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Int. No. 1762

By Council Member Dromm

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 youth in placement and detention facilities

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 21-914 to read as follows:

§ 21-914 Placement and detention facility education report. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Adolescent. The term "adolescent" means any youth in the custody of ACS who is 16 or 17 years old.

Assault. The term "assault" means any action taken with intent to cause physical injury to another

person.

Child. Notwithstanding section 21-901, the term "child" means any youth in ACS custody who is 15 years old or younger.

Department of education site. The term "department of education site" means (i) any facility operated by the department of education that offers educational programming to youth and that is located on property under the control of the department of education or (ii) any school operated by the department of education that offers educational programming to youth directly on-site in limited secure placement facilities.

Department of education staff. The term "department of education staff" means any employee of the department of education assigned to work in a department of education site.

Educational programming. The term "educational programming" means any educational services that the department of education offers to youth in the custody of ACS.

High school equivalency diploma test. The term "high school equivalency diplomacy 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 educational plan. The term "individualized educational plan" 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.

Staff. The term "staff" means ACS staff.

b. The department of education and ACS shall each produce an annual report on educational programming for youth in placement and detention facilities. No later than 90 days after the final day of the 2017-2018 school year and no later than 90 days after each subsequent school year, the department of education and ACS shall post the reports on their respective websites and provide a link in each such report to the report of the other agency.

c. The department of education report shall include, but need not be limited to, the following information, provided that no information 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 youth 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 youth, or allows another category to be narrowed to between 1 and 5 youth, the number shall be replaced with a symbol. The youth age as of the final day of school enrollment or attendance will be used to categorize the youth as a child or an adolescent, for the purposes of this reporting. All required information relating to children and adolescents shall be reported separately.

1. The number and percentage of children and adolescents enrolled in educational programming. Such percentage shall be calculated by dividing the number of children and adolescents enrolled in educational programming on the final day of the school year by the respective number of children and adolescents on such date.

2. The number of hours of compulsory educational programming offered to children and adolescents on each school day and the curriculum subject areas included in educational programming.

3. The number of children and adolescents whose educational programming is designed for the regents diploma and the number of children and adolescents whose educational programming is designed for a high school equivalency diploma test.

4. The number of children who completed elementary school program requirements.

5. The number of children who completed middle school program requirements.

6. The number of adolescents who graduated from high school.

7. The number of adolescents to whom a high school equivalency diploma test was administered.

8. The number of adolescents who passed a high school equivalency diploma test.

9. The functional level of adolescents on tests such as the test of basic adult education or similar testing. The functional level may be calculated per the last test administered to the adolescent each school year.

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10. The number of youth enrolled in department of education sites, disaggregated by age.

11. The number and percentage of children and adolescents who are enrolled in educational programming for whom the department of education has developed individualized education plans. Such percentage shall be calculated by dividing the number of children and adolescents so enrolled on the final day of the school year by the respective number of children and adolescents on such date.

12. The number of children and adolescents who have individualized educational plans and who are receiving special education services.

13. The number and percentage of children and adolescents enrolled in educational programming whom the department of education identifies as having an English language learner status. Such percentage shall be calculated by dividing the number of children and adolescents so enrolled on the final day of the school year by the respective number of children and adolescents on such date.

14. The number of teachers working at department of education sites, in total and disaggregated by those assigned to teach children and adolescents.

15. The number of department of education staff other than teachers assigned to work at department of education sites, in total and disaggregated by those working with children and adolescents.

16. The average class size for educational programming that the department of education provides to children and adolescents.

17. The number of children and adolescents participating in department of education vocational training, the nature of such programming, and the number of children and adolescents who complete such programming.

18. The average and median number of credits that children and adolescents enrolled in high school educational programming accumulate. This paragraph only applies to those children and adolescents who are in custody for a sufficient period during the reporting period to have earned credits.

19. The average and median rate of attendance in a department of education school for children and adolescents, upon six months after their release from the custody of ACS and upon one year post-release.

20. The number of children and adolescents enrolled in physical education at department of education sites.

21. The number of unique assaults on department of education staff by youth.

d. The ACS report shall include, but need not be limited to, the following information, provided that no information 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 youth 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 youth, or allows another category to be narrowed to between 1 and 5 youth, the number shall be replaced with a symbol. The youth age as of the incident date will be used to categorize the youth as a child or adolescent, for the purposes of this reporting.

1. The number of youth that ACS prevented from attending educational programming because of a behavioral issue or assault.

2. The number of assaults on staff at a department of education site, in total and disaggregated by whether a child or an adolescent committed such assault.

3. The number of incidents of use of physical restraints at a department of education site, in total and disaggregated by whether such physical restraints were used on a child or an adolescent.

4. The number of incidents of use of mechanical restraints at a department of education site, in total and disaggregated by whether such mechanical restraints were used on a child or an adolescent.

e. The department of education report shall include its plans, if any, to ensure the educational progress of youth released from the custody of ACS.

§ 2. This local law takes effect immediately.

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