort for grades nine through twelve and by grade for students in grade six through eight. Such report shall include, but not be limited to, the following information:*

1. *The total number of students discharged from each school in grades nine through twelve, disaggregated by cohort, age as of December 31st of the previous calendar year, race/ethnicity, gender, English language learner status and special education status.*
2. *The total number of students discharged from each school in grades six through eight, disaggregated by grade, race/ethnicity, gender, English language learner status and special education status.*
3. *The total number of students in grades nine through twelve who left their respective school, disaggregated by all discharge, transfer and graduation codes used by the department.*

4. *The total number of students in grades six through eight who left their respective school, disaggregated by all discharge, transfer and graduation codes used by the department.*
  5. *The total number of students in grades nine through twelve, discharged due to reasons relating to pregnancy or parenting.*
  6. *The total number of students in grades six through eight, disaggregated by grade, discharged to parochial schools or private schools.*
  7. *The total number of students in grades nine through twelve, disaggregated by cohort, discharged to parochial schools or private schools.*
  8. *The total number of students in grades six through eight, disaggregated by grade, enrolled in school at correctional facilities or detention programs.*
  9. *The total number of students in grades nine through twelve, disaggregated by cohort, enrolled in school at correctional facilities or detention programs.*
  10. *The total number of students discharged in grades six through eight, disaggregated by grade, receiving special education services.*
  11. *The total number of students discharged in grades nine through twelve, disaggregated by cohort, receiving special education services.*
  12. *All information required by this section shall be aggregated citywide, as well as disaggregated by borough and community school district.*
- 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. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students,*

*the number shall be replaced with a symbol.*

§2. Effect of invalidity; severability. If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect ninety days after its enactment into law.

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 .....June 29, 2011..... and approved by the Mayor on .....July 11, 2011.....

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 42 of 2011, Council Int. No. 354-A) contains the correct text and was passed by the New York City Council on June 29, 2011 approved by the Mayor on July 11, 2011 and returned to the City Clerk on July 11, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.