

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 93

Introduced by Council Members Gibson, Johnson, Arroyo, Chin, King, Lander, Levine, Menchaca, Mendez, Rose, Cohen, Williams, Richards, Reynoso, Torres, Greenfield, Rodriguez, Levin, Kallos, Ferreras-Copeland, Palma, Cumbo, Rosenthal, Koslowitz, Lancman, Dromm, Eugene, Barron, Espinal, Deutsch and Wills.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity in schools.

Be it enacted by the Council as follows:

Section 1. Chapter 11 of title 8 of the administrative code of the city of New York, as added by local law number 6 for the year 2011, is amended to read as follows:

CHAPTER 11

REPORTS ON [STUDENT] DISCIPLINE AND CERTAIN EMERGENCY TRANSPORTS OF
STUDENTS

§8-1101 [Definition] *Definitions*; confidentiality requirements

§8-1102 Annual report on student discipline

§8-1103 Biannual citywide report on suspensions

§8-1104 *Citywide report on emergency medical services student transports*

§ 8-1101. [Definition] *Definitions*; confidentiality requirements.

a. For purposes of this chapter, the [term “chancellor” shall mean] *following terms shall have the following meanings:*

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York, or the chancellor's designee.

Data. The term “data” means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.

Department contact. The term “department contact” means an incident that occurs within a New York city public school, on school grounds, during school-related events or while taking public school transportation, for which the New York city police department is contacted.

EMS transports. The term “EMS transports” means transports performed by emergency medical services, whether provided by the fire department or another authorized ambulance service, in which a student is taken from a New York city public school to a hospital.

Homeless status. The term “homeless status” means the circumstance in which a student lacks a fixed, regular and adequate nighttime residence, as determined in accordance with applicable chancellor’s regulations.

Teacher removal. The term “teacher removal” means the removal from class, including at least one class period and for up to four complete school days, of a student in kindergarten through grade twelve whose conduct is substantially disruptive of the educational process or substantially interferes with a teacher’s authority over the classroom, with notice and an opportunity to be heard pursuant to applicable chancellor’s regulations.

b. [In no event shall any report submitted pursuant to this chapter release, or provide access to, any personally identifiable information contained in education records in violation of 20 U.S.C. § 1232g or information in violation of any other applicable confidentiality requirement in federal or state law.] *No information that is otherwise required to be reported pursuant to this chapter 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, including but not limited to restrictions with respect to personally identifiable information in education records set forth in 20 U.S.C. § 1232g, or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If (i) the total number of students or incidents within a non-disaggregated category contains from one through five students or incidents, (ii) the total number of students or incidents within a disaggregated category, or reported pursuant to paragraph four of subdivision a of section 8-1102 of this chapter, contains from zero through five students or incidents; or (iii) the total number of students or incidents within a category, whether or not disaggregated, contains an amount that would allow another category, whether or not disaggregated, that contains from one through five students or incidents to be deduced, then the number of students or incidents shall be replaced with a symbol or shall be subject to some other form of data suppression.

§ 8-1102. Annual report on student discipline. The chancellor shall submit to the city council *and post to the department of education's website* by October 31st of each year an annual report, based on data from the preceding school year, on the discipline of students.

a. The data in this report shall be disaggregated by school and shall show the [total number of students in each school who have been] *following:*

1. [subjected to a superintendent's suspension; or] *The number of teacher removals, which shall additionally be disaggregated by infraction code and number of days removed;*

2. [subjected to a principal's suspension] *The number of principal's suspensions, which shall additionally be disaggregated by infraction code and length of suspension;*

3. *The number of superintendent's suspensions, which shall additionally be disaggregated by infraction code and length of suspension;*

4. *The number of students subjected more than once to a teacher removal, principal's suspension, superintendent's suspension, or any combination thereof;*

5. *The number of students subjected to an expulsion; and*

6. *The number of incidents involving department contacts that also resulted in the suspension of the students who were the subjects of the department contacts.*

b. The data provided pursuant to [each of paragraphs one and two of] subdivision a shall also be disaggregated by [race/ethnicity, gender, grade level at the time of imposition of discipline, age of the student as of December 31st of the school year during which discipline is imposed, whether the student is receiving special education services or whether the student is an English Language Learner, disciplinary code infraction and length of suspension. If a category contains between 0 and 9 students, the number shall be replaced with a symbol.] *race/ethnicity, gender, grade, year of birth, whether the individual is receiving special education services, whether the individual is an English language learner and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.*

c. The report shall also include [the]:

1. *The citywide total number of transfers that [occurred in connection with a] were initiated during the superintendent's suspension process or during the period of any resulting superintendent's suspension, disaggregated by involuntary and voluntary transfers; and*

2. *The annual citywide percentage change in suspensions, disaggregated by school district.*

§ 8-1103. Biannual citywide report on suspensions. The chancellor shall submit to the council *and post to the department of education's website* by October 31st and March 31st of each year a report on the discipline of students citywide, based on data from the first six months

of the current calendar year and the second six months of the preceding calendar year, respectively. Such report shall include the number of suspensions citywide for each month, disaggregated by superintendent's and principal's suspensions.

§ 8-1104. Citywide report on emergency medical services student transports.

a. The chancellor shall submit to the council and post to the department of education's website by October 31st and March 31st of each year a citywide report on the total number of EMS transports and the number of EMS transports performed because of a student's psychological/emotional condition. The October report shall include EMS transports from the first six months of the current calendar year and the March report shall include EMS transports from the second six months of the preceding calendar year. Each report shall be disaggregated by school district and by month.

b. The chancellor shall submit to the council and post to the department of education's website by October 31st of each year a citywide report on EMS transports during the twelve-month period ending on June 30th of the same year. Each report shall be disaggregated by school and by race/ethnicity, year of birth and whether the individual is receiving special education services.

§ 2. Section 14-152 of the administrative code of the city of New York, as added by local law number 6 for the year 2011, is amended to read as follows:

§ 14-152. School activity reporting. a. Definitions. *For purposes of this section, the following terms shall have the following meanings:* [1. "Non-criminal incident" shall mean an incident occurring within a New York city public school that does not constitute a felony or misdemeanor, and that falls within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct, harassment; loitering; or possession of marijuana.

2. “School safety agent” shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.”]

Data. The term “data” means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.

Department personnel. The term “department personnel” means police officers and school safety agents employed by the department.

Force. The term “force” includes but is not limited to the use of (i) a firearm; (ii) physical force; (iii) a chemical agent; (iv) a baton; (v) mechanical restraints, except when used in the course of making an arrest; or (vi) a conducted energy device.

Mechanical restraints. The term “mechanical restraints” means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon/Velcro restraining devices.

Violation. The term “violation” means alleged student misbehavior occurring within a New York city public school or on school grounds that does not constitute a felony or misdemeanor and that, if committed by an adult, would constitute an offense defined by a section of the penal law.

b. Report of activity relating to schools. The department shall submit to the council *and post to the department’s website* on a quarterly basis[,] a report based on data reflecting summons, arrest and [non-criminal incident] *violation* activity and response by department personnel from the preceding quarter. Such report shall be disaggregated by [patrol borough] *school building and the command of department personnel conducting the activity*, and shall include, at a minimum:

1. [the] *The total number of individuals arrested [and/]or issued a summons in a New York city public school or on school grounds by [school safety agents or police officers assigned to the school safety division of the New York city police department] department personnel and whether those individuals were students, school personnel or other individuals;*

2. [in those cases where arrests were made or summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation] *The total number of violations to which department personnel responded; and*

3. [the number and type of non-criminal incidents that occurred] *The total number of incidents where individuals were subjected by department personnel to mechanical restraints within a New York city public school or on school grounds, and whether those individuals were students, school personnel or other individuals.*

c. For the data provided pursuant to paragraphs one and two of subdivision b, such report shall include: (i) the charges (including applicable section of law); (ii) whether the incident occurred in connection with metal detector or magnetometer scanning; and (iii) whether department personnel used force and the type of force used. The data provided pursuant to paragraph one of subdivision b shall also specify whether the charge was a felony, misdemeanor or violation and whether the incident with respect to which the arrest or issuance of a summons occurred was school related, in that it occurred within a New York public school or on school grounds or was otherwise related to the public school community.

[c.]d. The data provided pursuant to paragraphs one through three of subdivision b shall, for each [of] such [paragraphs] *paragraph*, where practicable based upon the manner in which the applicable records are maintained, be disaggregated by race/ethnicity, year of birth, gender,

and, where the individual is a student, whether the individual is receiving special education services[,] and whether the individual is an English Language Learner, provided that such disaggregated data reported pursuant to this subdivision shall not be reported for each school building but rather shall be reported by patrol precinct.

e. Use of permanent and temporary metal detectors. The department shall submit to the council on a quarterly basis a report including: (i) a list of school buildings with permanent metal detectors; (ii) a list of school buildings subjected to random scanning; (iii) a list of schools that have requested the removal of metal detectors; and (iv) a list of schools for which a requested removal of metal detectors has been honored. In addition, the department shall on an annual basis report on the amounts and types of contraband seized as a result of metal detector scanning, disaggregated by school building. Such types shall include but not be limited to firearms, knives, boxcutters and laser pointers.

f. Report of complaints against school safety agents. The department shall submit to the council on a quarterly basis a report of complaints against school safety agents from the preceding quarter. Such report shall include, at a minimum, disaggregated by patrol precinct:

1. The total number of complaints originating at or relating to public schools, alleging excessive use of force, abuse of authority, discourtesy or use of offensive language, with abuse of authority complaints disaggregated by specific allegations of disputed arrest and confiscation of student property;

2. The number of open complaints at the end of the preceding quarter and the number of days each complaint has been pending and the result of the complaint;

3. The number of school safety agents with open complaints who have been the subject of a prior complaint; and

4. *The number of injuries sustained by department personnel resulting from student misconduct, including the number of times that department personnel have as a result of such misconduct been transferred by emergency medical services, whether provided by the fire department or another authorized ambulance service, for medical evaluation or treatment.*

[d.] g. Public education. Operators of the 311 system shall inform any caller seeking to make a complaint against a school safety agent that the complaint will be electronically transferred to the internal affairs bureau of the New York city police department.

[e.] h. Disclosure limitations. The information, data, and reports required by this section shall be subject to the disclosure limitations of section 14-150 of this chapter.

[f.] i. Reports due at end of reporting period. The information, data, and reports required by this section shall be provided to the council *and posted to the department's website* within thirty days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 3. This local law shall take effect January 1, 2016, provided that reports or data newly required by this local law shall only be required to reflect incidents occurring on or after January 1, 2016.

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 September 30, 2015 and approved by the Mayor on October 13, 2015.

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. 93 of 2015, Council Int. No. 730-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.