

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

No. 223

Introduced by Council Members Lander, Treyger, Torres, Kallos, Louis, Levin, Rosenthal, Eugene and Rose.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to expanding reports on demographic data in New York city public schools

Be it enacted by the Council as follows:

Section 1. Section 21-956 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

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

[“]Over the counter[” shall mean]. *The term “over the counter” means a process of enrollment for high school students other than the citywide high school admissions process.*

[“]Performance level[” shall mean]. *The term “performance level” means 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.*

[“]Resident in temporary housing[” shall mean]. *The term “resident in temporary housing” means satisfying the definition of “homeless child” as set forth in chancellor’s regulation A-780.*

[“]School[” shall mean]. *The term “school” means a school of the city school district of the city of New York, including charter schools under the jurisdiction of the department.*

[“]Special programs[” shall mean]. *The term “special programs” means* 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.

§ 2. Section 21-957 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

§ 21-957 Annual report on the demographics of students in *grades* kindergarten through [grade] eight. Not later than December 31, 2015, and by [November 1] *December 1* of each year thereafter, the department shall submit to the *speaker of 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, *and grade 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] *Receive* special education services;
2. [are] *Are* English language learners;
3. [receive] *Are eligible for the federal free or reduced price [school lunch] meals program;*
4. [reside] *Reside* in temporary housing; [and]
5. [are] *Are attending school out of the attendance zone in which the student resides; and*
6. *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] *Grade* level;
2. [race] *Race* or ethnicity;

3. [gender] *Gender*; [and]

4. [for students who are English language learners, primary home language.] *English language learner status*; and

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

2. [the] *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] *The admissions process used by such school or special program, [such as] including but not limited to, whether admission to such school or special program is based on a lottery[.]; a geographic zone[.]; an audition; a screening of candidates for such school; including a detailed description of such screening[.]; or a standardized test; [and]*

2. [whether other] *Any criteria or methods that are used [for admission] to supplement the admissions process, including but not limited to, preferences established under the department's diversity in admissions pilot, composite score formulas, waitlists or a principal's discretion[.];*

3. *A side-by-side comparison of the racial and ethnic demographics of such school or special program with the racial and ethnic demographics of all students in grades kindergarten through eight that reside within the applicable attendance zone, and, if the applicable attendance zone is*

smaller than the community school district, a side-by-side comparison of the racial and ethnic demographics of the school or special program, the applicable attendance zone and the applicable community school district; and

4. Whether such school or special program is becoming more or less similar to the racial and ethnic demographics of the applicable attendance zone and the community school district, based on the comparison required pursuant to paragraph 3 of this subdivision.

e. [The] *For each community school district, the department shall report on whether the department made any efforts in such community school district during the preceding school year to encourage a diverse student body in its schools and special programs and, if so, the details of such efforts, 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] *one* and [5] *five* students, or contains an amount that would allow another category that contains between [0] *one* and [5] *five* students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. *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.*

g. The report required pursuant to this section shall, to the extent the department has such information, include data regarding charter schools located within the five boroughs.

§ 3. Section 21-958 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is renumbered and amended to read as follows:

§ [21-958] *21-957.1* Annual report on high school student demographics. Not later than December 31, 2015, and by [November 1] *December 1* of each year thereafter, the department shall submit to the *speaker of 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] *Receive* special education services;
2. [are] *Are* English language learners;
3. [receive] *Are eligible for the federal* free or reduced price [school lunch] *meals program*;
4. [reside] *Reside* in temporary housing; and
5. [are] *Are* enrolled over the counter.

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

1. [grade] *Grade* level;
2. [race] *Race* or ethnicity;
3. [gender] *Gender*; [and]
4. [for student who are English language learners, primary home language.] *English language learner status*; and

5. *Primary home language.*

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

1. [the] *The* number of students who completed the New York state mathematics examination administered in eighth grade, disaggregated by performance level; and

2. [the] *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] *The* admissions process used by such school, such as whether admissions to such school is based on a lottery[,]; a geographic zone[,]; *an audition*; a screening of candidates for such school, *including a detailed description of such screening*; or a standardized test; and

2. [whether] *Whether* other criteria or methods are used for admissions including, but not limited to, *preferences established under the department's diversity in admissions pilot*, over the counter admissions, waitlists, or a principal's discretion.

e. The department shall report, *on an individual high school level*, on efforts *each individual high school has taken* 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] *one* and [5] *five* students, or contains an amount that would allow another category that contains between [0] *one* and [5] *five* students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. *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. Section 21-959 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is renumbered and amended to read as follows:

§ [21-959] 21-957.2 Annual report on the demographic of students in pre-kindergarten programs operated by the department.

Not later than November 1, 2016, and [annually thereafter not later than November 1] *by December 1 of each year thereafter*, the department shall submit to the *speaker of 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] *one* and [5] *five* students, or contains an amount that would allow another category that contains between [0] *one* and [5] *five* students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. *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.

§ 5. 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 November 14, 2019 and returned unsigned by the Mayor on December 16, 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. 223 of 2019, Council Int. No. 1547-A of 2019) 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.

STEPHEN LOUIS, Acting Corporation Counsel.