

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

No. 59

Introduced by Council Members Lander, Barron, Torres, Dromm, Rodriguez, Levine, Treyger, Maisel, Chin, Johnson, Lancman, Mendez, Reynoso, Rosenthal, Kallos, Levin, Menchaca, Rose, Cohen, Williams, Deutsch, Eugene, Van Bramer 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 annually on student demographics in community school districts and high 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 6 to read as follows:

Chapter 6

6. Reporting on Demographic Data in New York City Public Schools

§21-956 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

"Over the counter" shall mean a process of enrollment for high school students other than the citywide high school admissions processes.

"Performance level" shall mean the classification of test scores received on the New York state English language arts and mathematics examinations into four proficiency categories as reported by the state.

"Reside in temporary housing" shall mean satisfying the definition of "homeless child" as set forth in chancellor's regulation A-780.

"School" shall mean a school of the city school district of the city of New York.

"Special programs" shall mean academic programs including but not limited to gifted and talented programs in grades kindergarten through five and dual language programs in grades kindergarten through eight.

§ 21-957 Annual report on the demographics of students in kindergarten through grade eight. Not later than December 31, 2015, and by November 1 of each year thereafter, the department shall submit to the council and post on its website a report regarding the following:

a. For each community school district, school within such district, and special program within such school, the total number of public school students enrolled in the preceding school year in grades kindergarten through eight and the number and percentage of such students who:

- 1. receive special education services;*
- 2. are English language learners;*
- 3. receive free or reduced price school lunch;*
- 4. reside in temporary housing; and*
- 5. are attending school out of the community school district in which the student resides.*

b. The data provided pursuant to subdivision a shall be disaggregated by:

- 1. grade level;*
- 2. race or ethnicity;*
- 3. gender; and*
- 4. for students who are English language learners, primary home language.*

c. For students in grades three through eight, the data provided pursuant to subdivision a of this section shall indicate:

- 1. the number of students who completed the New York state mathematics examination, disaggregated by performance level; and*

2. *the number of students who completed the New York state English language arts examination, disaggregated by performance level.*

d. *For each school and special program set forth in subdivision a of this section, the department shall report:*

1. *the admissions process used by such school or special program, such as whether admission to such school or special program is based on a lottery, a geographic zone, a screening of candidates for such school, or a standardized test; and*

2. *whether other criteria or methods are used for admission, including but not limited to waitlists or a principal's discretion.*

e. *The department shall report on any efforts during the preceding school year to encourage a diverse student body in its schools and special programs including, but not limited to, strategic site selection of new schools and special programs, making recommendations to the community education council to draw attendance zones with recognition of the demographics of neighborhoods, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.*

f. *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 another category that contains between 0 and 5 students to be deduced, the number shall be replaced with a symbol, or shall be subject to some other form of data suppression.*

§ 21-958 Annual report on high school student demographics. Not later than December 31, 2015, and by November 1 of each year thereafter, the department shall submit to the council and post on its website a report regarding the following:

a. For each public high school, the total number of students enrolled in grades nine through twelve in the preceding school year and the number and percentage of such students who:

- 1. receive special education services;*
- 2. are English language learners;*
- 3. receive free or reduced price school lunch;*
- 4. reside in temporary housing; and*
- 5. are enrolled over the counter.*

b. The data provided pursuant to subdivision a of this section shall be disaggregated by:

- 1. grade level;*
- 2. race or ethnicity;*
- 3. gender; and*
- 4. for students who are English language learners, primary home language.*

c. For students in grade nine, the data provided pursuant to subdivision a of this section shall provide:

- 1. the number of students who completed the New York state mathematics examination administered in eighth grade, disaggregated by performance level; and*
- 2. the number of students who completed the New York state English language arts examination administered in eighth grade, disaggregated by performance level.*

d. For each high school set forth in subdivision a of this section, the department shall report:

- 1. the admissions process used by such school, such as whether admission to such school is based on a lottery, a geographic zone, a screening of candidates for such school, or a standardized test; and*
- 2. whether other criteria or methods are used for admissions including, but not limited to, over the counter admissions, waitlists, or a principal's discretion.*

e. The department shall report on any efforts during the preceding school year to encourage a diverse student body in its high schools including, but not limited to, strategic site selection of new schools and special programs, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.

f. 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 another category that contains between 0 and 5 students to be deduced, the number shall be replaced with a symbol, or shall be subject to some other form of data suppression.

§ 21-959 Annual report on the demographics of students in pre-kindergarten programs operated by the department. Not later than November 1, 2016, and annually thereafter not later than November 1, the department shall submit to the council and post on its website a report regarding the following:

a. For each school that offers a pre-kindergarten program, the total number of students enrolled in the preceding school year in such program, disaggregated by race or ethnicity and gender.

b. 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 another category that contains between 0 and 5 students to be deduced, the number shall be replaced with a symbol, or shall be subject to some other form of data suppression.

§ 2. This local law takes 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 May 27, 2015 and approved by the Mayor on June 16, 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. 59 of 2015, Council Int. No. 511-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.