

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

No. 60

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

A LOCAL LAW

To amend the New York city charter, in relation to requiring the chancellor of the city school district to submit to the council an annual report concerning school capacity and utilization.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 522 of the New York city charter, as added by local law number 125 for the year 2005, is amended to read as follows:

f. Dissemination of information. The reporting required by subdivision c of this section shall, in addition to being provided to the city council, be placed on the department's website, and may be distributed by such other means as the chancellor, in his *or her* discretion, determines to be a reasonable method of providing such information to the public. *The reporting required by subdivision g of this section shall be provided to the city council in electronic form and be placed on the department's website in an electronic form compatible with a non-proprietary database program. Further, a link to the reporting required by subdivision g of this section shall be posted on each school's web portal, and such reporting may be distributed by such other means as the chancellor, in his or her discretion, determines to be a reasonable method of providing such information to the public.*

§2. Section 522 of the New York city charter is amended by adding a new subdivision g to read as follows:

g. Capacity and utilization reporting. Not later than the first day of November of the year two thousand thirteen and not later than the first day of November of every year thereafter, the chancellor of the city school district shall submit to the council a report on capacity and utilization data for the prior school year. For the purposes of this subdivision, the following terms shall have the following meanings:

“Academic intervention services” shall mean any academic or behavioral services provided to students in addition to regular classroom instruction including, but not limited to, services for special education students and students identified as english language learners;

“Health clinic” shall mean any area within a school designated exclusively for providing health services to students including, but not limited to, physical examinations and screenings for vision, hearing and other medical conditions;

“Non-school organization” shall mean any organization or program that is not operated by the New York city department of education including, but not limited to, after school programs, general education development programs and social services;

“Physical fitness space” shall mean any space used for the purpose of physical fitness instruction;

“School” shall mean 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 and charter schools; and

“Teachers’ lounge” shall mean any space exclusively designated for use by teachers and

school staff for non-instructional time.

Such report shall include the total number of each type of room or space listed below, indicate whether such type of room or space is shared by multiple schools, and provide the following information for each school building and each school within a building or structure that holds one or more schools, and shall identify space utilized for a specified purpose if such space is primarily utilized for such identified purpose no less than fifty percent of the time, provided that nothing herein shall prevent the reporting of additional spaces that are utilized for less than fifty percent of the time if such percentage of time is indicated in the report, provided that all information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough:

1. Cluster rooms or specialty rooms used for the purpose of delivering specialized instruction and the purposes for which such rooms are utilized in such subject areas including, but not limited to, art, music, dance, science, computer, theatre and shop, by type of usage, and the square footage of each such room;

2. Rooms utilized for occupational or physical therapy, speech, hearing, vision, adaptive physical education, counseling, school-based support teams and testing accommodations for students with disabilities, by type of usage, and the square footage of each such room;

3. Rooms utilized for academic intervention services, and the square footage of each such room;

4. Rooms utilized as physical fitness space including, but not limited to, gymnasiums and other physical fitness space, including the square footage of each such room;

5. *Non-instructional spaces, such as hallways, used for instructional purposes, academic intervention services, or therapeutic or counseling services;*
6. *Health clinics, and the square footage of each such health clinic;*
7. *Student locker rooms;*
8. *Student bathrooms;*
9. *Teachers' lounges;*
10. *Auditoriums, and the square footage of each such auditorium;*
11. *Libraries, and the square footage of each such library;*
12. *Lunchrooms, the square footage of each such lunchroom, and the number of periods or half periods in which the lunchroom is utilized for the purpose of serving meals each day by each school;*
13. *Rooms or spaces occupied by non-school organizations, and the square footage being occupied by each such organization.*

§3. This local law shall take effect immediately.

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 onOctober 17, 2011..... and approved by the Mayor onNovember 1, 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 60 of 2011, Council Int. No. 155-A) contains the correct text and was passed by the New York City Council on October 17, 2011 approved by the Mayor on November 1, 2011 and returned to the City Clerk on November 1, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.