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**The Council of the City of New York**

**COMMITTEE REPORT OF THE LEGISLATIVE DIVISION**

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**COMMITTEE ON EDUCATION**

Hon. Rita Joseph, *Chair*

**March 29, 2023**

**INTRODUCTION NO. 566:** By Council Members Feliz, Hanif, Marte, Brewer, Yeger, Avilés, Nurse, Gutiérrez, Brannan, Sanchez and Holden

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring all children with an individualized education program to be transported in buses with air-conditioning

**ADMINISTRATIVE CODE:** Amends Title 19 section 19-605

**INTRODUCTION NO. 644:** By Council Members Williams, Feliz, Sanchez, Brewer, Restler, Nurse, Gutiérrez, Yeger, Hudson and Holden

**TITLE:** A Local Law to amend the charter of the city of New York, in relation to requiring the New York City department of education to provide information on establishing afterschool programs

**CHARTER:** Amends Chapter 20 by adding a new section

**INTRODUCTION NO. 725:** By Council Members Lee, Hanif, Brewer, Hudson, Ung, Avilés, Joseph, Abreu, Holden

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools

**ADMINISTRATIVE CODE:** Amends Title 21-A by adding a new chapter

**INTRODUCTION NO. 868:** By Council Members Stevens, Dinowitz, Joseph, Louis, Farías, Restler, Hudson, Ung and Holden (by request of the Bronx Borough President)

**TITLE:** 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 the number of District 75 students and the criteria used to determine the location of District 75 schools

**ADMINISTRATIVE CODE:** Amends Title 21-A by adding a new chapter

**RESOLUTION NO. 153:** By Council Members Abreu Dinowitz, Restler, Menin, Schulman, Vernikov, Yeger, Kagan, Joseph, Bottcher, Ung, Avilés, De La Rosa, Brooks-Powers, Krishnan, Williams, Rivera, Sanchez, Lee, Velázquez, Gennaro, Riley, Brannan, Carr and Paladino

**TITLE:** Resolution calling upon the Department of Education to create a Jewish Heritage Day in New York City public schools.

**Introduction**

On March 29, 2023, the Committee on Education, chaired by Council Member Rita Joseph, will hear Introduction Number (“Int. No.”) 566, sponsored by Council Member Oswald Feliz, relating to requiring all children with an individualized education program (IEP) to be transported in buses with air-conditioning; Int. No. 644, sponsored by Council Member Nantasha Williams, relating to requiring the department of education (DOE) to provide information on establishing afterschool programs; Int. No. 725, sponsored by Council Member Linda Lee, relating to requiring the DOE to create a website for schools to list surplus school supplies to be claimed for use by other schools; Int. No. 868, sponsored by Council Member Althea Stevens, relating to requiring the DOE to report on the number of District 75 students and the criteria used to determine the location of District 75 schools; and Resolution Number (“Res. No.”) 153, sponsored by Council Member Shaun Abreu, calling on the DOE to create a Jewish Heritage Day in New York City (NYC) public schools. Witnesses invited to testify include the NYC DOE, students, parents, educators, unions, advocates, and other interested stakeholders.

**Analysis of Legislation**

**Int. No. 566 A Local Law to amend the administrative code of the city of New York, in relation to requiring all children with an individualized education program to be transported in buses with air-conditioning.**

*Background*

Section 19-605 of the administrative code of the city of New York currently requires that school busses transporting a child with a disability utilize air-conditioning when the outside temperature exceeds 70 degrees Fahrenheit.[[1]](#footnote-2) However, in its current form, Section 19-605 defines a “child with a disability” as “a child with a disability as defined in section 4401(1) of the education law who requires an air-conditioned environment for health reasons.”[[2]](#footnote-3) Therefore, this law does not currently cover all children with IEPs.

*Bill Analysis*

This bill would amend the definition of a “child with a disability” to include all children with disabilities as defined by section 4401(1) of New York State Education Law—covering all children with IEPs—and not just those whose IEP requires an air-conditioned environment for health reasons.

**Int. No. 644 A Local Law to amend the charter of the city of New York, in relation to requiring the New York City department of education to provide information on establishing afterschool programs.**

*Background*

The Department of Youth and Community Development offers over 900 afterschool programs in NYC—most of which are free—that give students opportunities to learn skills, explore interests and discover new things.[[3]](#footnote-4) According to the New York State Office of Children and Family Services, “Research shows that children who participate in quality afterschool programs have higher school attendance and academic achievement and are less likely to be involved in risky behaviors during afterschool hours.”[[4]](#footnote-5)

*Bill Analysis*

This bill would require the DOE to post on its website information about the requirements to establish afterschool programs. Such information would include department regulations; protocols explaining the guidelines by which programs may hire and pay afterschool program staff; insurance and internal revenue service guidelines; and an explanation of federal state and local laws regulating afterschool programs. This bill would also require the DOE to provide information on best practices for creating afterschool programming scholarships, collecting fees, and successfully integrating afterschool programming with school curricula.

**Int. No. 725 A Local Law to amend the administrative code of the city of New York, in relation to**

**requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools.**

*Background*

With approximately a million students taught in more than 1,850 schools, the NYC school system is the largest school district in the United States.[[5]](#footnote-6) However, as a result of longstanding segregation,[[6]](#footnote-7) schools with large numbers of minority and low-income students face many obstacles, including lack of adequate school supplies and texts.[[7]](#footnote-8) Moreover, according to DOE, as of December 15, 2022, 9,793 students in temporary housing (STH) have enrolled in public schools since July 2, 2022.[[8]](#footnote-9) As a result, some schools have struggled to obtain necessary educational resources and tools.[[9]](#footnote-10)

*Bill Analysis*

This bill would help alleviate the burden on individual schools by requiring the DOE to create a centralized platform where schools may list their surplus school supplies for the purpose of allowing other schools to claim such supplies.

**Int. No. 868 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 the number of District 75 students and the criteria used to determine the location of District 75 schools.**

*Background*

DOE-designated District 75 programs provide educational, vocational, and behavioral support to students with significant challenges, such as Autism Spectrum Disorders, significant cognitive delays, emotional disturbances, sensory impairments and multiple disabilities.[[10]](#footnote-11) These programs serve roughly 26,000 students[[11]](#footnote-12) in a variety of settings, including:

* Special classes co-located in District 1-32 schools
* School buildings where all students have IEPs
* General education classrooms
* Agencies, hospitals and at home[[12]](#footnote-13)

*Bill Analysis*

This bill would require the DOE to issue an annual report to the Speaker, and to post such report on the DOE website, regarding District 75 programs. The required report would include the number of students in each building that provides a District 75 program, as well as the criteria DOE considers to determine where to establish a District 75 program.

Int. No. 566

By Council Members Feliz, Hanif, Marte, Brewer, Yeger, Avilés, Nurse, Gutiérrez, Brannan, Sanchez and Holden

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring all children with an individualized education program to be transported in buses with air-conditioning

..Body

Be it enacted by the Council as follows:

Section 1. Section 19-605 of the administrative code of the city of New York, as added by local law number 63 for the year 2003, is amended to read as follows:

§ 19-605[.] Air-conditioning. a. Definitions. For purposes of this section, the term “child with a disability” has the same meaning as is ascribed to such term in subdivision 1 of section 4401 of the education law.

b. Any bus or other motor vehicle transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be air-conditioned when the ambient outside temperature exceeds [seventy] 70 degrees Fahrenheit. Drivers of all such vehicles shall utilize such air conditioning systems in order to make the internal climate of such vehicles comfortable to passengers in order to protect or enhance the health of children with disabilities. Any failure, mechanical or otherwise, of an air-conditioning system required by this section shall be repaired and restored to operable condition as soon as is practicable, but in no event more than three business days subsequent to the failure. [For purposes of this section, “child with a disability” shall mean a child with a disability as defined in section 4401(1) of the education law who requires an air-conditioned environment for health reasons.]

[b.] c. The penalty provisions set forth in section 19-607 [of this chapter] shall not apply to any violation of the provisions of this section. Any owner, operator or contractor responsible for transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be liable for a civil penalty of [four hundred dollars] $400 for each violation of this section.

§ 2. This local law takes effect 90 days after it becomes law.

Session 12

MHL

LS #8563

04/25/22

Session 11

AES/MAJ

LS #563

Int. 575-2018

Int. No. 644

By Council Members Williams, Feliz, Sanchez, Brewer, Restler, Nurse, Gutiérrez, Yeger, Hudson and Holden

..Title

A Local Law to amend the charter of the city of New York, in relation to requiring the New York city department of education to provide information on establishing afterschool programs

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-g to read as follows:

§ 530-g Guidelines on establishing afterschool programs. a. For the purposes of this section “department” shall mean the New York city department of education.

b. The chancellor shall post on the department’s website a document with guidelines and information on establishing afterschool programs. The document shall include, but not be limited to:

1. A list of department regulations for afterschool programs.

2. Protocols explaining the guidelines by which afterschool programs may hire and pay staff and contractors including department employees.

3. Insurance guidelines for afterschool programs.

4. Internal revenue service guidelines for operators of afterschool programs.

5. A brief list and explanation of significant federal, state, and local laws regulating afterschool programs.

6. Best practices and options for the creation of scholarships for afterschool programs.

7. Best practices and options for collecting fees for afterschool programs.

8. Best practices and options for successfully integrating afterschool programming with school curricula, common core state standards, and curricula for students receiving additional instructional services.

9. Contact information for the department employee or designee who can provide assistance in the creation of afterschool programs.

§2. This local law takes effect 90 days after it becomes law.

Session 12

XC

LS #8497

5/5/2022 2:42pm

Session 11

JW/JJD

Int. 747-2012/LS 330/Int. 1665-2017

LS 346

12/6/17

Int. No. 725

By Council Members Lee, Hanif, Brewer, Hudson, Ung, Avilés, Joseph, Abreu and Holden

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools

..Body

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

Chapter 29. Surplus School Supplies

§ 21-1000 Surplus School Supplies. The department shall create and maintain a website where schools may list surplus school supplies for the purpose of allowing such surplus supplies to be claimed for use by other schools. Such website shall not be available to the public.

§ 2. This local law takes effect 90 days after it becomes law.

NAB

LS #9958

9/2/22 9:30AM

Int. No. 868

By Council Members Stevens, Dinowitz, Joseph, Louis, Farías, Restler, Hudson, Ung and Holden (by request of the Bronx Borough President)

..Title

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 the number of District 75 students and the criteria used to determine the location of District 75 schools

..Body

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 30 to read as follows:

CHAPTER 30

DISTRICT 75 SCHOOLS REPORTING

§ 21-1001 District 75 reporting. a. Definitions. For purposes of this section, the term “district 75 program” means a department program, designated as such, that provides educational, vocational, and behavioral support for students with significant challenges, such as Autism Spectrum Disorders, significant cognitive delays, emotional disturbances, sensory impairments, and multiple disabilities.

b. No later than August 30, 2023, and annually thereafter, the department shall submit to the speaker of the council and post on the department's website a report regarding information on all district 75 programs for the prior school year. Such report shall include, but need not be limited to:

1. The number of students participating in a district 75 program in each building where a district 75 program is provided; and

2. The process and inputs used to determine the buildings where a district 75 program is provided, including, but not limited to:

(a) Any categories of non-quantitative criteria considered, which may include, but need not be limited to, facility replacements, grade expansion and truncation, school re-zonings, co-locating schools, and converting space in existing facilities; and

(b) The following information, reported at the community school district level, if utilized:

(1) Projections of the number of students requiring a district 75 program and related confidence intervals;

(2) Any formula used for measuring capacity, including class size goals;

(3) Any relevant standards required for instructional space;

(4) Any relevant standards required for accessibility;

(5) Any relevant standards required for security;

(6) Any relevant standards required for the provision of medical care;

(7) Any data used for determining a projected public school ratio; and

(8) Any new capacity projects expected to be initiated during the plan period.

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 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 students, or contains a number that would allow the number of individuals in another category that is 5 or fewer to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Session 12

BM

LS 9777

12/8/2022 4:00pm

Session 11

AM

Int 1286-2018

LS 8585/8587

Res. No. 153

..Title

Resolution calling upon the Department of Education to create a Jewish Heritage Day in New York City public schools.

..Body

By Council Members Abreu, Dinowitz, Restler, Menin, Schulman, Vernikov, Yeger, Kagan, Joseph, Bottcher, Ung, Avilés, De La Rosa, Brooks-Powers, Krishnan, Williams, Rivera, Sanchez, Lee, Velázquez, Gennaro, Riley, Brannan, Carr and Paladino

Whereas, Hate crimes, defined by the United States (U.S.) Department of Justice as “crimes committed on the basis of the victim’s perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability,” are on the rise in the U.S.; and

Whereas, According to the latest Federal Bureau of Investigation (FBI) Hate Crime Statistics report released in November 2020, 2019 had the highest level of reported hate crimes nationally in more than a decade; and

Whereas, Further, the majority of hate crimes motivated by religious bias were anti-Jewish, according to the FBI report; and

Whereas, In New York City, hate crimes also continue to grow, with a reported 76% increase in the first few months of 2022 compared to the same period last year, according to data from the New York Police Department Hate Crimes Task Force (HCTF); and

Whereas, There were 194 hate crimes in NYC between January 1 and April 10 of 2022, in comparison to the 110 hate crimes from the same dates in 2021, the HCTF report shows; and

Whereas, According to the HCTF data, crime incidents targeting Jewish people, which comprise the largest number of NYC hate crimes so far this year, increased from 28 crimes for this period last year to 86 in 2022, a rise of more than 200%; and

Whereas, Many educators and advocates maintain that schools can play an important role in helping to reduce bias in our society, as biases often develop at a young age according to *Psychology Today*; and

Whereas, Students in NYC schools learn about anti-Semitism by studying the Holocaust, the systematic, state-sponsored persecution and murder of six million Europeans of Jewish faith by the Nazi German regime and its allies and collaborators during World War II, which is required to be taught starting in 10th grade according to the New York State Grades 9-12 Social Studies Framework; and

Whereas, However, there is no requirement to teach about the more than 350-year history of Jewish Americans, who immigrated to this country in waves since colonial times in search of religious freedom and to escape oppression and persecution, according to the National Humanities Center; and

Whereas, Additionally, there is no formal mechanism or requirement to teach about Jewish contributions to America and the American culture; and

Whereas, Pursuant to a resolution passed unanimously by the U.S. Congress in February 2006, on April 20, 2006, then-President George W. Bush proclaimed that May would be Jewish American Heritage Month; and

Whereas, Each year since then, U.S. presidents have issued proclamations declaring May as Jewish American Heritage Month in order to raise awareness and appreciation of Jewish American contributions to this nation; and

Whereas, However, Jewish American Heritage Month is not formally celebrated by NYC public schools, nor is there much recognition or commemoration of the month anywhere in the U.S., according to the Jewish Telegraphic Agency; and

Whereas, The NYC Department of Education could designate a Jewish Heritage Day in City public schools to celebrate the positive contributions and achievements of Jewish Americans, and particularly Jewish New Yorkers, which would benefit all students by helping them to appreciate others’ strengths, build empathy, and reduce implicit bias; and

Whereas, The recent rise in hate crimes reinforces how important it is to raise awareness about the contributions and achievements of Jewish Americans as early as possible to help combat stereotypes and bias against Jewish people; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Education to create a Jewish Heritage Day in New York City public schools.

LS# 6828

JA

4/27/22

1. NYC Administrative Code §19-605. [↑](#footnote-ref-2)
2. *Id.* [↑](#footnote-ref-3)
3. DOE website, “After-School,” accessed 3/24/23 at <https://www.schools.nyc.gov/school-life/school-environment/after-school>. [↑](#footnote-ref-4)
4. NYS Office of Children and Family Services website, “Advantage After School Program,” accessed 3/24/23 at <https://ocfs.ny.gov/main/contracts/tanf/aas/>. [↑](#footnote-ref-5)
5. DOE website, “DOE Data at a Glance,” accessed 3/24/23 at <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance>. [↑](#footnote-ref-6)
6. Eliza Shapiro, “Segregation Has Been the Story of New York City’s Schools for 50 Years,” *The New York Times,* March 26, 2019, accessed at <https://www.nytimes.com/2019/03/26/nyregion/school-segregation-new-york.html>. [↑](#footnote-ref-7)
7. Grace Chen, “New York City Schools: Most Segregated in the Nation,” *Public School Review*, July 2, 2022, accessed at <https://www.publicschoolreview.com/blog/new-york-city-schools-most-segregated-in-the-nation>. [↑](#footnote-ref-8)
8. Email from Melissa Aviles-Ramos, Senior Executive Director, Program Implementation, Office of the First Deputy Chancellor, NYC Public Schools/NYCDOE to Education Committee staff (Dec. 15, 2022). *Note*: As DOE does not track the immigration status of students, it is utilizing the number of newly-enrolled STH as a proxy for students from migrant families. [↑](#footnote-ref-9)
9. Gwynne Hogan, “South Bronx school scrambles plans, seeks donations for dozens of asylum-seeking students,” *Gothamist*, September 28, 2022, accessed at <https://gothamist.com/news/south-bronx-school-struggles-to-accommodate-dozens-of-asylum-seeking-students>. [↑](#footnote-ref-10)
10. DOE website, “District 75,” accessed 3/24/23 at <https://www.schools.nyc.gov/learning/special-education/school-settings/district-75>. [↑](#footnote-ref-11)
11. Michael Elsen-Rooney, “How NYC sets up kids with emotional disabilities for failure: ‘I had more kids in the correctional system than I had graduates,’” *NY* *Daily News*, July, 17, 2022, accessed at <https://www.nydailynews.com/new-york/education/ny-emotional-disabilities-district-75-pipeline-for-failure-20220717-27lssmftpjfkdfuyetlb6cpec4-story.html>. [↑](#footnote-ref-12)
12. DOE website, “District 75,” accessed 3/24/23 at <https://www.schools.nyc.gov/learning/special-education/school-settings/district-75>. [↑](#footnote-ref-13)