

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

No. 51

Introduced by Council Members Treyger, Dromm, Levine, Rose, Chin, Barron, Menchaca and Kallos.

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 student-to-student bullying, harassment, intimidation and discrimination

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 18 to read as follows:

Chapter 18. Bullying, Harassment, Intimidation and Discrimination

§ 21-980 Reporting on student-to-student bullying, harassment, intimidation and discrimination

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

Complaint. The term “complaint” means an oral or written complaint submitted to the department that contains allegations of violations of chancellor’s regulation A-832 involving student-to-student bullying, harassment, intimidation or discrimination.

Material incident. The term “material incident” means an incident alleged in a complaint that the department has investigated pursuant to, and has determined to be in violation of, chancellor’s regulation A-832.

Notice. The term “notice” means notice provided by the department to a parent whose child was alleged in a complaint to have been targeted by or engaged in bullying, harassment, intimidation, or discrimination in violation of chancellor’s regulation A-832, and that advises such parent of the outcome of the investigation.

School. The term “school” means a school of the of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12.

Student. The term “student” means 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.

Unique complaint. The term “unique complaint” means a non-duplicate complaint.

b. Not later than May 31, 2018, and every six months thereafter on or before November 30 and May 31, respectively, the department shall submit to the council and post conspicuously on the department’s website a report for the preceding school semester, which shall include for each community school district and for each individual high school:

- 1. the total number of unique complaints;*
- 2. the total number of material incidents, and the number of such material incidents that were related to each of the following categories: (i) race, (ii) ethnicity or national origin or both, (iii) religion, (iv) gender, (v) weight, (vi) gender identity, gender expression or sexual orientation, or any combination thereof and (vii) disability.*

c. Not later than November 30, 2018, and annually thereafter on or before November 30, the department shall include in its report submitted in November pursuant to subdivision b:

1. a description of any resources and support provided by the department to schools related to preventing, reporting and addressing incidents of student-to-student bullying, harassment, intimidation or discrimination;

2. a description of any trends reflected in the data reported pursuant to subdivision b, including any trends related to the types of incidents determined by the department to be material incidents of student-to-student bullying, harassment, intimidation or discrimination in violation of chancellor's regulation A-832;

3. a description of any recommendations to address any such trends, including, but not limited to, additional training for relevant staff members; and

4. for each school, whether such school has completed the training required pursuant to chancellor's regulation A-832 for (i) students; (ii) staff, including non-instructional staff and (iii) the school's respect for all liaison.

d. Beginning with the report due on May 31, 2020, the reports required by May 31 and November 30 pursuant to subdivisions b and c, as applicable, shall additionally include for each community school district and for each individual high school:

1. the total number of notices provided, disaggregated by whether notice was provided to parents of students (i) who were targeted by, or were alleged to have been targeted by, bullying, harassment, intimidation or discrimination or (ii) engaged in, or were alleged to have been engaged in, bullying, harassment, intimidation or discrimination; and

2. the average and median number of days between the receipt of a complaint and the provision of notice related to such complaint, disaggregated by whether the notices were provided to parents of students (i) who were targeted by, or were alleged to have been targeted by, bullying,

harassment, intimidation or discrimination or (ii) engaged in, or were alleged to have been engaged in, bullying, harassment, intimidation or discrimination.

e. Beginning with the report due on November 30, 2020, the report required by November 30 pursuant to subdivision c shall additionally include for each community school district and each individual high school:

1. the total number of students who have been determined by the department to have been involved in two or more material incidents within a school year, disaggregated by whether students (i) were targeted by bullying, harassment, intimidation or discrimination or (ii) were engaged in bullying, harassment, intimidation or discrimination; and

2. the total number of students identified in paragraph 1 of subdivision e for whom follow-up action was recommended, including a description of the follow-up action recommended, disaggregated by whether students (i) were targeted by bullying, harassment, intimidation or discrimination or (ii) were engaged in bullying, harassment, intimidation or discrimination.

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 1 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 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 December 11, 2017 and returned unsigned by the Mayor on January 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. 51 of 2018, Council Int. No. 1757-A of 2017) 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.