

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 10

Introduced by the Public Advocate (Mr. Williams) and Council Members Treyger, Kallos, Brannan, Gibson, Chin, Adams, Dromm, Rosenthal, Barron, Cornegy, Ayala, Ampry-Samuel, Lander, Louis, Rivera and Borelli.

A LOCAL LAW

In relation to requiring the department of education to report on remote learning attendance

Be it enacted by the Council as follows:

Section 1. Report on remote learning attendance. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Blended learning. The term “blended learning” means a combination of in-person instruction and remote learning instruction, implemented during and as a result of the COVID-19 pandemic.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Remote learning. The term “remote learning” means a system, implemented in lieu of in-person instruction during and as a result of the COVID-19 pandemic, that allows teachers to deliver their lessons online, and students to complete assignments, projects, and assessments remotely just as they would in the physical classroom. Remote learning can occur synchronously with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher.

School. The term “school” means a school of the city school district of the city of New York.

Individualized education program or IEP. The term “individualized education program” or “IEP” has the same meaning as such term is defined in 20 U.S.C. section 1401 and any regulations promulgated thereto.

b. No later than March 1, 2021, and on the first day of each month thereafter, the department shall submit to the mayor, the speaker of the council, the public advocate, the school diversity advisory group, all community education councils and post on its website a report on student attendance for periods of time during which remote learning was used by the department. The report shall capture student attendance data for the month occurring 2 months prior to the month of the report. The report shall include the attendance rate of students who participated in (i) full-time remote learning instruction and (ii) blended learning. Such data shall be disaggregated by:

1. School;
2. School district;
3. Grade level;
4. Gender;
5. Race or ethnicity;
6. Individualized education program status;
7. English language learner status;
8. Status as a student in temporary housing other than students who are residing in shelters; and
9. Status as a student residing in shelter.

The information described in each paragraph of subdivision b shall be reported individually and disaggregated by the other paragraphs in subdivision b, except that the information described in paragraph 1 shall not be disaggregated by the categories described in paragraph 2 through

paragraph 9, the information described in paragraph 8 shall not be disaggregated by the category described in paragraph 9, and the information described in paragraph 9 shall not be disaggregated by the category described in paragraph 8.

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. If a category contains between 1 and 5 students, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol. A category that contains 0 students shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 2. This local law takes effect immediately and is deemed repealed 2 years after it becomes law.

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 17, 2020 and returned unsigned by the Mayor on January 19, 2021.

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. 10 of 2021, Council Int. No. 2058-A of 2020) 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.