



Legislation Text

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A Local Law to amend the New York City charter, in relation to requiring the Department of Education to provide certain security measures for nonpublic schools.

Be it enacted by the Council as follows:

Section 1. Legislative Intent and Findings.

Currently, the New York City Department of Education provides certain health and welfare services to nonpublic school students, including services performed by a physician, dentist, nurse or social worker. The provision of these services, which is mandated by state law, ensures that all New York City students, regardless of whether they attend a public or nonpublic school, access the benefits of these important services. Courts, which recognize the importance placed by the legislature on providing such health and welfare services, have found that the provision of such services does not necessarily promote, aid or support nonpublic schools. See, e.g., Board of Education of the Monroe - Woodbury Cent. School Dist. v. Wieder, 72 NY2d 174 (1988); Filler v. Port Washington Union Free School Dist., 436 F Supp 1231 (1977).

The Department of Education, in conjunction with the New York City Police Department, currently provides security at all New York City public schools. Such security includes the development of a safety plan for each school and the provision of school safety officers and metal detectors, if necessary. In this time of heightened vigilance, security of all students, including those who attend nonpublic schools, is of paramount importance, and therefore it is important that the Department of Education, just as it provides important health

and welfare programs for nonpublic school students, should also provide the same measure of security at nonpublic schools as it does at public schools. By so doing, the Department of Education will help ensure the safety of all of New York City's school children.

§2. Chapter 20 of the charter of the city of New York is amended by adding the following new section 528:

§528. The provision of security services at nonpublic schools.

- a. Definitions. "Nonpublic school" means any nonprofit elementary or secondary school in the City of New York, other than a public school, which is providing instruction in accordance with the education law of the state of New York.
- b. Provision of Security. The department of education shall, upon request of the authorities of a school other than public, provide children who attend such school with any or all of the security services which are made available by the department of education to or for children attending the department's public schools. Such security measures may include, but are not limited to, an assessment of the security needs of the nonpublic school, placement of school safety officers at the nonpublic school, and the use of video cameras or metal detectors. The New York City Police Department shall cooperate with the Department of Education in implementing these security measures.

§3. This local law shall take effect 120 days after its enactment into law.