

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 167

Introduced by Council Members Kallos, Menchaca, Lander, Gibson, Levin, Holden, Cumbo and Rivera.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of education to post information regarding the process used in determining identified seat need

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 21 to read as follows:

CHAPTER 21

*POSTING OF INFORMATION REGARDING THE PROCESS USED IN DETERMINING
IDENTIFIED SEAT NEED*

§ 21-988 Posting information regarding the process used in determining identified seat need.

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

Identified seat need. The term “identified seat need” means the number of seats required through the construction of new facilities to meet the enrollment needs in each community school district identified in the five-year educational facilities capital plan created by the department pursuant to section 2590-p of the education law.

Subdistrict. The term “subdistrict” means all geographic boundaries used by the department and the New York city school construction authority to identify where new capital funding will be

targeted for building new schools as defined in section 21-989.

b. No later than December 1, 2019, and annually thereafter on or before December 1, the department shall, to the extent such information is accessible by the department, post conspicuously on its website a report, which shall include, but need not be limited to:

1. The process and inputs used to determine identified seat need, including but not limited to:

(a) any categories of non-quantitative criteria considered, which may include but need not be limited to, facility replacements, grade expansion and truncation, school rezonings, co-locating schools, and converting space in existing facilities; and

(b) the following information, reported at the community school district level, if utilized:

(1) enrollment projections and related confidence intervals;

(2) information about projected new housing;

(3) any formula used for measuring capacity including class size goals;

(4) any relevant standards required for instructional space;

(5) any data used for determining a projected public school ratio; and

(6) any new capacity projects expected to be initiated during the plan period;

2. The identified seat need;

3. The number of seats lost, including through lost leases; and

4. The number of seats gained, including through leases.

c. The data provided in paragraph 2 of subdivision b of this section shall be listed for grade level kindergarten through 12 in total for the city school district and, if identified seat need is determined in such manner, shall also be listed by:

1. grade level nine through 12, disaggregated by borough;

2. *grade level kindergarten through eight, disaggregated by community school district and subdistrict;*

3. *grade level six through eight, disaggregated by community school district and subdistrict;*
and

4. *grade level kindergarten through five, disaggregated by community school district and subdistrict.*

d. The data provided in paragraphs 3 and 4 of subdivision b of this section shall be listed for grade level kindergarten through 12 in total for the city school district, and shall also be listed by:

1. *grade level nine through 12, disaggregated by borough;*

2. *grade level kindergarten through eight, disaggregated by community school district and subdistrict;*

3. *grade level six through eight, disaggregated by community school district and subdistrict;*
and

4. *grade level kindergarten through five, disaggregated by community school district and subdistrict.*

e. The data provided in paragraphs 2, 3 and 4 of subdivision b of this section shall be listed for prekindergarten programs in total for the city school district and, if available, by community school district.

f. All data provided pursuant to this section shall be provided in machine readable format.

g. Nothing in this section shall be construed to affect the authority or materially impede the ability of the department to determine the identified seat need or the methodology or information utilized in the determination of identified seat need.

§ 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 September 12, 2018 and returned unsigned by the Mayor on October 17, 2018.

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. 167 of 2018, Council Int. No. 729-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.