

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

No. 27

Introduced by Council Members Dromm, Arroyo, Barron, Chin, Gentile, Koo, Mendez, Cohen, Rodriguez, Lancman, Treyger, Deutsch, Levin, Rosenthal, Richards, Van Bramer, Rose, Kallos, Lander, Vallone 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 provide data regarding students receiving special education services.

Be it enacted by the Council as follows:

Section 1. Section 21-950 of the administrative code of the city of New York, as added by local law 32 for the year 2014, is amended to read as follows:

§ 21-950 Definitions. Whenever used in this title, *unless otherwise specified*, the following terms shall have the following meanings:

[a.] “Chancellor” shall mean the chancellor of the [New York] city [department of education] *school district of the city of New York.*

[b.] “Department” shall mean the New York city department of education.

“English language learner” or “ELL” shall mean a student with limited English proficiency as defined in section 154-1.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York or any successor regulations.

“Individualized education program” or “IEP” shall have the same meaning as set forth in section 1401 of title 20 of the United States code and any regulations promulgated thereto.

“Special education services or programs” or “special education services” shall mean specialized instructional services provided by a certified special education teacher or reading teacher.

[c.] *“Student” shall mean 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 district school or charter school within the city district, not including pre-kindergarten students.*

§ 2. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

Chapter 5. Reporting on Students Receiving Special Education Services

§21-955 Annual reporting on special education services. a. For the purposes of this section, the following terms shall have the following meanings:

1. *“Academic period” shall mean the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.*

2. *“Committee on special education” shall have the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.*

3. *“Date of consent” shall mean 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 the date on which the department received a referral or referred a student with a disability for a reevaluation.*

5. *“IEP meeting” shall mean a meeting of the committee on 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 an evaluation to determine if a student is a student with a disability, conducted pursuant to sections 4401-a and 4402 of the education law and section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.*

7. *“Reevaluation” shall mean 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 codes, rules and regulations of the state of New York, provided that such term shall not include a three-year reevaluation.*

8. *“School” shall mean a school of the city school district of the city of New York.*

9. *“Special class” shall have the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.*

10. *“Student” shall mean 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.*

11. *“Student with a disability” shall have 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 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 codes, rules and regulations of the state of New York.*

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 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:

1. the number of referrals for initial evaluations and reevaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

2. the number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the student was a student with a disability;

3. the number of IEP meetings that were convened less than or equal to sixty calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

4. the number of IEP meetings that were convened more than sixty calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

5. the number of reevaluations conducted, including the number of reevaluations that resulted in a determination that the student was no longer a student with a disability;

6. the number of IEP meetings that were convened less than or equal to sixty calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

7. the number of IEP meetings that were convened more than sixty calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

8. the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, grade level, and disability classification;

9. the average number of school days between the date the department receives consent from the parent or person in parental relation for the initial provision of special education services as set forth in section 200.5(b)(1)(ii) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department issues notice of the school that will implement the IEP, provided that this information shall only be reported when the parent or person in parental relation has not consented to defer implementation of the IEP until the following semester or the following school year, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

10. the following information, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level:

(i) the number of reevaluations that resulted in an IEP recommendation of more periods per week in a special class than the student's previous IEP recommendation;

(ii) the number of reevaluations that resulted in an IEP recommendation of fewer periods

per week in a special class than the student's previous IEP recommendation;

(iii) the number of reevaluations that resulted in an IEP recommendation of removal from a school that serves students who are not students with disabilities and placement in a separate school for a student not previously recommended for such placement; and

(iv) the number of reevaluations that resulted in an IEP recommendation of placement in a school that serves students who are not students with disabilities for a student previously recommended for placement in a separate school;

11. the number of three-year reevaluations conducted, including the number of such evaluations that were timely conducted, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

12. the number and percentage of students who were receiving special education services:

(i) in full compliance with their IEPs by the end of the academic period; and

(ii) in partial compliance with their IEPs by the end of the academic period;

13. the number and percentage of students who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (i) through (viii) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the academic period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:

(i) monolingual speech therapy;

(ii) bilingual speech therapy;

(iii) monolingual counseling;

(iv) bilingual counseling;

- (v) occupational therapy;*
- (vi) physical therapy;*
- (vii) hearing education services; and*
- (viii) vision education services;*

14. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

- (i) 80% or more of the day;*
- (ii) 40-79% of the day; and*
- (iii) less than 40% of the day.*

c. The annual report required by subdivision (b) of this section shall be submitted and posted no later than November 1, provided that the first report, reporting data for the academic period beginning July 1, 2014 and ending June 30, 2015, shall be submitted and posted no later than February 29, 2016, and the second report, reporting data for the academic period beginning July 1, 2015 and ending June 30, 2016, shall be submitted and posted no later than November 1, 2016.

d. 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 allows another category to be narrowed to between 0 and 5 students, the number shall be replaced with a symbol.

§ 3. Effect of invalidity; severability. If any section, subsection, 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.

§ 4. This local law shall take effect sixty days after its enactment.

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 March 11, 2015 and approved by the Mayor on March 30, 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. 27 of 2015, Council Int. No. 435-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.