STATE OF NEW YORK

4173

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to creating a public school cafeteria and school kitchen grading system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 23-702 to read as follows:

§ 23-702 School cafeteria and kitchen inspection data. a. For so long as the department of health and mental hygiene operates sanitary inspections, as provided in sections 14-1.190, 14-1.191, 14-1.194 of title 10 of the New York state codes, rules and regulations, and section 81.05 of the city health code, such department shall subsequently issue a letter grade of either "A", "B" or "C" to each cafeteria and kitchen within a school operated by the city school district for that cycle after any hearing or dispute regarding such scoring is resolved. Such inspection data is only valid if the appropriate supervisor is present throughout the inspection. Inspection scores provided to such school cafeterias and kitchens shall be converted to letter grades and posted conspicuously in compliance with subdivisions (a) and (b) of section 81.51 of the city health code. Such letter grades shall be posted in the appropriate school, as well as notice provided to interested community members, such as parents, on public school websites, school quality reports and/or the city's department of education website. Such letter grade shall not be considered in promotion or discipline proceedings for any cafeteria or kitchen employee.

b. The department shall issue letter grades to each school cafeteria and kitchen subsequent to any inspection cycle as follows:

(i) a letter grade of "A" shall be given to any school cafeteria or kitchen that receives fewer than 14 points;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09236-03-7

(ii) a letter grade of "B" shall be given to any school cafeteria or kitchen that receives 14 to 27 points; and

(iii) a letter grade of "C" shall be given to any school cafeteria or kitchen that receives 28 or more points.

c. Points accumulated and converted into a letter grade shall be based within the scope of the work schedules of the school cafeteria or kitchen workers as defined by the relevant collective bargaining agreement.

d. Any school who receives a letter grade of "B" or "C" shall include in the notice required by subdivision a of this section a description of its violations and its plan for remediation prior to the next scheduled inspection. Such school shall include in its plan for remediation how it proposes to address its violations and assist cafeteria and/or kitchen employees in improving its cafeteria's and/or kitchen's conditions. This notification shall be written within the scope of the work schedule of the school cafeteria or kitchen workers as defined by the relevant collective bargaining agreement.

e. The school cafeteria and/or kitchen shall post its letter grade until the department issues it a new letter grade card or until a "grade pending" card is required to be posted in the school cafeteria's and/or kitchen's next inspection cycle.

§ 2. The commissioner of the department of health and mental hygiene of the city of New York is directed to amend the New York city health code to allow food services establishments operated in or by the schools of the city school district of the city of New York to be graded by such department and have such grade posted.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.