

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2024**

No. 21

Introduced by Council Members Narcisse, Hanks, Williams, Cabán, Abreu, Louis, Ung, Gutiérrez, Restler, Won, Sanchez, Riley, Rivera, Nurse, Brewer, Krishnan, Lee, Feliz, Avilés, Hudson, Hanif, De La Rosa and Gennaro.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of education and the administration for children’s services to report on educational programming for juvenile delinquents, juvenile offenders, and adolescent offenders

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-924 to read as follows:

§ 21-924 Education reports for juvenile delinquents, juvenile offenders, and adolescent offenders. a. Definitions. For the purposes of this section, the following terms have the following meanings:

ACS division. The term “ACS division” means the division of youth and family justice of the ACS.

Adolescent offender. The term “adolescent offender” means any individual who is charged pursuant to the criminal procedure law as an adolescent offender, as such term is defined in subdivision 44 of section 1.20 of the criminal procedure law, and who is in custody of ACS.

Children and youth in ACS division facilities. The term “children and youth in ACS division facilities” shall include all children between the ages of 13 and 20 who are in custody in facilities operated by the ACS division, pursuant to a court order.

Commissioner. The term “commissioner” means the commissioner of education of the state of New York.

Custody. The term “custody” means the confinement, in secure and non-secure detention, of an individual by the ACS division pursuant to a court order.

Department of education site. The term “department of education site” means any site that is (i) operated by the department of education and offers educational programming to individuals who are required to receive a public education pursuant to education law 3205 and chancellor’s regulation A-210 or any successor regulation or provision and who are in custody pursuant to a court order and (ii) located on property that is either under the control of the department of education or ACS or that is contracted by the department of education or ACS for the purpose of providing services for the department of education or for ACS.

Department of education staff. The term “department of education staff” means any employee of the department of education assigned to work at a department of education site.

Educational programming. The term “educational programming” means educational programming provided by the department of education pursuant to section 112 or part 1 of article 65 of title 4 of the education law, and any regulation promulgated by the commissioner of education thereto.

High school equivalency diploma. The term “high school equivalency diploma” means the diploma established pursuant to part 100.7 of the regulations of the commissioner or any successor regulation.

High school equivalency diploma test. The term “high school equivalency diploma test” means any test that the New York state education department offers for the purpose of establishing the equivalent of a high school diploma, including, but not limited to, a general education development test or the test assessing secondary completion.

Individualized education program. The term “individualized education program” has the same meaning as is set forth in paragraph (1) of subsection (d) of section 1414 of title 20 of the United States code and any regulations promulgated thereto.

Juvenile delinquent. The term “juvenile delinquent” means any individual in the custody of the ACS division who is charged pursuant to the family court act as a juvenile delinquent, as such term is defined in subdivision 1 of section 301.2 of the family court act.

Juvenile offender. The term “juvenile offender” means any individual in the custody of the ACS division who is charged pursuant to the criminal procedure law as a juvenile offender, as such term is defined in subdivision 42 of section 1.20 of the criminal procedure law.

Local or regents diploma. The term “local or regents diploma” means the diploma established pursuant to part 100.5 of the regulations of the commissioner or any successor regulation or provision.

School re-entry. The term “school re-entry” means the process by which a student, following release from an ACS division facility, is re-enrolled in the school of the department of education in which such student was enrolled prior to being placed in custody of ACS.

Skills and achievement commencement credential. The term “skills and achievement commencement credential” means the credential established pursuant to part 100.6 of the regulations of the commissioner or any successor regulation or provision.

Special education plan. The term “special education plan” means the plan created by the department of education to describe the services a student in custody who has an individualized education program will receive in a department of education site.

b. The department of education and ACS shall each produce an annual report on educational programming for children and youth in ACS division facilities. On October 1, 2024, and every October 1 thereafter, the department of education and ACS shall post such report on their respective websites and provide a link in each such report to the other report.

c. The department of education report shall provide data about children and youth in ACS division facilities and shall include, but need not be limited to, the following information:

1. The number and percentage of children and youth in ACS division facilities enrolled in educational programming at department of education sites, both in total and disaggregated by age. Such number and percentage shall be reported for the school year and for each month. Such percentage shall be calculated on the final day of each month by dividing the number of children and youth in ACS division facilities enrolled in educational programming by the respective number of children and youth in custody on such date.

2. The number of hours of educational programming offered to children and youth in ACS division facilities on each school day and the curriculum subject areas included in educational programming.

3. The number of children and youth in ACS division facilities whose educational programming includes the required courses of study for the first 8 years of full-time public day school, pursuant to section 3204 of the education law, disaggregated by grade level.

4. *The number of children and youth in ACS division facilities whose educational programming is designed for the (i) skills and achievement commencement credential, (ii) local or regents diploma, or (iii) high school equivalency diploma test.*

5. *The number of children and youth in ACS division facilities who, while in custody, completed the required courses of study for the first 8 years of full-time public day school, pursuant to section 3204 of the education law, disaggregated by grade level.*

6. *The number of children and youth in ACS division facilities who graduated, dropped out, or otherwise exited from high school while in custody, in total and disaggregated by the number of children and youth who completed requirements for a (i) local or regents diploma, or (ii) skills and achievement commencement credential.*

7. *The number of children and youth in ACS division facilities to whom a high school equivalency diploma test was administered while in custody.*

8. *The number of children and youth in ACS division facilities who met high school equivalency diploma requirements while in custody.*

9. *The number of children and youth in ACS division facilities who are enrolled in college level coursework.*

10. *The average functional level of children and youth in ACS division facilities on tests such as the STAR assessment, the test of basic adult education, or similar testing.*

11. *The number and percentage of children and youth in ACS division facilities enrolled in educational programming and have an individualized education program as of the date of enrollment in educational programming, disaggregated by disability classification. Such number and percentage shall be reported for the school year as well as for each month. Such percentage shall be calculated by dividing the number of children and youth in ACS division facilities so*

enrolled on the final day of each month by the respective number of children and youth in ACS division facilities in custody on such date.

12. The number of children and youth in ACS division facilities who, as of the date of enrollment in educational programming, had an individualized education program recommendation of:

(a) related services only;

(b) special education teacher support services;

(c) integrated co-teaching services;

(d) special class in a school located in districts 1 through 32, including high schools;

(e) special class in a school in district 75; or

(f) non-public school placement.

13. The number and percentage of children and youth in ACS division facilities for whom the department of education has completed special education plans within 30 school days of enrolling in educational programming.

14. The average and median number of days the department of education requires to complete special education plans, from the date children and youth in ACS division facilities with individualized education programs are enrolled in educational programming.

15. The number and percentage of children and youth in ACS division facilities who have special education plans and are receiving the full range of special education services indicated in their special education plan. This information shall be further disaggregated by whether such children and youth have been detained in secure or non-secure facilities.

16. The number and percentage of children and youth in ACS division facilities who have special education plans and are receiving the related services indicated in their special education

plans. This information shall be further disaggregated by each related service, and whether such children and youth have been detained in secure or non-secure facilities.

17. The number and percentage of children and youth in ACS division facilities who have individualized education programs and have received special education evaluations while in custody. This information shall be further disaggregated by (i) the type of evaluation, including initial evaluation, mandated triennial reevaluation, or related service evaluation and (ii) whether such children and youth have been detained in secure or non-secure facilities.

18. The number and percentage of children and youth in ACS division facilities enrolled in educational programming whom the department of education identifies as having an English language learner status. Such number and percentage shall be reported for the school year as well as for each month. Such percentage shall be calculated by dividing the number of children and youth so enrolled on the final day of each month by the total number of children and youth in custody on such date.

19. The number and percentage of children and youth in ACS division facilities enrolled in educational programming who are identified as having an English language learner status who are receiving language instruction, in total and disaggregated by language and the type of instruction, including instruction by a certified English as a new language teacher, bilingual instruction, bilingual special education instruction, or language specific high school equivalency test preparation instruction.

20. The number of full-time equivalent teachers working at department of education sites assigned to teach children and youth in ACS division facilities, in total and disaggregated by (i) general education teachers, (ii) English-as-a-new-language teachers, and (iii) special education teachers.

21. *The number of department of education staff other than teachers assigned to work at department of education sites, in total and disaggregated by staff role and by those working with children and youth in ACS division facilities.*

22. *The average class size for educational programming that the department of education provides to children and youth in ACS division facilities, disaggregated by facility location.*

23. *The number of children and youth in ACS division facilities participating in department of education career and technical education and the number of children and youth who complete such training.*

24. *The mean and median number of credits per quarter, semester, or other period of time that children and youth in ACS division facilities who are enrolled in high school educational programming attempted to earn and earn while in custody. This paragraph only applies to those children and youth who are in custody for a sufficient period to permit earning of credits.*

25. *The number of children and youth in ACS division facilities enrolled in physical education.*

26. *The mean and median rate of attendance in a department of education school for children and youth in ACS division facilities upon six months after their release from custody and upon one year post-release, disaggregated by age, race, disability classification, and English language learner status.*

27. *The mean and median number of days between release from ACS division custody and re-enrollment into schools of the department of education for children and youth in ACS division facilities, for students who are not returned to the schools of the department of education that such students attended preceding confinement in ACS division custody through the school re-entry process and the number of students re-enrolled in such schools through the school re-entry process.*

28. *The plans, if any, of the department of education to ensure the educational progress of children and youth in ACS division facilities, after their release from custody.*

29. *All high school courses offered to children and youth in ACS division facilities at department of education sites.*

30. *All socio-emotional, behavioral, and mental health supports and services provided by the department of education to children and youth in ACS division facilities, disaggregated by whether such services were mandated pursuant to the special education plan of such children and youth.*

31. *The number and percentage of children and youth in ACS division facilities who did not attend educational programming, and if known, disaggregated by the reason such children and youth did not attend educational programming, including, but not limited to, unexplained absence, illness, special needs or circumstances, unavailable mandated transportation, required court appearance, or school closure due to medical or health issue; and the average and median number of days such children and youth missed school, and if known, disaggregated by reason such children and youth did not attend educational programming. Such number shall be reported for each month.*

d. The ACS report shall provide data about children and youth in custody in ACS division facilities and shall include, but need not be limited to, the following information:

1. The number of incidents of use of physical restraints at a department of education site, in total and disaggregated by (i) whether such physical restraints were used on a juvenile delinquent, juvenile offender, or adolescent offender and (ii) the reason for using such physical restraints.

2. The number of incidents of use of mechanical restraints at a department of education site, in total and disaggregated by (i) whether such mechanical restraints were used on a juvenile

delinquent, juvenile offender, or adolescent offender and (ii) the reason for using such mechanical restraints.

3. The number of incidents of restraints resulting in injuries and the type of injuries to children and youth in ACS division facilities when attending educational programming.

e. No data required to be reported by subdivisions c and d of 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 information respecting children and youth placed in custody in ACS division facilities 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 such children and youth, or allows another category to be narrowed to between 1 and 5 such children and youth, 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.

§ 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 20, 2023 and returned unsigned by the Mayor on January 19, 2024.

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. 21 of 2024, Council Int. No. 542-A of 2022) 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.

SPENCER FISHER, Acting Corporation Counsel.