



## Regulation of the Chancellor

Number: **D-150**

Subject: **PROCESS FOR THE SELECTION OF MEMBERS OF THE CITYWIDE COUNCIL ON SPECIAL EDUCATION AND THE CITYWIDE DISTRICT 75 COUNCIL**

Category: **CITYWIDE COUNCIL ON SPECIAL EDUCATION**

Issued: **April 29, 2021**

### SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation D-150 dated January 28, 2021.

Changes:

- Provides that three votes per eligible student may be cast instead of only one vote per eligible student (Sections I.E.1.b and II.F.1.b).



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### ABSTRACT

This regulation details the eligibility requirements and the nomination and selection/election procedures for the Citywide Council on Special Education (“CCSE”) and the District 75 Council (“D75 Council”), and sets forth the powers and duties of the D75 Council. It also provides a process for filling vacancies.

#### **I. CITYWIDE COUNCIL ON SPECIAL EDUCATION**

##### **A. Composition**

There shall be one Citywide Council on Special Education (“CCSE”) that consists of 11 voting members and one non-voting student member. Nine of the voting members must be parents of students with an individualized education program (“IEP”) elected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the NYC Public Advocate. The student member is appointed by the New York City Department of Education’s Office of Special Education (“OSE”).

##### **B. Eligibility**

###### **1. Parent Members**

- a. All parent members who serve on the CCSE shall be parents of students with IEPs.
- b. A parent is defined as a parent (by birth or adoption, step-parent or foster parent), legal guardian, or person in parental relation to a child. A person in parental relation to a child is a person who is directly responsible for the care and custody of a child on a regular basis in lieu of a parent or legal guardian.
- c. All parents of students with an IEP who currently receive special education services that are provided by and/or paid for by the Department of Education (“DOE”) are eligible to run for a seat on the CCSE.

- d. Eligibility is determined as of the date that the parent submits an application to run for a seat on the CCSE.
- e. A parent who is eligible at the time of application, but who ceases to have a qualifying child with an IEP during their term of office, shall no longer be eligible to serve as of the date that they cease to be the parent of a student with an IEP.
- f. Parent members serve two-year terms and have no term limit.

## 2. Public Advocate Appointees

- a. The two members appointed by the Public Advocate must be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with disabilities, who will make significant contributions to improving special education in DOE schools. Such members serve two-year terms and have no term limits.
- b. Persons seeking appointment to the CCSE by the Public Advocate shall obtain an application from the DOE Office of Family and Community Empowerment (“FACE”), and submit the completed form to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.

## 3. Student Member (Non-Voting)

- a. High school students with an IEP who will be seniors during their year of service are eligible to be appointed by the Office of Special Education (“OSE”). For purposes of this regulation, a senior is a student who has 30 high school credits.
- b. Interested students must obtain an application from FACE and submit the completed application to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the OSE. All appointment decisions shall be at the discretion of the OSE.  
The non-voting student member serves a one-year term beginning on July 1 and ending on June 30 of the following year.

## 4. Persons Not Eligible to Serve

- a. The following persons are not eligible:

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- i. Persons holding elective public office or elective or appointed party positions (except delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee);
- ii. Current DOE employees;
- iii. Persons who are on another Citywide Council or any Community Education Council (“CEC”);
- iv. Members of the Panel for Educational Policy;
- v. Persons who have been removed from a Parent Association or Parent-Teacher Association (“PA/PTA”), School Leadership Team, District Presidents’ Council, Borough High School Council, or Title I Committee for an act of malfeasance directly related to service on such association, team, council, or committee; and
- vi. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor.

b. The following persons may be ineligible:

- i. Persons who have engaged in an act of malfeasance directly related to their service on a CEC or a Citywide Council; or
- ii. Persons who have been convicted of a crime, provided that any such conviction shall be considered in accordance with Article 23-A of the New York Correction Law.

C. Seeking Election to the CCSE

1. FACE shall publicize the election process, including timeframes for the submission of applications and voting, beginning in January of the election year.
2. Parents interested in serving on the CCSE shall submit an application online through the New York City Schools Account (“NYCSA”) application. Parents who do not have internet access may arrange with their parent coordinator or principal to use a computer at their school or at a district office, or call 311 for information on accessing computers at public libraries.
3. Candidates shall certify on their application that they have linked all their children attending DOE schools to their NYCSA account. A candidate who is applying for the CCSE will be considered a representative of each district where the candidate has a child with an IEP in attendance. A candidate’s failure to provide information regarding each district for which the candidate is a representative will be grounds for disqualification.

4. Candidates may apply for as many Community and/or Citywide Education Councils as they are eligible for but, if elected, will be allowed to serve on only one. Candidates who wish to apply to multiple councils must rank them in order of preference; if elected to more than one council, they will be seated on the council that they ranked highest.

D. Candidate Forum

1. FACE shall hold at least one Candidate Forum where candidates will be permitted to make presentations to parents and other interested parties.
2. All Candidate Forums must occur after the deadline for submitting applications has passed, but before the start of the voting period, which must conclude on the second Tuesday in May of the election year.
3. Candidate Forums may be held in a physical location or on a virtual meeting platform. FACE shall determine the date, time and format for each Candidate Forum. In the case of an in-person forum, FACE will secure an accessible, ADA-compliant location and acquire and assume the cost of all necessary permits for DOE locations. In the case of forums held on a virtual platform, FACE will assume the cost of the platform and provide technical assistance during the meeting.
4. In advance of each Candidate Forum, FACE shall make available portions of each candidate's application indicating the candidate's name, child(ren)'s school(s) and programs, and personal statement ("Candidate Profile"). Candidate Profiles shall be posted on the DOE website for parents and the public to view. FACE will also provide copies for distribution at Candidate Forums held in person.

E. Election Process

1. Eligible Voters
  - a. A parent of a student with an IEP who currently receives special education services and is enrolled at a DOE school is eligible to vote for the CCSE.
  - b. Three votes per eligible student may be cast.
2. Voting
  - a. Parents are encouraged to vote online through the NYCSA application.

- b. Parents who do not have internet access may arrange with their parent coordinator or principal to use a computer at their school or district office to establish a NYCSA account and vote, or call 311 for information on accessing computers at public libraries.
- c. Paper ballots will also be available at superintendent offices. If a superintendent office establishes a NYCSA account and enters the parent’s vote on behalf of a parent, the superintendent office must maintain records of the paper ballot(s) completed by the parent indicating the parent’s selection, the parent’s consent for the superintendent office to establish a NYCSA account and enter the parent’s vote on behalf of the parent, and a certification that the superintendent office entered the parent’s vote on behalf of the parent.

### 3. Seating Candidates

- a. Of the nine elected members on the CCSE, two must be parents of students enrolled in a District 75 program (“District 75 parents”). The remaining seven seats may be filled by any eligible parent. Moreover, District 75 may have no more than two parent representatives on the CCSE and, except to the extent necessary to fill all the seats, no district other than District 75 may have more than one parent representative on the CCSE.
- b. When ballots are tallied:
  - i. The seven candidates with the highest number of votes shall be conditionally selected to fill a seat. However, if these candidates include more than two District 75 parents, the two District 75 parents with the highest number of votes shall be selected, and all other District 75 parents with fewer votes will be removed and an equivalent number of candidates with the next highest number of votes will be conditionally selected.
  - ii. If the seven candidates with the highest number of votes after removing all but two District 75 parents include more than one candidate from the same district (other than District 75), the candidate with the highest number of votes shall be selected, the candidates from the same district with fewer votes will be removed, and the candidate with the next highest number of votes from a district not already represented on the CCSE shall be conditionally selected.

- iii. If two District 75 parents are among the seven candidates conditionally selected after the elimination of candidates from the same district(s), the next two candidates with the highest number of votes who do not share any districts with the already conditionally selected seven candidates will be conditionally selected to fill the two remaining seats on the CCSE.
- iv. If two District 75 parents are not among the seven candidates conditionally selected after the elimination of candidates from the same district(s), then up to two District 75 parent(s) with the highest number of votes shall be conditionally selected.

#### 4. Runoffs

- a. Runoffs shall be conducted when:
  - i. there is a tie between or among candidates;
  - ii. fewer than two District 75 parents received any votes; or
  - iii. one or more seats remain unfilled after all candidates who do not share a district are initially seated on the CCSE.
- b. In the case of a tie between or among candidates, only those candidates who were tied will be entered in the runoff.
- c. In the case of a runoff because fewer than two District 75 parents received any votes, only candidates who are District 75 parents will be entered in the runoff for the District 75 parent seat.
- d. In the case of a runoff because one or more seats remain unfilled after the elimination of candidates whose children attend districts already represented on the CCSE, only candidates who have not been conditionally selected and whose children do not attend a district already represented among the seated candidates will be entered in the runoff. If the runoff fails to result in all seats being filled, then the restrictions regarding districts (other than District 75) not having more than one representative on the CCSE will not apply.
- e. Where a runoff results in a tie, the independent agent managing the elections process for the DOE will determine the winner by lot.
- f. If the runoff selection process set forth above does not result in all seats being filled, or in District 75 not having two representatives on the CCSE, a vacancy will

be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Section I.I. of this regulation.

F. Post-Selection Review of Qualifications/Eligibility

1. Following the conditional selection of candidates but prior to their taking office, FACE shall determine whether they are eligible to serve on the CCSE. If FACE determines that a candidate is not eligible, FACE shall issue a written decision including the factual and legal basis for its issuance. Any candidate deemed ineligible by FACE shall be replaced by the candidate who received the next highest number of votes and is not from a district already represented on the CCSE.
2. If a selected candidate becomes ineligible or is disqualified on or before June 30 of the election year, the candidate who received the next highest number of votes in the initial election process who is not from a district already represented on the CCSE shall be deemed conditionally selected.
3. If the ineligible or disqualified candidate is filling a seat reserved for District 75 parents, the District 75 parent who received the next highest number of votes in the initial election process shall be deemed conditionally selected.
4. If the selection of candidates as outlined in this section results in a tie, the independent agent managing the election process for the DOE will determine the winner by lot.
5. If no eligible candidate remains available to be selected, a vacancy will be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Section I.I of this regulation

G. Timing

1. Elections of CCSE members shall be held every two years, in odd years. Voting shall conclude on the second Tuesday in May, exclusive of any necessary run-offs.
2. The election process shall begin in January of the year in which the election is held, with the dissemination by FACE of general information regarding the roles, functions, and activities of the CCSE, candidate information, as well as the nature of the application and voting process.
3. CCSE members' terms shall begin the July 1<sup>st</sup> following election and end June 30<sup>th</sup> two years thereafter. All CCSE members are required to attend an orientation session organized by FACE before the start of their term, and at least one additional training in the second year of their term.

H. Resignations



1. Parent Members

Parent member resignations must be in writing, addressed to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). Resignations shall take effect immediately upon delivery to FACE, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of FACE.

2. Public Advocate Appointees

Resignations of Public Advocate appointees must be in writing, addressed to the Public Advocate, with a copy to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). Resignation shall take effect upon delivery to the Public Advocate, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Public Advocate.

3. Student Member

Resignations of student members must be in writing, addressed to the OSE, with a copy to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). Such resignation shall take effect upon delivery to the OSE, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the OSE.

I. Vacancies

1. Parent Member and Public Advocate Appointee Vacancies

a. CCSE members who, within their term of office, refuse or neglect to attend three regularly scheduled monthly meetings of the CCSE of which they were properly notified without rendering a written valid excuse, shall be deemed to have vacated their office.

i. Each absence and any written excuse provided shall be included in the official minutes of that meeting.

ii. The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of CCSE member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from CCSE meeting unavoidable; and other reasons the CCSE deems appropriate. Such other reasons may be deemed valid provided that they are delivered in writing to the CCSE no later than 15 days after the absence and are approved by vote of the CCSE at the next regularly scheduled monthly meeting where a quorum is present.

- iii. After the third unexcused absence, the CCSE shall declare the seat vacant by resolution and notify FACE of its action. In the event a vacancy is declared in a seat held by a Public Advocate appointee, the CCSE shall also notify the Public Advocate.
- b. When a parent vacancy occurs, the CCSE shall fill the vacancy for the remainder of the unexpired term by election at a public meeting.
  - i. The CCSE shall publicize the vacancy widely, describe the application process and specify a deadline for submitting applications.
  - ii. All candidates must obtain a CCSE Vacancy Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward portions of the eligible candidates' application to the CCSE.
  - iii. If the vacancy is in a seat held by a District 75 parent, and there are fewer than two remaining District 75 parents, the only eligible candidates will be District 75 parents.
  - iv. Parents of students with an IEP shall be given the opportunity to make written recommendations and to consult with the CCSE before the vacancy is filled.
- c. If the parent vacancy is not filled by the CCSE within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CCSE fails to fill the vacancy within 60 days for any other reason, the Chancellor shall order the CCSE to fill the vacancy.
- d. When a vacancy occurs in a position appointed by the Public Advocate, the Public Advocate shall appoint a member to serve the remainder of the unexpired term. Interested persons must obtain a CCSE Public Advocate Appointee Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward the application to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.

## 2. Student Member Vacancies

In the case of a student vacancy, the OSE shall appoint another eligible senior with an IEP to serve the remainder of the unexpired term. The Chief

Achievement Officer for Students with Disabilities and English Language Learners shall inform FACE and the CCSE of the appointment.

## II. DISTRICT 75 COUNCIL

There shall be a Citywide District 75 Council (“D75 Council”) established to represent parents of children in citywide District 75 schools and programs.

### A. Duties and Responsibilities

1. The D75 Council shall have the following powers and duties:
  - a. Advise and comment on educational and instructional policy involving the provision of District 75 services;
  - b. Issue an annual report on the effectiveness of the DOE in providing services to District 75 students, and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and
  - c. Hold at least one meeting per month open to the public during which the public may discuss issues facing District 75 students.
2. The D75 Council has the right to hire, supervise, evaluate and discharge a secretary who shall perform the following functions:
  - a. Prepare meeting notices, agendas and minutes;
  - b. Record and maintain accounts of proceedings and other D75 Council meetings; and
  - c. Prepare briefing materials and other related informational materials for meetings.

### B. Composition

The D75 Council consists of 11 voting members and one non-voting student member. Nine of the voting members must be parents of students receiving services in District 75 selected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the New York City Public Advocate. The student member is appointed by the District 75 superintendent.

### C. Eligibility

1. Parent Members:
  - a. Parents of students receiving citywide special education services in a District 75 school or program are eligible to run for a seat on the D75 Council.
  - b. A parent is defined as a parent (by birth or adoption, step-parent or foster parent), legal guardian, or person in parental relation to a child. A person in

parental relation to a child is a person who is directly responsible for the care and custody of a child on a regular basis in lieu of a parent or legal guardian.

- c. Eligibility is determined as of the date that the parent submits an application to run for a position seat on the D75 Council.
  - d. A parent who is eligible at the time of application, but who ceases to have a child enrolled in a District 75 school or program during their term of office, shall no longer be eligible to serve as of the date that they cease to be the parent of a student in a District 75 school or program.
  - e. Parent members serve two-year terms and have no term limit.
2. Public Advocate Appointees
    - a. The two members appointed by the Public Advocate must be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with disabilities, who will make significant contributions to improving special education in DOE schools. Such members serve two-year terms and have no term limit.
    - b. Persons seeking appointment to the D75 Council by the Public Advocate shall obtain an application from FACE and submit the completed form to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.
3. Student Member (Non-Voting)
    - a. District 75 high school students who will be seniors during their year of service are eligible to be appointed by the District 75 superintendent. For purposes of this regulation, a senior is considered to be a student who has 30 high school credits.
    - b. Interested students must obtain an application from FACE and submit the completed application to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the District 75 superintendent. All appointment decisions shall be at the discretion of the District 75 superintendent.
    - c. The non-voting student member serves a one-year term beginning on July 1 and ending on June 30 of the following year.
4. Persons Not Eligible to Serve
    - a. The following persons are not eligible:

- i. Persons holding elective public office or elective or appointed party positions (except delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee);
- ii. Current DOE employees;
- iii. Persons who are on another Citywide Council or any CEC;
- iv. Members of the Panel for Educational Policy;
- v. Persons who have been removed from a PA/PTA, School Leadership Team, District Presidents' Council, Borough High School Council, or Title I Committee for an act of malfeasance directly related to service on such association, team, council, or committee; and
- vi. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor.

b. The following persons may be ineligible:

- i. Persons who have engaged in an act of malfeasance directly related to their service on a CEC or a Citywide Council; or
- ii. Persons who have been convicted of a crime, provided that any such conviction shall be considered in accordance with Article 23-A of the New York Correction Law.

D. Seeking Election to the D75 Council

1. FACE shall publicize the election process, including timeframes for the submission of applications and voting, beginning in January of the election year.
2. Parents interested in serving on the D75 Council shall submit an application online through the NYCSA application. Parents who do not have internet access may arrange with their parent coordinator or principal to use a computer at their school or at a district office, or call 311 for information on accessing computers at public libraries.
3. Candidates shall certify on their application that they have linked all their children attending DOE schools to their NYCSA account. A candidate who is applying for the D75 Council will be considered a representative of each District 75 school where they currently have a child in attendance. A candidate's failure to provide information regarding each District 75 school for which the candidate is a representative will be grounds for disqualification.
4. Candidates may apply for as many Community and/or Citywide Education Councils as they are eligible for but, if elected, will be allowed to serve on only one. Candidates who wish to apply to multiple councils must rank them in order

of preference; if elected to more than one council, they will be seated on the council that they ranked highest

E. Candidate Forum

1. The District 75 Presidents' Council, in collaboration with and with logistical support from FACE, shall hold at least one Candidate Forum where candidates will be permitted to make presentations to parents and other interested parties.
2. All Candidate Forums must occur after the deadline for submitting applications has passed, but before the start of the voting period, which must conclude on the second Tuesday in May of the election year.
3. Candidate Forums may be held in a physical location or on a virtual meeting platform. The District 75 Presidents' Council, together with FACE, shall determine the date, time and format for each Candidate Forum. In the case of an in-person forum, FACE will secure an accessible, ADA-compliant location and acquire and assume the cost of all necessary permits for DOE locations. In the case of forums held on a virtual platform, FACE will assume the cost of the platform and provide technical assistance during the meeting.
4. In advance of each Candidate Forum, FACE shall make available portions of each candidate's application indicating the candidate's name, child(ren)'s school(s) and programs, and personal statement ("Candidate Profile"). Candidate Profiles shall be posted on the DOE website for parents and the public to view. FACE will also provide copies for distribution at Candidate Forums held in person.

F. Election Process

1. Eligible Voters
  - a. A parent of a student currently receiving citywide special education services in a District 75 school or program is eligible to vote for the D75 Council.
  - b. Three votes per eligible student may be cast.
2. Voting
  - a. Parents are encouraged to vote online through the NYCSA application.
  - b. Parents who do not have internet access may arrange with their parent coordinator or principal to use a computer at their school or district office to establish a NYCSA account and vote, or call 311 for information on accessing computers at public libraries.

- c. Paper ballots will also be available at superintendent offices. If a superintendent office establishes a NYCSA account and enters the parent's vote on behalf of a parent, the superintendent office must maintain records of the paper ballot(s) completed by the parent indicating the parent's selection, the parent's consent for the superintendent office to establish a NYCSA account and enter the parent's vote on behalf of the parent, and a certification that the superintendent office entered the parent's vote on behalf of the parent.

### 3. Seating Candidates

- a. The nine elected seats on the D75 Council may be filled by any eligible parent. Moreover, except to the extent necessary to fill all the seats, no school may have more than one representative on the D75 Council.
- b. When ballots are tallied, the nine candidates with the highest number of votes shall be conditionally selected to fill a seat. However, if these nine candidates include more than one candidate from the same school, the candidate with the highest number of votes shall be selected, the candidates from the same school with fewer votes will be removed, and the candidate with the next highest number of votes from a school not already represented on the D75 Council shall be conditionally selected.

### 4. Runoffs

- a. Runoffs shall be conducted when:
  - i. there is a tie between or among candidates; or
  - ii. one or more seats remain unfilled after all the candidates who do not share a school are initially seated on the D75 Council.
- b. In the case of a tie between or among candidates, only those candidates who were tied will be entered in the runoff.
- c. In the case of a runoff because one or more seats remain unfilled after the elimination of candidates whose children attend schools already represented on the D75 Council, only candidates who have not been conditionally selected and whose children do not attend a school already represented among the seated candidates will be entered in the runoff. If the runoff fails to result in all seats being filled, then the restrictions regarding schools not having more than one representative on the D75 Council will not apply.

- d. Where a runoff results in a tie, the independent agent managing the elections process for the DOE will determine the winner by lot.
- e. If the runoff selection process set forth above does not result in all seats being filled, a vacancy will be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Section II.J of this regulation.

G. Post-Selection Review of Qualifications/Eligibility

1. Following the conditional selection of candidates but prior to their taking office, FACE shall determine whether they are eligible to serve on the D75 Council. If FACE determines that a candidate is not eligible, FACE shall issue a written decision including the factual and legal basis for its issuance. Any candidate deemed ineligible by FACE shall be replaced by the candidate who received the next highest number of votes and is not from a school already represented on the D75 Council.
2. If a selected candidate becomes ineligible or is disqualified on or before June 30 of the election year, the candidate who received the next highest number of votes in the initial election process who is not from a school already represented on the D75 Council shall be deemed conditionally selected.
3. If the selection of candidates as outlined in this section results in a tie, the independent agent managing the election process for the DOE will determine the winner by lot.
4. If no eligible candidate remains available to be selected, a vacancy will be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Section II.J of this regulation.

H. Timing

1. Elections of D75 Council members shall be held every two years, in odd years. Voting shall conclude on the second Tuesday in May, exclusive of any necessary run-offs.
2. The election process shall begin in January of the year in which the election is held, with the dissemination by FACE of general information regarding the roles, functions, and activities of the D75 Council, candidate information, as well as the nature of the application and voting process.



3. D75 Council members' terms shall begin the July 1<sup>st</sup> following election and end June 30<sup>th</sup> two years thereafter. All D75 Council members are required to attend an orientation session organized by FACE before the start of their term, and at least one additional training in the second year of their term.

I. Resignations

1. Parent Members

Parent member resignations must be in writing, addressed to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). Resignations shall take effect immediately upon delivery to FACE, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of FACE.

2. Public Advocate Appointees

Resignations of Public Advocate appointees must be in writing, addressed to the Public Advocate, with a copy to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). Resignation shall take effect upon delivery to the Public Advocate, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Public Advocate.

3. Student Member

Student member resignations must be in writing, addressed to the District 75 superintendent, with a copy to FACE at [cceinfo@schools.nyc.gov](mailto:cceinfo@schools.nyc.gov). Resignations shall take effect upon delivery to the District 75 superintendent, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the District 75 superintendent.

J. Vacancies

1. Parent Member and Public Advocate Appointee Vacancies

- a. D75 Council members who, within their term of office, refuse or neglect to attend three regularly scheduled monthly meetings of the D75 Council of which they were properly notified without rendering a written valid excuse, shall be deemed to have vacated their office.
  - i. Each absence and any written excuse provided shall be included in the official minutes of that meeting.
  - ii. The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of D75 Council member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from the D75 Council meeting unavoidable; and other reasons the D75 Council deems appropriate. Such other reasons may be deemed valid provided

that they are delivered in writing to the D75 Council no later than 15 days after the absence and are approved by vote of the D75 Council at the next regularly scheduled monthly meeting where a quorum is present.

- iii. After the third unexcused absence, the D75 Council shall declare the seat vacant by resolution and notify FACE of its action. In the event a vacancy is declared in a seat held by a Public Advocate appointee, the D75 Council shall also notify the Public Advocate.
- b. When a parent vacancy occurs, the D75 Council shall fill the vacancy for the remainder of the unexpired term by election at a public meeting.
    - i. The D75 Council shall publicize the vacancy widely, describe the application process and specify a deadline for submitting applications.
    - ii. All candidates must obtain a D75 Council Vacancy Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward portions of the eligible candidates' application to the D75 Council.
    - iii. The District 75 Presidents' Council and other interested education groups shall be given the opportunity to make written recommendations and to consult with the D75 Council before the vacancy is filled.
  - c. If the parent vacancy is not filled by the D75 Council within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the D75 Council fails to fill the vacancy within 60 days for any other reason, the Chancellor shall order the D75 Council to fill the vacancy.
  - d. When a vacancy occurs in a position appointed by the Public Advocate, the Public Advocate shall appoint a member to serve the remainder of the unexpired term. Interested persons must obtain a D75 Council Public Advocate Appointee Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward the application to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.

## 2. Student Member Vacancies

In the case of a student vacancy, the District 75 superintendent shall appoint another eligible District 75 senior to serve the remainder of the unexpired term. The District 75 superintendent shall inform FACE and the D75 Council of the appointment.

**III. COMPLAINT PROCESS**

Complaints about compliance with this regulation must be submitted to the Chancellor in writing within five (5) days of the alleged violation, and must contain the specific reasons for the complaint.

**IV. TECHNICAL ASSISTANCE**

FACE will oversee implementation of the procedures contained in this regulation, and will provide technical assistance as necessary.

Inquiries pertaining to this regulation should be addressed to:

Office of Family and Community Empowerment

N.Y.C. Department of Education

52 Chambers Street – Room 409

New York, NY 10007

Telephone: 212-374-4118

Email: [CCECinfo@schools.nyc.gov](mailto:CCECinfo@schools.nyc.gov)