



Legislation Text

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Int. No. 399

By the Public Advocate (Mr. Williams) and Council Members Hanif, Brewer, Gennaro and Restler

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information requiring school compliance with the Americans with disabilities act

Be it enacted by the Council as follows:

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

CHAPTER 29

SCHOOL COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

§ 21-1001 Report required; contents; exceptions; publication. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Accommodation request. The term “accommodation request” means any request for the removal or mitigation of a structural or non-structural barrier to accessibility, including, but not limited to, communication barriers.

ADA. The term “ADA” means chapter 126 of title 42 of the United States code and any applicable guidelines or regulations pursuant to such law.

ADA coordinator. The term “ADA coordinator” means the person designated to coordinate each school’s effort to comply with and carry out the ADA, including, but not limited to, any investigation of any complaint communicated to the school alleging noncompliance or alleging any actions that would be prohibited by the ADA.

Alteration. The term “alteration” means any construction, including, but not limited to, upgrades that

affect or could affect the accessibility of the school, part of the school or the outdoor school facility.

Communication barrier. The term “communication barrier” means any barrier that impedes communication by people with disabilities including, but not limited to, structural elements that are an integral part of the physical structure of a facility or existing facility.

Compliance. The term “compliance” means complete conformity with the requirements of the ADA.

Facility. The term “facility” means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots or other real or personal property, including, but not limited to, the site where the building, property, structure or equipment is located.

Non-structural barrier. The term “non-structural barrier” means a barrier to accessibility that relates to access to services, programs or activities.

Outdoor school facility. The term “outdoor school facility” means any outdoor premises or grounds owned or lawfully operated by or on behalf of the department that contains any device, structure or implement, fixed or portable, used or intended to be used by students for recreational or athletic purposes including, but not limited to, play equipment. The term includes outdoor school facilities that are jointly owned or operated in conjunction with the department of parks and recreation.

School. The term “school” means a school of the city school district of the city of New York and includes a charter school.

Structural barrier. The term “structural barrier” means any physical element of a facility that impedes physical access or communication by persons with disabilities.

Student with disability. The term “student with disability” has the same meaning as set forth in section 4401 of the education law, except such term does not include a pre-kindergarten student or a preschool child.

Zoned school. The term “zoned school” means a school where eligibility to attend is based solely on residence within a defined geographical area within a district.

b. Every year on May 1, beginning May 1, 2023, the department shall submit to the speaker of the

council, post to its website and make available to students and parents, an annual report regarding its compliance with the ADA.

c. With regard to indoor facilities, the annual report shall include, but not be limited to, the following information:

1. The name, office address, email address and telephone number of the ADA coordinator for each school;

2. The location where such information is posted conspicuously in the school;

3. The process that students, parents and employees use for an accommodation request, whether electronically, in person, in paper form or in a combination thereof;

4. The number and percentage of schools that are in complete compliance with the ADA;

5. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

6. The number and percentage of schools that are currently undergoing alterations, or for which alterations are planned, and, of those, the number and percentage of those alterations planned to be in complete compliance with the ADA;

7. The number and percentage of schools that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

8. The number of accommodation requests that have been made at each school and whether the accommodation request was made by a parent, an employee or a student, and whether the school is the student's zoned school;

9. The nature of the accommodation request, including, but not limited to, whether it relates to structural, non-structural or communication barriers, and the action taken in response to the request;

10. The number and percentage of students with disabilities who have to enroll in other schools because their zoned schools cannot accommodate their disabilities, a list of schools that have accommodated those

students and the number of students sent to each school;

11. On average, the total travel time, at the beginning and at the end of each school day, a student with a disability has to travel to a school other than the student's zoned school;

12. Information regarding the department's protocols to inform students, parents and employees about how to appeal an accommodation request that has been denied pursuant to the department's grievance procedure;

13. Whether each school is in compliance with the ADA, including, but not limited to, having:

(a) Platform lifts;

(b) Ramps;

(c) Handrails; and

(d) An accessible entrance or, if each entrance is not in compliance with the ADA, signs that direct a person to the nearest entrance that is compliant with the ADA;

14. Whether each school has an elevator in compliance with the ADA;

15. Whether the accessible route in compliance with the ADA, to the maximum extent feasible, coincides with the route for the general public connecting buildings, facilities, spaces and elements;

16. Whether each auditorium is in compliance with the ADA, including, but not limited to, having:

(a) An assistive listening system;

(b) Signs indicating that an assistive listening system is available; and

(c) Spaces for wheelchairs;

17. Whether each bathroom is in compliance with the ADA, including, but not limited to, having:

(a) An accessible bathroom on each floor;

(b) Grab bars; and

(c) Common use sinks and faucets;

18. Whether each cafeteria is in compliance with the ADA;

19. Whether each drinking fountain is in compliance with the ADA;

20. Whether common use offices and rooms are in compliance with the ADA, including, but not limited

to:

(a) Classrooms;

(b) Occupational therapy rooms;

(c) Art rooms;

(d) Laboratories;

(e) Main offices;

(f) Medical offices;

(g) Libraries; and

(h) Gymnasiums;

21. Whether each common use door is in compliance with the ADA;

22. Whether buildings with visual alarms have visual alarms in each common use room; and

23. Whether any interior or exterior signs identifying permanent rooms and spaces have accessible features in compliance with the ADA.

d. With regard to outdoor school facilities, the department shall include, but is not limited to, the following information in its annual report:

1. The number and percentage of outdoor school facilities in complete compliance with the ADA;

2. The number and percentage of outdoor school facilities that are currently undergoing alterations or for which alterations are planned and whether those alterations are to be in complete compliance with the ADA;

3. The number and percentage of outdoor school facilities that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

4. The number of accommodation requests that have been made by a student, parent or employee at the

student's zoned school;

5. The nature of the accommodation request, including, but not limited to, information regarding the mitigation of communication, non-structural and structural barriers to accessibility at outdoor school facilities including, but not limited to, any renovations or programmatic changes necessitated by the request, with personally identifying information redacted as needed, and, if the accommodation request was not granted, the reason the request was denied;

6. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA; and

7. Whether each outdoor school facility is in compliance with the ADA, including, but not limited to, having:

(a) Entrances and exits;

(b) Play equipment;

(c) Availability of transfer platforms;

(d) Seating;

(e) Changes in level that are sloped in compliance with the ADA; and

(f) Water fountains.

e. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district and school.

f. 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 or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

g. In addition to publication on the department's website, the department shall ensure that the information required by subdivisions c and d of this section is published on the city's website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Session 13

LS #86

1/19/24

Session 12

NLB

LS #86

4/11/22