

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 127

Introduced by Council Members Treyger, Kallos, King, Cornegy, Eugene, Gibson, Reynoso, Levine, Richards, Rose, Barron, Rodriguez, Lander, Holden, Rosenthal, Ayala, Rivera and Levin.

A LOCAL LAW

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

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-960 of the administrative code of the city of New York, as added by local law number 102 for the year 2015, is amended to read as follows:

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 *physical education* report for the preceding academic year which shall include, but not be limited to the following *information on a citywide basis*:

1. *The total number of students and average physical education class size;*
2. The average frequency and average total minutes per week of physical education instruction provided to students [in each grade level in each school.];

[2]3. [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] *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)]

4. [the] *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]5. *The number of designated full-time and part-time certified instructors providing physical education instruction [at the school]; [and] the ratio of [full time] certified instructors to students [at the school], including whether such instructor is a full-time certified instructor, part-time certified instructor, or uncertified instructor; the number of certified instructors who have received professional development concerning physical education instruction provided by the department in the preceding two school years; and the total number of certified instructors who attended multiple sessions of professional development concerning physical education instruction provided by the department in the preceding two school years, disaggregated by the number of trainings attended;*

[4]6. 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 *and the names of such schools;*

(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 *and the names of such schools*;

[5]7. Information regarding the department's supplemental physical education program, including but not limited to, "Move to Improve";

[6]8. [Information regarding the] *The number of students who were permitted a substitution by the department; [and]*

[7]9. A *cross-referenced* list of schools, including co-located schools, that share certified instructors with at least one other school[.] *and the number of certified instructors that are shared*;

10. *A description of the department's physical education scope and sequence, including the topics covered by such physical education scope and sequence; whether the department's physical education scope and sequence satisfies the requirements for physical education instruction pursuant to the New York state education department regulations; and the date of the last assessment and update of the physical education scope and sequence; and*

§ 2. Subdivision c of section 21-960 of the administrative code of the city of New York, as added by local law number 102 for the year 2015, is amended to read as follows:

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] *Disaggregation of*

data. 1. The data required pursuant to this section shall be disaggregated by borough, community school district, district 75, and individual school.

2. The data required pursuant to paragraphs 2, 3, 4, and 8 of subdivision b of this section shall be disaggregated by demographic information including, but not limited to, the following categories:

(a) Grade;

(b) Race or ethnicity;

(c) Gender;

(d) Special education status; and

(e) English language learner status.

§ 3. Section 21-960 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. 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 one and five students, or allows another category to be narrowed to between one and five students, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 4. 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 29, 2019 and returned unsigned by the Mayor on July 2, 2019.

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. 127 of 2019, Council Int. No. 1298-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.