
Category: **CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS** Issued: 5/11/2012 Number: **D-170**

Subject: Process for the Nomination and Selection of Members of the Citywide Council on English Language Learners including Filling Vacancies Page: 1 of 1

SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-170 dated March 24, 2010.

Changes:

- The following changes have been made to the candidate eligibility requirements for nominees seeking selection to the Citywide Council on English Language Learners ("CCELL"): Nominees must be parents of students in a bilingual or ESL program. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCELL. A parent who is eligible at the time of application, but who ceases to have a child enrolled in a bilingual or ESL 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 bilingual or ESL program. (See page 1, Section I.A.1)
- The conflicts of interest provision has been updated to reference Chancellor's Regulation D-125. (See page 1, Section 1.A.3.c.)
- Nominees are now able to apply for more than one Community and/or Citywide Education Council. Although multiple applications are permitted, nominees will not be permitted to serve on more than one council. At the time of application, nominees who apply to serve on more than one council must rank the councils to which they are applying in order of preference. Nominees who are conditionally selected to serve on more than one council will be seated on the council that they ranked highest from among the councils to which they are conditionally selected. (See page 2, Section II.A)
- Nominees are now required to list information on their application regarding each public school where they currently have a child enrolled in a bilingual or ESL program. A nominee will be considered a representative of each district where the nominee has a child enrolled in a bilingual or ESL program. Failure to provide information regarding each district for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion. (See page 2, Section II.B)
- The following changes have been made to the selection process: the advisory vote has been eliminated from the process, and the procedures for conducting Nominees' Forums have been updated to clarify the organizational role played by the Division of Family and Community Engagement (FACE). (See page 2, Section IV)
- If a runoff is necessary because one or more seats remain unfilled by operation of the restriction against selecting multiple candidates from the same district, all nominees who have not been selected already and whose children do not attend school in districts already represented on the CCELL will be eligible to be selected in the runoff. (See page 3, Section V.A.3.b)
- If multiple runoffs are necessary, the runoffs will be conducted at the same time but in separate segments, with nominees grouped pursuant to the requirements of this regulation. (See page 3, Section V.A.3.d)
- Nominees seeking to serve as a Public Advocate appointee to the CCELL must submit an application to the Public Advocate's office. (See page 4, Section V.B)
- Individuals interested in filling vacancies on the CCELL must submit an application, which may be obtained from the CCELL or FACE. (See page 5, Section IX.A.2)
- All references to the Office for Family Engagement and Advocacy (OFEA) have been changed to refer to the Division of Family and Community Engagement (FACE).

ABSTRACT

The Citywide Council on English Language Learners (CCELL) consists of 11 voting members and one non-voting student member. Nine of the voting members must be parents of students who are in a bilingual or English as a second language (“ESL”) program selected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the NYC Public Advocate. This regulation details the eligibility requirements and the nomination and selection procedures for members of the CCELL. It also provides a process for filling vacancies. The CCELL shall perform all duties and responsibilities in accordance with the New York Open Meetings Law.

I. ELIGIBILITY

A. Parents and Public Advocate Appointees

1. Only parents¹ of students in a bilingual or ESL program (“ELL students”) are eligible to self-nominate for the CCELL. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCELL. A parent who is eligible at the time of application, but who ceases to have a child enrolled in a bilingual or ESL 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 bilingual or ESL program.²
2. The following persons are not eligible by statute:
 - 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 Department of Education (DOE) employees;
 - c. Persons who have been convicted of a felony, removed from a Citywide Council or Community Education Council (CEC) for an act of malfeasance directly related to service on such Citywide Council or CEC, or convicted of a crime directly related to service on such Citywide Council or CEC; and
 - d. Persons who are on another Citywide Council or any CEC.
3. In addition, the following persons are not eligible to serve:
 - a. Members of the Panel for Educational Policy;
 - b. Persons who have been removed from a PA/PTA, School Leadership Team, District Presidents’ Council, Borough High School Council, Title I Committee, or community school board for an act of malfeasance directly related to service on such association, team, council, committee, or board, or convicted of a crime directly related to service on such association, team, council, committee, or board; and
 - c. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on Chancellor’s Regulation D-125.

B. Students

High school students who are or have been in a bilingual or ESL program and who will be seniors during their year of service are eligible to serve on the CCELL. For purposes of this regulation, a senior is considered to be a student who has approximately 30 high school credits.

¹ 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.

² As required by statute, all parent members of the CCELL shall be parents of students who are in a bilingual or ESL program.

II. PARENT NOMINATIONS

- A. Parents interested in serving on the CCELL shall self-nominate by submitting a completed application form online at www.nycparentleaders.org. Nominees may apply for more than one Community and/or Citywide Education Council. Although multiple applications are permitted, nominees will not be permitted to serve on more than one council. At the time of application, nominees who apply to serve on more than one council must rank the councils to which they are applying in order of preference. Nominees who are conditionally selected to serve on more than one council will be seated on the council that they ranked highest from among the councils to which they are conditionally selected. The Division of Family and Community Engagement (FACE) will post timeframes for the submission of applications on www.nycparentleaders.org. Parents who do not have internet access may contact FACE for a list of schools and local organizations that can provide access to a computer with internet service.
- B. Nominees are required to list information on their application regarding each public school where they currently have a child enrolled in a bilingual or ESL program. A nominee will be considered a representative of each district where the nominee has a child enrolled in a bilingual or ESL program. A nominee's failure to provide information regarding each district for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion.
- C. Portions of each nominee's application (name, school child attends, statement of background and activities, and personal statement) will be posted on www.nycparentleaders.org for parents and the public to view them.

III. SELECTORS

The Presidents' Council for each community school district and borough and for District 75 shall each select one parent of an ELL student from among its members to serve as a selector of CCELL members. In the event that there is no parent of an ELL student on the Presidents' Council, the Presidents' Council shall solicit parents of ELL students from the district or borough to volunteer to serve as a selector. Such Presidents' Council shall select from among those volunteers one parent to serve as a selector of CCELL members. Parents who are candidates for the CCELL shall not be eligible to serve as selectors.

IV. NOMINEES' FORUM PROCESS

- A. FACE will convene a Nominees' Forum where nominees for the CCELL will be permitted to make presentations to the selectors and other parents and interested parties.
- B. The Nominees' Forum must occur after the deadline for submitting nominee applications has passed, but before the designated selector vote occurs on the second Tuesday in May of the selection year. FACE will determine a DOE location, date, and appropriate time for the Nominees' Forum, and will acquire all the necessary permits required for the Nominees' Forum. FACE will assume the costs of all necessary permits and other fees associated with the Nominees' Forum.
- C. FACE will provide copies of a CCELL-specific nominees' brochure containing the names and personal statements of all nominees running for the CCELL, for distribution at the Nominees' Forum. FACE will provide additional logistic support for the Nominees' Forum as needed.

V. SELECTION PROCESS

- A. Selection of parent members (voting)
 - 1. Selectors must log on to www.nycparentleaders.org to vote. Once logged in, selectors will be provided with a ballot containing the names of all nominees for the CCELL. Each selector shall vote for two nominees. FACE will provide selectors with more detailed information regarding the submission of ballots.

2. When ballots are tallied:
 - a. The nine nominees receiving the highest number of votes will be deemed conditionally selected, subject to verification of eligibility. However, no district may have more than one parent representative on the CCELL, except as provided in Section V.A.2.b. If more than one nominee from the same district is selected, the nominee with the highest number of votes will be deemed selected. Other nominees from that district with fewer votes will be removed from consideration and the person with the next highest number of votes from a district not already represented on the CCELL shall be deemed conditionally selected.
 - b. The restriction described in Section V.A.2.a shall not apply to situations where the application of the restriction would result in fewer than nine parents being selected.
3. In the event of a tie between or among nominees, or in the event that fewer than nine nominees are selected initially, a runoff selection will be conducted. In such cases, each selector shall vote for one nominee.
 - a. Where a runoff is necessary due to a tie vote for one or more seats on the CCELL, only those nominees who were in the tie will be eligible to be selected in the runoff.
 - b. Where a runoff is necessary because one or more seats remain unfilled by operation of the restriction set forth in Section V.A.2.a against selecting multiple candidates from the same district, all nominees who have not been selected already and whose children do not attend school in districts already represented on the CCELL will be eligible to be selected in the runoff. If the runoff fails to result in all seats being filled, then the exception set forth in Section V.A.2.b will apply.
 - c. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those specified above in Sections V.A.3.a and V.A.3.b, all nominees who have not been selected already will be eligible to be selected in the runoff.
 - d. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections V.A.3.a, V.A.3.b and V.A.3.c above, the multiple runoffs will be conducted at the same time but in separate segments, with nominees grouped pursuant to the requirements of Sections V.A.3.a, V.A.3.b and V.A.3.c.
 - e. If the runoff selection process does not result in all seats being filled, the independent agent managing the selection process for the Department of Education will determine the winner by lot, utilizing the same restrictions on eligibility found in Sections V.A.3.a, V.A.3.b and V.A.3.c above. However, in the event a nominee receives no votes in both the initial selection process and the runoff, a vacancy will be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Sections IX.A.2 and IX.A.3 of this regulation.
4. If a nominee becomes ineligible or is disqualified after the completion of the selection process but on or before June 25 of the selection year, the nominee who received the next highest number of votes during the initial selection process who is not from a district already represented on the CCELL shall be deemed conditionally selected.³ If advancing nominees in this fashion results in a tie, the independent agent managing the selection process for the Department of Education will determine the winner by lot.

³ For disqualifications occurring after June 25 of the selection year, the vacancy procedures in Sections IX.A.2 and IX.A.3 of this regulation will apply.

If no eligible nominee remains available to be selected, a vacancy will be deemed to exist on the CCELL, which shall be filled in accordance with the procedures set forth in Sections IX.A.2 and IX.A.3 of this regulation.

5. Parent members serve two-year terms and have no term limits.

B. Appointment by the NYC Public Advocate

The NYC Public Advocate shall appoint two voting members. The two members must be individuals with extensive experience and knowledge in the education of English Language Learners who will make significant contributions to improving bilingual and ESL programs in the NYC schools. Such members serve two-year terms and have no term limits. Nominees seeking appointment to the CCELL by the Public Advocate shall obtain an application form from the Public Advocate's office, and submit their completed application form to the Public Advocate's office.

C. Appointment of student member (non-voting)

The Chief Achievement Officer for Students with Disabilities and English Language Learners shall select one high school senior who is or has been in a bilingual or ESL program to serve on the CCELL using a process the Chief Achievement Officer develops.

VI. REVIEW OF QUALIFICATIONS/ELIGIBILITY

Following the conditional selection of parent nominees but prior to their taking office, the Chancellor or his/her designee shall determine whether nominees are eligible to serve on the CCELL. If the Chancellor determines that a nominee is not eligible, the Chancellor's written decision will be made available for public inspection within seven days of its issuance at the borough and central offices of FACE. Such decision shall include the factual and legal basis for its issuance. Any nominee deemed ineligible by the Chancellor shall be replaced by the nominee who received the next highest number of votes, as long as the nominee is not from a district already represented on the CCELL.

VII. TIMING

For the initial CCELL, such members shall be selected on the second Tuesday in May in 2011 and every two years thereafter, with terms commencing the July 1 following selection. The selection process shall be conducted over a 90-day period. This includes time allocated for publicizing the process, parent nominations, nominees' forums, and the vote by selectors. FACE will post precise timelines to implement this regulation.

VIII. RESIGNATIONS

A. Parent Members

Parent member resignations must be in writing, addressed to the Chancellor. The Chancellor designates the Chief Family Engagement Officer of the Division of Family and Community Engagement to receive resignations on his/her behalf. Such resignations shall take effect upon delivery to or filing with the Chief Family Engagement Officer, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Chancellor.

B. Public Advocate Appointees

Resignations of appointees of the Public Advocate must be in writing, addressed to the Public Advocate. Such resignation shall take effect upon delivery to or filing with the Public Advocate, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Public Advocate.

C. Student Member

A student member's resignation must be in writing, addressed to the Chief Achievement Officer for Students with Disabilities and English Language Learners. Such resignation shall take effect upon delivery to or filing with the Chief Achievement Officer, unless a future

date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Chief Achievement Officer.

IX. VACANCIES

A. Parent and Public Advocate Appointee Vacancies

1. If a member of the CCELL refuses or neglects to attend three meetings of the CCELL during his/her term of office of which s/he was properly notified without rendering a written valid excuse, the member vacates the office.⁴ Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of the Public Advocate's appointees should be reported to the Public Advocate by the CCELL Administrative Assistant or President. After the third unexcused absence, the CCELL shall declare the seat vacant by resolution at a calendar meeting and notify the Chancellor (and Public Advocate, as appropriate) of its action.
2. When a parent vacancy occurs on the CCELL, the CCELL shall fill the vacancy for the remainder of the unexpired term at a public meeting. The CCELL shall consult with parents of students who are enrolled in a bilingual or ESL program before the vacancy is filled. All individuals interested in filling a parent vacancy on the CCELL must complete an application form. Application forms may be obtained from the CCELL or FACE.
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 may 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. Nominees seeking to fill a Public Advocate appointee vacancy shall obtain an application form from the Public Advocate's office, and submit their completed application form to the Public Advocate's office.

B. Student Vacancies

In the case of a student vacancy, the Chief Achievement Officer for Students with Disabilities and English Language Learners shall appoint another senior to serve the remainder of the unexpired term using a process developed by the Chief Achievement Officer. The Chief Achievement Officer shall inform the CCELL and FACE of his/her 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.

Inquiries pertaining to this regulation should be addressed to:

⁴ 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.

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