

# STATE OF NEW YORK

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4173

2017-2018 Regular Sessions

## IN SENATE

February 6, 2017

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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:

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

3 § 23-702 School cafeteria and kitchen inspection data. a. For so long  
4 as the department of health and mental hygiene operates sanitary  
5 inspections, as provided in sections 14-1.190, 14-1.191, 14-1.194 of  
6 title 10 of the New York state codes, rules and regulations, and section  
7 81.05 of the city health code, such department shall subsequently issue  
8 a letter grade of either "A", "B" or "C" to each cafeteria and kitchen  
9 within a school operated by the city school district for that cycle  
10 after any hearing or dispute regarding such scoring is resolved. Such  
11 inspection data is only valid if the appropriate supervisor is present  
12 throughout the inspection. Inspection scores provided to such school  
13 cafeterias and kitchens shall be converted to letter grades and posted  
14 conspicuously in compliance with subdivisions (a) and (b) of section  
15 81.51 of the city health code. Such letter grades shall be posted in the  
16 appropriate school, as well as notice provided to interested community  
17 members, such as parents, on public school websites, school quality  
18 reports and/or the city's department of education website. Such letter  
19 grade shall not be considered in promotion or discipline proceedings for  
20 any cafeteria or kitchen employee.

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

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

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

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

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

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

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

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

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

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