

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 102

Introduced by Council Members Crowley, Dromm, Johnson, Kallos, Rosenthal, Levin, Arroyo, Cabrera, Chin, Cohen, Deutsch, Eugene, Gibson, Koo, Koslowitz, Lancman, Rose, Wills, Mendez, Rodriguez, Constantinides, Levine, King, Torres, Cornegy, Williams, Cumbo, Vacca, Reynoso, Palma, Ferreras-Copeland, Espinal, Lander, Mealy, Greenfield, Maisel, Richards, Barron, Treyger, Menchaca, Vallone, Ulrich and the Public Advocate (Ms. James).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of education to report information on physical education in New York city schools.

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

Chapter 7. Physical Education Reporting

§21-960 Reporting on physical education.

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

Adaptive physical education. The term “adaptive physical education” means a specially designed physical education program of developmental activities, games, sports, and rhythms suited to the interests, capabilities, and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the activities of a regular physical education program, as specified in a student’s individualized education program.

Certified instructor. The term “certified instructor” means a teacher certified by the New York state department of education as a physical education instructor.

Co-located school. The term “co-located school” means any public school serving students in the elementary, middle or high school grades, or any combination thereof, including any charter school, which shares space with another public school or organization in a building within the city school district of the city of New York.

Physical education instruction. The term “physical education instruction” means physical fitness activities which satisfy the requirements for physical education curricula pursuant to the New York state education department regulations for the relevant grade.

Substitutions. The term “substitutions” means any extracurricular activities including, but not limited to, intramural and extramural athletic team activities or any other program which the department deems satisfies the state requirement for physical education instruction.

b. Not later than August 31, 2016, and annually thereafter on or before August 31, the department shall submit to the council and post conspicuously on the department’s website, in a manner searchable by individual school, school district, and borough, a report for the preceding academic year which shall include, but not be limited to the following:

1. The average frequency and average total minutes per week of physical education instruction provided to students in each grade level in each school,

2. For each grade level in each school, data specifying the frequency and total minutes per week of physical education instruction received by students in that grade, including (i) the number and percentage of students who are receiving the required amount of physical education instruction; (ii) the number and percentage of students who are receiving less physical education than required; and (iii) the number and percentage of students who have an individualized education program that recommends adaptive physical education. This data shall be

disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; and (iv) English language learner status;

3. The number of designated full-time and part-time certified instructors providing instruction at the school; and the ratio of full time certified instructors to students at the school;

4. Information on all designated indoor and outdoor facilities used by the school for physical education instruction including, but not limited to:

(a) Information on all designated physical education instruction spaces inside or attached to the school including (i) the size of the space in square feet; (ii) whether the space is used for any purpose other than physical education instruction; and (iii) whether the space is used by any other schools including co-located schools in the same building;

(b) Information regarding all off-site indoor and outdoor spaces that are used by the school for the purpose of physical education instruction, including but not limited to (i) the name and the location of the off-site space or facility; and (ii) whether the space is being used by any other schools including co-located schools in the same building;

5. Information regarding the department's supplemental physical education program, including but not limited to, "Move to Improve";

6. Information regarding the number of students who were permitted a substitution by the department; and

7. A list of schools, including co-located schools, that share certified instructors with at least one other school.

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 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

§2. 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 on October 29, 2015 and approved by the Mayor on November 4, 2015.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 102 of 2015, Council Int. No. 644-B of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.