

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

No. 6

By Council Members Jackson, Mark-Viverito, Vallone, Jr., Arroyo, Cabrera, Chin, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Sanders Jr., Van Bramer, Vann, Williams, Mealy, Gonzalez, Lappin, Dickens, Koslowitz, Dilan, Eugene, Rose, Wills, Halloran, Gennaro, Garodnick, Barron, Greenfield, Levin, Nelson, Reyna, Rodriguez and Ignizio

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is hereby amended by adding a new chapter 11 to read as follows:

CHAPTER 11

REPORTS ON STUDENT DISCIPLINE

§8-1101 Definition; confidentiality requirements.

§8-1102 Annual report on student discipline.

§8-1103 Biannual citywide report on suspensions.

§8-1101. Definition; confidentiality requirements. a. For purposes of this chapter, the term “chancellor” shall mean the chancellor of the city school district of the city of New York, or the chancellor’s designee.

b. In no event shall any report submitted pursuant to this chapter release, or provide_

access to, any personally identifiable information contained in education records in violation of 20 U.S.C. §1232g or information in violation of any other applicable confidentiality requirement in federal or state law.

§8-1102. Annual report on student discipline. The chancellor shall submit to the city council by October 31st of each year an annual report, based on data from the preceding school year, on the discipline of students.

a. The data in this report shall be disaggregated by school and shall show the total number of students in each school who have been:

- 1. subjected to a superintendent's suspension; or*
- 2. subjected to a principal's suspension.*

b. The data provided pursuant to each of paragraphs one and two of subdivision a shall be disaggregated by race/ethnicity, gender, grade level at the time of imposition of discipline, age of the student as of December 31st of the school year during which discipline is imposed, whether the student is receiving special education services or whether the student is an English Language Learner, disciplinary code infraction and length of suspension. If a category contains between 0 and 9 students, the number shall be replaced with a symbol.

c. The report shall also include the citywide total number of transfers that occurred in connection with a suspension, disaggregated by involuntary and voluntary transfers.

§8-1103. Biannual citywide report on suspensions. The chancellor shall submit to the council by October 31st and March 31st of each year a report on the discipline of students citywide, based on data from the first six months of the current calendar year and the second six months of the preceding calendar year respectively. Such report shall include the number of suspensions citywide for each month, disaggregated by superintendent's and principal's

suspensions.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152 to read as follows:

§14-152. School activity reporting. a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Non-criminal incident" shall mean an incident occurring within a New York city public school that does not constitute a felony or misdemeanor, and that falls within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct; harassment; loitering; or possession of marijuana.

2. "School safety agent" shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.

b. Report of activity relating to schools. The department shall submit to the council on a quarterly basis, a report based on data reflecting summons, arrest and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a summons by school safety agents or police officers assigned to the school safety division of the New York city police department;

2. in those cases where arrests were made or summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation; and

3. the number and type of non-criminal incidents that occurred.

c. The data provided pursuant to paragraphs one through three of subdivision b shall, for each of such paragraphs, where practicable based upon the manner in which the applicable

records are maintained, be disaggregated by race/ethnicity, year of birth, gender, whether the individual is receiving special education services, and whether the individual is an English Language Learner.

d. Public education. Operators of the 311 system shall inform any caller seeking to make a complaint against a school safety agent that the complaint will be electronically transferred to the internal affairs bureau of the New York city police department.

e. Disclosure limitations. The information, data, and reports required by this section shall be subject to the disclosure limitations of section 14-150 of this chapter.

f. Reports due at end of reporting period. The information, data, and reports required by this section shall be provided to the council within thirty days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 3. This local law shall take effect ninety days after its enactment into law, provided that data relating to the total number of students subjected to a principal's suspension, as referenced in paragraph two of subdivision a of section 8-1102 of the administrative code of the city of New York, as added by section one of this local law, shall be reported beginning with the annual report relating to the 2011-12 school year, and provided further that disaggregating the data by whether the student is an English Language Learner, as referenced in subdivision b of section 8-1102 of the administrative code of the city of New York, as added by section one of this local law, shall be reported beginning with the annual report relating to the 2012-13 school year.

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 onDecember 20, 2010..... and approved by the Mayor
onJanuary 6, 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 6 of 2011, Council Int. No. 442-2010) contains the correct text and was passed by the New York City Council on December 20, 2010, approved by the Mayor on January 6, 2011 and returned to the City Clerk on January 6, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.