

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:

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.