



Regulation of the Chancellor

Number: **D-170**

Subject: **PROCESS FOR THE ELECTION AND APPOINTMENT OF MEMBERS OF THE CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, INCLUDING FILLING VACANCIES**

Category: **CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS**

Issued: **April 29, 2021**

SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation D-170 dated January 28, 2021.

Changes

- Provides that three votes per eligible student may be cast instead of only one vote per eligible student (Section V.A.2).



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ABSTRACT

This regulation details the eligibility requirements and the nomination and selection/election procedures for Citywide Council on English Language Learners (“CCELL”) members. It also provides the process for filling vacancies.

I. COMPOSITION

There shall be one Citywide Council on English Language Learners (“CCELL”) that consists of 11 voting members and one non-voting student member. Of the voting members, 9 must be elected pursuant to the procedures set forth in this regulation and must, at the time of their election, be parents of English Language Learners as defined in this regulation. The two remaining voting members are appointed by the New York City Public Advocate. The student member is appointed by the New York City Department of Education (“DOE”) Division of Multilingual Learners (“DML”).

II. ELIGIBILITY

A. Parent Members

1. All parent members who serve on the CCELL shall be parents whose children are English Language Learners, or who were English Language Learners within the preceding two years. An English Language Learner (“ELL”) is a student whose home language is not English and who is enrolled in a dual language, transitional bilingual education, or English as a New Language program because the student needs support learning English.
2. 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.

3. Eligibility is determined as of the date the parent submits an application to run for a seat on the CCELL.
4. Parent members serve two-year terms and have no term limit.

B. Public Advocate Appointees

1. The two members appointed by the Public Advocate must be individuals with extensive experience and knowledge in the education of English Language Learners who will make significant contributions to improving bilingual and ENL programs in DOE schools. Such members serve two-year terms and have no term limit.
2. Persons seeking appointment to the CCELL 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. FACE will review eligibility and forward eligible applications to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.

C. Student Member (Non-Voting)

1. High school students who will be seniors during their year of service and who are or have been ELLs are eligible to be appointed by the DML. For purposes of this regulation, a senior is a student who has 30 high school credits.
2. Interested students must obtain an application from FACE and submit the completed application to FACE at cceinfo@schools.nyc.gov. FACE will review eligibility and forward eligible applications to the DML. All appointment decisions shall be at the discretion of the DML.
3. Non-voting student members serve a one-year term beginning on July 1 and ending on June 30 of the following year.

D. Persons Not Eligible to Serve

1. The following persons are not eligible:
 - a. 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);
 - b. Current DOE employees;
 - c. Persons who are on another Citywide Council or any Community Education Council (“CEC”);
 - d. Members of the Panel for Educational Policy;

- e. Persons who have been removed from a Parent Association or Parent-Teacher Association (“PA/PTA”), School Leadership Team, 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
 - f. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor.
2. The following persons may be ineligible:
- a. Persons who have engaged in an act of malfeasance directly related to their service on a CEC or a Citywide Council; or
 - b. 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 State Correction Law.

III. SEEKING ELECTION TO THE CCELL

- A. FACE shall publicize the election process, including timeframes for the submission of applications and voting, beginning in January of the election year.
- B. Parents interested in serving on the CCELL 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.
- C. 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 CCELL will be considered a representative of each district where the candidate has a currently enrolled ELL student or had an ELL student enrolled within the preceding two years. A candidate’s failure to provide information regarding each district for which the candidate is a representative will be grounds for disqualification.
- D. 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.

IV. CANDIDATE FORUMS

- A. FACE will convene at least one Candidate Forum where candidates will be permitted to make presentations to parents and other interested parties.

- B. 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.
- C. The Candidate Forums may be held in a physical location or on a virtual meeting platform. FACE shall determine the date, time and format for the 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.
- D. 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.

V. ELECTION PROCESS

A. Eligible Voters

- 1. Any parent of an ELL student who is enrolled at a DOE school is eligible to vote for the CCELL.
- 2. Three votes per eligible student may be cast.

B. Voting

Parents are encouraged to vote online through the NYCSA application.

- 1. 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.
- 2. 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.

C. Seating Candidates

1. The nine elected seats on the CCELL may be filled by any eligible parent. However, no district may have more than one representative on the CCELL, and at least one CCELL member must be the parent of a student who is currently an ELL.
2. When ballots are tallied:
 - a. 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 district, 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 CCELL shall be conditionally selected.
 - b. If the nine candidates conditionally selected after the elimination of candidates from the same district(s) do not include a candidate who is the parent of a current ELL, then the parent of a current ELL with the highest number of votes shall be conditionally selected. If such parent is from the same district as an already selected candidate and there is another parent of a current ELL from a district not already represented on the CCELL, then the parent of a current ELL with the next highest number of votes from a district not already represented on the CCELL shall be conditionally selected.

D. Runoffs

1. Runoffs shall be conducted when:
 - a. there is a tie between or among candidates;
 - b. no parent of a current ELL receives any votes; or
 - c. one or more seats remain unfilled after all candidates who do not share a district are initially seated on the CCELL.
2. In the case of a tie between or among candidates, only those candidates who were tied will be entered in the runoff.
3. In the case of a runoff because no parent of a current ELL received any votes, only candidates who are parents of a current ELL will be entered in the runoff for the current ELL seat.
4. In the case of a runoff because one or more seats remain unfilled and/or no parent of a current ELL is seated after the elimination of candidates whose children attend school in districts already represented on the CCELL, only

candidates who have not been conditionally selected and whose children do not attend school in 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, or in the parent of a current ELL being seated, then the restrictions regarding districts not having more than one representative on the CCELL will not apply.

5. Where a runoff results in a tie, the independent agent managing the elections process for the DOE will determine the winner by lot.
6. 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 IX.A of this regulation.

VI. POST-SELECTION REVIEW OF QUALIFICATIONS/ELIGIBILITY

- A. Following the conditional selection of candidates but prior to their taking office, FACE shall determine whether they are eligible to serve on the CCELL. 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 CCELL.
- B. 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 CCELL shall be deemed conditionally selected.
- C. If the ineligible or disqualified candidate is the only parent of a current ELL who was selected, the parent of a current ELL who received the next highest number of votes in the initial election process and who is not from a district already represented on the CCELL shall be deemed conditionally selected.
- D. 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.
- E. 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 IX.A of this regulation.

VII. TIMING

- A. Elections of CCELL 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.

- B. 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 CCELL, candidate information, as well as the nature of the application and voting process.
- C. CCELL members' terms shall begin the July 1st following election and end June 30th two years thereafter. All CCELL 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.

VIII. RESIGNATIONS

A. Parent Members

Resignations of parent members must be in writing, addressed to FACE at ccecinfo@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.

B. Public Advocate Appointees

Resignations of Public Advocate appointees must be in writing, addressed to the Public Advocate, with a copy to FACE at ccecinfo@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.

C. Student Member

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

IX. VACANCIES

A. Parent Member and Public Advocate Appointee Vacancies

- 1. CCELL members who, within their term of office, refuse or neglect to attend three regularly scheduled monthly meetings of the CCELL of which they were properly notified without rendering a written valid excuse, shall be deemed to have vacated their office.
 - a. Each absence and any written excuse provided shall be included in the official minutes of that meeting.

- b. The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of CCELL member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from CCELL meeting unavoidable; and other reasons the CCELL deems appropriate. Such other reasons may be deemed valid provided that they are delivered in writing to the CCELL no later than 15 days after the absence and are approved by vote of the CCELL at the next regularly scheduled monthly meeting where a quorum is present.
 - c. After the third unexcused absence, the CCELL 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 CCELL shall also notify the Public Advocate.
 2. When a parent vacancy occurs, the CCELL shall fill the vacancy for the remainder of the unexpired term by election at a public meeting.
 - a. The CCELL shall publicize the vacancy widely, describe the application process and specify a deadline for submitting applications.
 - b. All candidates must obtain a CCELL 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 CCELL.
 - c. If the vacancy is in a seat held by the parent of a current ELL, and no remaining CCELL member is the parent of a current ELL, the only eligible candidates will be parents of current ELLs.
 - d. Parents of ELLs shall be given the opportunity to make written recommendations and to consult with the CCELL before the vacancy is filled.
 3. If the parent vacancy is not filled by the CCELL within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CCELL fails to fill the vacancy within 60 days for any other reason, the Chancellor shall order the CCELL to fill the vacancy.
 4. 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 CCELL 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.

B. Student Member Vacancies

In the case of a student vacancy, the DML shall appoint another senior from the list of eligible students to serve the remainder of the unexpired term. The DML shall inform FACE and the CCELL of the appointment.

X. 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.

XI. TECHNICAL ASSISTANCE

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

XII. INQUIRIES

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