

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

No. 11

Introduced by Council Members Treyger, Kallos, Louis, Adams, Chin, Gibson, Dromm, Rosenthal, Barron, Cornegy, Ayala, Ampy-Samuel, Lander, Rivera and Borelli.

A LOCAL LAW

In relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic

Be it enacted by the Council as follows:

Section 1. COVID-19 remote learning metric reporting. a. Definitions. For 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.

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

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

Department. The term “department” means the New York city department of education.

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.

Related services. The term “related services” has the same meaning as such term is defined in section 200.1 of title 8 of the New York codes, rules and regulations.

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 any elementary, middle or high school within the jurisdiction of the New York city department of education and in any educational facility owned or leased by the city of New York, holding some combination thereof, including, but not limited to, district 75 schools.

Student. The term “student” means any pupil under the age of 21 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 as school is defined in this subdivision, but does not include children enrolled in an early childhood program.

b. When the department is providing any remote instruction in lieu of in-person instruction during and as a result of the COVID-19 pandemic, the department shall submit to the mayor, the speaker of the council and the public advocate, and post on its website, a report according to the following schedule: (i) for the period between September 1 of the prior calendar year until and including December 31 of the prior calendar year, a report due on March 1 of the current calendar year; (ii) for the period between January 1 of the current calendar year until and including June 30 of the current calendar year, a report due on September 1 of the current calendar year; and (iii) for the period between July 1 of the current calendar year until and including August 31 of the current

calendar year, a report due on November 1 of the current calendar year. Such report shall include the following information:

1. The language development instruction provided to English language learner students;
2. A breakdown by community school district of the number of and percentage of students who participated in (i) full-time remote learning instruction and (ii) blended learning disaggregated by (i) grade level, (ii) gender, (iii) race or ethnicity, and (iv) English language learner status, to the extent such information is available. To the extent practicable, the department shall describe the different methods of asynchronous instruction available to students;
3. Steps the department took to ensure that all students attending Passages Academy, East River Academy, and ReStart Academy received remote instruction;
4. A list of related services that were not provided to any student;
5. The number of students recommended for summer school. Such information shall be reported citywide, by borough and by community school district and disaggregated by:
 - (a) Grade level;
 - (b) Gender;
 - (c) Race or ethnicity;
 - (d) English language learner status;
 - (e) Status as a student residing in shelter;
 - (f) Status as a student in temporary housing other than students who are residing in shelters;

and

- (g) Status as a student in foster care.

In reporting the number of students recommended for summer school citywide and by borough and by community school district, the information required by each subparagraph in paragraph 5 shall also be reported individually and shall be disaggregated by the categories described in other subparagraphs in paragraph 5, except that the information required by subparagraph e shall not be disaggregated by categories described in subparagraphs f and g, the information described in subparagraph f shall not be disaggregated by the categories described in subparagraphs e and g, and the information described in subparagraph g shall not be disaggregated by the categories described in subparagraphs f and g. Such information shall also be reported by borough and community school district and cross-referenced by (i) class level, (ii) gender, (iii) race or ethnicity, and (iv) English language learner status; and

6. The number of students who requested a remote learning device from the department's central office, the number of students who received a remote learning device from the department's central office, and the average and median number of days between the date such request was received by the department's central office and the date the device was delivered. Such information shall be reported citywide and disaggregated by borough and district.

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. 11 of 2021, Council Int. No. 2104-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.