

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

No. 156

Introduced by Council Members Levin, Gennaro, Lander, Rose and Dinowitz.

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 student health services in correlation with student housing status for students in kindergarten through grade eight

Be it enacted by the Council as follows:

Section 1. Section 21-965 of the administrative code of the city of New York, as added by local law number 12 for the year 2016, is amended to read as follows:

§ 21-965 Student health services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Automated student health record database. The term "automated student health record database" means a database maintained by the department of health and mental hygiene to record information about students' medical care.

NYC FITNESSGRAM. The term "NYC FITNESSGRAM" means an annual fitness assessment used to determine students' overall physical fitness.

Reside in temporary housing. The term "reside in temporary housing" means satisfying the definition of "homeless child" as set forth in chancellor's regulation A-780.

School based health center. The term "school based health center" means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations.

Student. ["Student" shall mean] *The term "student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district.*

Student health encounter. The term "student health encounter" means any student visit to a school medical room recorded in the automated student health record database.

b. Not later than April 30, [2017] 2022, and no later than April 30th annually thereafter, the department shall submit to the council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile, *to the extent such information is collected by the department;*

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1 or diabetes type 2; and

6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

[d]c. All information required to be reported by this section shall be disaggregated by:

1. [community] *Community* school district[.]; *and*

2. *For students in kindergarten through grade eight, whether such students reside in temporary housing.*

[e] d. 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 or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between [0] *one* and [9] *five* students, or allows another category to be narrowed to be between [0] *one* and [9] *five* students, the number shall be replaced with a symbol. *A category that contains zero students shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law or the New York city health code 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 November 23, 2021 and returned unsigned by the Mayor on December 23, 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. 156 of 2021, Council Int. No. 139-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.

STEPHEN LOUIS, Acting Corporation Counsel.