



Legislation Text

File #: Int 1406-2019, **Version:** *

Int. No. 1406

By Council Members Dromm, Treyger, Levin, Rosenthal, Brannan, Chin, Rose, Lander, Kallos and Lancman

A Local Law to amend the administrative code of the city of New York, in relation to requiring reports on preschool special education and early intervention services

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-955 of the administrative code of the city of New York is amended to read as follows:

[1.] Academic period. The term “academic period” [“Academic period” shall mean] means the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

Committee on preschool special education. The term “committee on preschool special education” has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[2.] Committee on special education. The term “committee on special education” [“Committee on special education” shall have] has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[3.] Date of consent. The term “date of consent” [“Date of consent” shall mean] means the date on which the department received written consent to conduct an initial evaluation from the parent or person in parental relation.

[4.] Date of referral for reevaluation. The term “date of referral for reevaluation” [“Date of referral for reevaluation” shall mean] means the date on which the department received a referral or referred a student with

a disability for a reevaluation.

Home language. The term “home language” means a parent’s or person in parental relation’s preferred language or mode of communication, as indicated on the home language questionnaire as that term is defined in section 154-2.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Individualized education program. The term “individualized education program” or “IEP” has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[5.] IEP meeting. The term “IEP meeting” [shall mean] means a meeting of the committee on special education or committee on preschool special education for the purpose of determining whether the student is a student with a disability and for the purpose of developing an IEP for any such student with a disability.

[6.] Initial evaluation. The term “[Initial]initial evaluation” [shall mean] means an evaluation to determine if a student is a student with a disability, conducted pursuant to sections 4401-a [and], 4402 and 4410 of the education law and section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Integrated special class program. The term “integrated special class program” has the same meaning as set forth in subdivision (f) of section 200.9 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Preschool student. The term “preschool student” means children ages three to five who are not enrolled in kindergarten.

Preschool student with a disability. The term “preschool student with a disability” has the same meaning as “preschool ” as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[7. “Reevaluation”] Reevaluation. The term “reevaluation” [shall mean] means an evaluation of a student with a disability conducted pursuant to section 4402 of the education law and section 200.4 of title 8 of

the official compilation of the codes, rules and regulations of the state of New York, provided that such term shall not include a three-year reevaluation.

Related services. The term “related services” shall have the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[8. “School”] School. The term “school” [shall mean] means a school of the city school district of the city of New York.

[9. “Special class”] Special class. The term “special class” [shall have] has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Special education itinerant services. The term “special education itinerant services” has the same meaning as set forth in section 200.16 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[10. “Student”] Student. The term “student” [shall mean] 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 school as school is defined in this subdivision[, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law].

Student in temporary housing. The term “student in temporary housing” has the same meaning as that of the term “homeless child” as set forth in section 100.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[11. “Student with a disability”] Student with a disability. The term “student with a disability” [shall have] has the same meaning as set forth in section 4401 of the education law[, provided that student with a disability shall not include a pre-kindergarten student or a preschool child].

[12. “Three-year reevaluation”] Three-year reevaluation. The term “three-year reevaluation” [shall

mean] means a reevaluation that occurs at least once every three years unless otherwise agreed as set forth in section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

§ 2. Subdivision b of section 21-955 of the administrative code of the city of New York is amended to read as follows:

b. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of students, not including preschool students, for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information:

§ 3. Section 21-955 of the administrative code of the city of New York is amended by adding new subdivisions e and f to read as follows:

e. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of preschool students for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, recommended language of instruction or services, home language, and status as a student in temporary housing:

1. The number of referrals for initial evaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was a preschool student with a disability;

3. The number of IEP meetings that were convened less than or equal to sixty calendar days from the date of consent for initial evaluations;

4. The number of IEP meetings that were convened more than sixty calendar days from the date of consent for initial evaluations;

5. The total number of preschool students with a disability who have an IEP as of June 30 of the reported academic period;

6. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs within sixty school days from the date of consent for initial evaluations;

7. The number and percentage of preschool students with a disability who were receiving special education services in partial compliance with their IEPs within sixty school days from the date of consent for initial evaluations;

8. The number and percentage of preschool students with a disability who were receiving no special education services within sixty school days from the date of consent for initial evaluations;

9. The average number of school days between the date the department receives consent from the parent or person in parental relation for the initial evaluation as set forth in section 200.5(b)(1)(i) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department begins providing services pursuant to the IEP;

10. The number and percentage of preschool students with a disability who, by the end of the academic period, have IEPs that recommend the following enumerated services:

(a) Related services only;

(b) Monolingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(c) Bilingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

- (3) 11 hours or more of such services per week;
- (d) Monolingual full-day integrated special class program;
- (e) Monolingual half-day integrated special class program;
- (f) Bilingual full-day integrated special class program;
- (g) Bilingual half-day integrated special class program;
- (h) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2
 - (3) 12:1:2; or
 - (4) Other ratio;
- (i) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio;
- (j) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio; and
- (k) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or

(4) Other ratio;

11. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs by the end of the academic period and in partial compliance with their IEPs by the end of the academic period;

12. The number and percentage of preschool students with a disability who, by the end of the academic period, were receiving in full the following enumerated services as recommended on their IEPs, the number and percentage of preschool students with a disability who as of the end of the academic period were receiving in part such services, and the number and percentage of preschool students with a disability who as of the end of the academic period were awaiting the provision of such services:

(a) Monolingual speech therapy;

(b) Bilingual speech therapy;

(c) Monolingual counseling;

(d) Bilingual counseling;

(e) Occupational therapy;

(f) Physical therapy;

(g) Hearing education services;

(h) Vision education services;

(i) Monolingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(j) Bilingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(k) Monolingual full-day integrated special class program;

(l) Monolingual half-day integrated special class program;

(m) Bilingual full-day integrated special class program;

(n) Bilingual half-day integrated special class program;

(o) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(p) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(q) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

(r) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

13. The number and percentage of preschool students with a disability enrolled in Pre-K for All programs at the end of the academic period;

14. The number and percentage of preschool students with a disability enrolled in 3-K for All programs at the end of the academic period;

15. The number and percentage of preschool students with a disability enrolled in Pre-K for All programs who receive full services at the Pre-K for All program where they are enrolled;

16. The number and percentage of preschool students with a disability enrolled in Pre-K for All programs who receive partial services at the Pre-K for All program where they are enrolled;

17. The number and percentage of preschool students with a disability enrolled in 3-K for All programs who receive full services at the 3-K for All program where they are enrolled;

18. The number and percentage of preschool students with a disability enrolled in 3-K for All programs who receive partial services at the 3-K for All program where they are enrolled;

19. The number of preschool integrated special class programs administered by the department;

20. The number of preschool integrated special class programs administered by community-based organizations with contracts with the department;

21. The number of preschool special classes administered by the department in total and disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

22. The number of preschool special classes administered by community-based organizations with contracts with the department in total and disaggregated by the following student-to-teacher-to-aid ratio:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio.

f. The annual report required by subdivision e of this section shall be submitted and posted no later than November 1.

§ 4. The administrative code of the city of New York is amended by adding a new section 17-199.11 to read as follows:

§ 17-199.11 Report of early intervention services. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Early intervention services. The term “early intervention services” has the same meaning as set forth in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Evaluation. The term “evaluation” has the same meaning as set forth in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Individualized family service plan. The term “individualized family service plan” or “IFSP” has the same meaning as set forth in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

IFSP meeting. The term “IFSP meeting” means a meeting for the purpose of determining whether a child is eligible for early intervention services and for the purpose of developing an IFSP for such child pursuant to section 69-4.11 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Initial evaluation. The term “initial evaluation” means an evaluation to determine a child’s initial eligibility for early intervention services.

Referral. The term “referral” means referral of a child thought to be eligible for early intervention

services pursuant to section 69-4.3 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Reporting period. The term “reporting period” means the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

Student in temporary housing. The term “student in temporary housing” has the same meaning as that of the term “homeless child” as set forth in section 100.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

b. Report. No later than November 1 of each year, the department shall submit to the speaker of the council and post on the department’s website an annual report regarding children receiving early intervention services from the department, which shall include, but shall not be limited to the following information, disaggregated by zip code, race/ethnicity, status as a student in temporary housing, and gender:

1. The number of referrals for initial evaluations in total and disaggregated by referral source, including, but not limited to, referrals from parents, health professionals, child care providers, homeless shelters or nonprofits;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was eligible for early intervention services;

3. The number of IFSP meetings convened less than or equal to 45 calendar days from the date of referral;

4. The number of IFSP meetings that were convened more than 45 calendar days from the date of referral;

5. The total number of children who have an IFSP as of June 30 of the reporting period;

6. The average number of calendar days between the date of the initial IFSP meeting and the date children begin receiving early intervention services;

7. The number and percentage of children with IFSPs who, by the end of the reporting period, have IFSPs that recommend the following enumerated services as such services are defined in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York:

- (a) Assistive technology services;
- (b) Applied behavior analysis;
- (c) Audiology;
- (d) Family training, counseling, home visits or parent support groups;
- (e) Medical services;
- (f) Nursing services;
- (g) Nutrition services;
- (h) Occupational therapy;
- (i) Physical therapy;
- (j) Psychological services;
- (k) Service coordination;
- (l) Sign language or cued language services;
- (m) Social work services;
- (n) Special instruction;
- (o) Speech-language pathology;
- (p) Vision services;
- (q) Health services; and
- (r) Transportation services;

8. The number and percentage of children with IFSPs who were receiving early intervention services in full compliance with their IFSPs by the end of the reporting period and in partial compliance with their IFSPs

by the end of the reporting period;

9. The number and percentage of children with IFSPs who, by the end of the reporting period, were receiving in full the services enumerated in subparagraphs (a) through (r) of paragraph seven of this section as recommended on their IFSPs, the number and percentage of children with IFSPs who as of the end of the reporting period were receiving in part such services, and the number and percentage of children with IFSPs who as of the end of the reporting period were awaiting the provision of such services;

10. The number and percentage of children with IFSPs who, within 30 calendar days from the date of their initial IFSP meeting, were receiving in full the services enumerated in subparagraphs (a) through (r) of paragraph seven of this section as recommended on their IFSPs, the number and percentage of children with IFSPs who were receiving in part such services, and the number and percentage of children with IFSPs who were awaiting the provision of such services;

11. The number of children with IFSPs enrolled in 3-K for All programs during the reporting period;

12. The number and percentage of children with IFSPs enrolled in 3-K for All programs who receive full services at the 3-K for All program where they are enrolled;

13. The number and percentage of children with IFSPs enrolled in 3-K for All programs who receive partial services at the 3-K for All program where they are enrolled;

c. Information required to be reported pursuant to this section shall be reported in a manner that does not violate any applicable provision of federal, state or local law relating to the privacy of information. If a category contains between 1 and 5 children, or allows another category to be narrowed to between 1 and 5 children, the number shall be replaced with a symbol.

§ 5. This local law takes effect immediately.

02/07/19 1:25 p.m.