



**Department of
Education**

Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: June 25, 2012

Topic: Proposed Chancellor's Regulation A-660

Date of PEP Vote: June 26, 2012

Summary of Proposed Amendments to Chancellor's Regulation A-660

Chancellor's Regulation A-660, Parent Associations and the Schools, sets forth the governance structure of Parent Associations, Parent-Teacher Associations, and Presidents' Councils. The proposed amendments to the regulation were posted for public comment on May 11, 2012. Further amendments were posted on June 25, 2012. The following amendments have been proposed:

- References to "PA" have been changed to "PA/PTA."
- References to "PC" have been changed to "Presidents' Council."
- References to the "Office for Family Engagement and Advocacy" (OFEA) have been changed to the "Division of Family and Community Engagement" (FACE).
- Requirements for the timing of meeting notices are framed in terms of calendar days rather than school days.
- The procedures for re-establishing a PA/PTA that has ceased to function have been clarified.
- The list of reasons why a PA/PTA ceases to function has been narrowed to include only three scenarios – failure to elect mandatory officers by June 30th, failure to hold an expedited election in timely fashion, and/or failure to conduct business for two consecutive months.
- The principal must notify FACE if the PA/PTA ceases to function.
- A parent of a student who attends a non-citywide school full-time while on the register of a citywide program is eligible to be a member of the PA/PTA in the school that her/his child attends.

- The parent members of a PTA may vote to revert back to a PA.
- The restriction regarding school employees' involvement with PA/PTAs has been clarified to provide that school employees may not serve as members of the executive board or nominating/election committee for the PA/PTA in the school in which they are employed.
- The conflicts of interest provisions applicable to PA/PTAs and Presidents' Councils have been updated.
- The procedural requirements for conducting PA/PTA elections have been updated to provide that the PA/PTA may request guidance in conducting an election from the appropriate Presidents' Council or the school's parent coordinator.
- The PA/PTA bylaws must specify how elections will be conducted in a fair and unbiased manner.
- Annual PA/PTA elections must be conducted by the last day of the school year.
- If a PA/PTA election involves contested offices, ballots must remain in the meeting room until the election meeting is adjourned, unless the PA/PTA bylaws provide otherwise.
- If a PA/PTA election involves uncontested offices, a member must make a motion to cast one vote in order to elect an unopposed candidate to office, unless the PA/PTA bylaws provide otherwise.
- The PA/PTA Election Certification form must be signed by the principal or his/her designee before the election meeting is adjourned.
- The personal telephone numbers and email addresses of the mandatory PA/PTA officers will be shared with the appropriate Presidents' Councils, unless those officers decline to have their information released by so indicating on the Election Certification form.
- The original, signed Election Certification form must be retained by the PA/PTA executive board, and a copy must be filed in the principal's office.
- The principal or his/her designee must update the School-Parent Leader Contact Information System within 5 calendar days of the election.
- The PA/PTA executive board must notify the membership in writing of any vacancy within 5 calendar days, and must specify whether the vacancy will be filled by succession or expedited election.
- The regulation lists required components of a PA/PTA expedited election meeting notice.

- A PA/PTA expedited election meeting may be chaired by a parent member who is not seeking office.
- A list of PA/PTA officers, including phone numbers and/or email addresses, will be posted in the school at the beginning of the school year and made available to any PA/PTA member upon request.
- If a PA/PTA's bylaws contain any provision that conflicts with this regulation, the provisions of this regulation shall be deemed controlling, but all remaining provisions of the PA/PTA bylaws that are not in conflict with this regulation shall remain in full force and effect.
- No later than December 15th of each year, the principal must provide the PA/PTA executive board with an abridged summary of the school safety plan, discipline code and attendance plan.
- Upon request, the principal will provide the PA/PTA executive board with full and factual information pertaining to student testing schedules and student achievement data, as well as copies of the Chancellor's regulations.
- The regulation provides an illustrative list of topics for quarterly meetings between the PA/PTA executive board and the principal.
- The PA/PTA executive board is responsible for ensuring that notifications of meetings are sent by means calculated to reach all parents.
- The PA/PTA executive board may seek assistance from the school's parent coordinator and the appropriate Presidents' Council to improve meeting attendance.
- Individuals who are not members of the PA/PTA may only attend executive board meetings with the approval of the executive board.
- The regulation discusses the role of PA/PTA officers in selecting members of the Community Education Councils (CECs), the Citywide Council on High Schools (CCHS) and the District 75 Council (D75 Council).
- The regulation specifies that Presidents' Councils are required to provide assistance to PA/PTAs.
- The appropriate community or high school superintendent, or their designee, is responsible for establishing and ensuring the continuation of the Presidents' Council.
- The procedural requirements for conducting Presidents' Council elections have been updated to provide that the Presidents' Council may seek assistance in conducting an election from the appropriate superintendent or his/her designee.

- Presidents' Council officers should consult with the general membership to identify an election meeting date that allows constituent PA/PTAs sufficient opportunity to elect their officers and determine their Presidents' Council representatives.
- If a Presidents' Council has not held its election by June 30th, the superintendent will request a date and time for the annual election meeting to be held, and will provide the necessary assistance to ensure that the election is completed by September 30th.
- If a Presidents' Council's bylaws contain any provision that conflicts with this regulation, the provisions of this regulation shall be deemed controlling, but all remaining provisions of the Presidents' Council bylaws that are not in conflict with this regulation shall remain in full force and effect.
- The provisions regarding Presidents' Councils' access to information have been updated, and state that the superintendent, upon request, will provide the Presidents' Council executive board with full and factual information pertaining to student testing schedules and student achievement data, as well as copies of the Chancellor's Regulations.
- The Presidents' Council executive board is responsible for ensuring that notifications of meetings are sent by means that will reach all members.
- Presidents' Councils shall hold candidate forums for the election of Community and/or Citywide Education Council members pursuant to Chancellor's Regulations D-140, D-150, D-160 and D-170.
- The superintendent will assist Presidents' Councils in securing space and resources needed to conduct business.
- Provisions have been added to address the Presidents' Councils' roles in convening Nominees' Forums for Community and Citywide Education Council elections.
- Upon approval by the Presidents' Council membership, the proposed Presidents' Council budget must be submitted to the superintendent.
- PA/PTAs and Presidents' Councils, as separate entities, may not use the DOE's Employer Identification Number ("EIN").
- PA/PTAs and Presidents' Councils are prohibited from using debit cards.
- The provision regarding the sale of raffle tickets has been updated to apply to Presidents' Councils as well as PA/PTAs.
- Joint planning with the superintendent is required for fundraising activities conducted by Presidents' Councils.
- Parent coordinators may not handle PA/PTA funds.

- The provisions regarding the hiring of staff have been amended to apply solely to PA/PTAs.
- The Presidents' Council must provide copies of treasurer reports to the appropriate superintendent.
- The principal is responsible for submitting PA/PTA financial information and reports to FACE upon request.
- Presidents' Council audit committees must provide their findings to the superintendent.
- The provision regarding external audits has been revised to provide that the Chancellor or the Chancellor's designee may conduct audits of PA/PTA or Presidents' Council financial records.
- The section regarding corrective and disciplinary action has been updated to provide that allegations of criminal wrongdoing, financial wrongdoing, and threatening behavior must be reported to the police, the Special Commissioner of Investigation for the New York City School District ("SCI"), and FACE.
- The bylaws of PA/PTAs and Presidents' Councils must include a mechanism for the removal of officers for negligence.
- The section which required PA/PTAs and Presidents' Councils to submit compliance status reports to FACE has been removed.
- The dispute resolution section applicable to PA/PTAs and Presidents' Councils has been updated to remove all references to "Grievance Review Committees" and to provide for enhanced internal resolution processes.
- Waivers from the conflict of interest provision applicable to PA/PTA officers may be granted by the DOE Ethics Officer in appropriate circumstances.
- General membership approval is required for PA/PTAs to join any organization.
- If an appropriate, handicap-accessible place of assembly exists within the school, meetings should be held in that location.
- An expedited election should be held as expeditiously as possible pursuant to Section I.F.4. Officer vacancies which arise before the start of the school year and which are not the result of resignations (e.g. – vacancies resulting from a failure to elect any person to the office from the outset) must be filled by October 15th. Officer vacancies which arise after the start of the school year (e.g. – vacancies resulting from resignations) should be filled as soon as possible after the vacancy occurs, taking into account the unique circumstances and logistics of the situation. Upon request, FACE will provide guidance regarding what may constitute timely scheduling of an expedited election in a particular situation.

- Hyperlinks contained in the regulation have been updated.

Summary of Issues Raised and Significant Alternatives Suggested

The DOE received comments from 8 commentators during the public comment period. The comments received are summarized as follows:

- 1.) PA/PTAs should continue to retain the right to choose whether to function as a PA or a PTA.
- 2.) The regulation should clarify whether a parent coordinator can serve as the principal's designee to certify a PA/PTA election.
- 3.) The regulation should not encourage a PA/PTA to seek guidance in conducting an election from the parent coordinator, as this may pose a conflict of interest to the extent that the parent coordinator works for the principal.
- 4.) The regulation should be updated to revise hyperlinks that fail to link to a functioning web page.
- 5.) The regulation indicates that the definitions stated therein apply for purposes of "other applicable regulations," but the regulation should be amended to provide a list of the other regulations that incorporate these definitions. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 6.) In order to simplify the computation of temporal requirements, the definition of the term "calendar days" should be inclusive of all days, including federal holidays.
- 7.) The regulation should provide further guidance as to the temporal requirements for conducting an expedited PA/PTA election to fill a vacancy under Section I.F.4 of the regulation (e.g. – require that an expedited election be held within 30 days of the date that the vacancy arose).
- 8.) The conflict of interest provision set forth in Section I.E.4.b should be amended to permit PA/PTA officers to obtain a waiver from the provision in appropriate circumstances.
- 9.) Section I.E.4.e of the regulation should be amended to provide that a PA/PTA must vote in order to determine whether to join a relevant national, state or city organization. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 10.) Section I.F of the regulation should not require the PA/PTA executive board to obtain general membership approval before seeking guidance from the Presidents'

Council in conducting an election. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.

- 11.) Section I.F.1 of the regulation should urge PA/PTAs to conduct their elections prior to June 30th (e.g.- by May 31st; before the first Friday in June) in order to enable Presidents' Councils to effectively conduct their elections prior to said date.
- 12.) Section II.D of the regulation should expressly authorize Presidents' Councils to hold elections on or after June 10th, irrespective of when the PA/PTAs in their respective districts/boroughs plan to hold elections.
- 13.) Section I.F.1 of the regulation should clarify that an online PA/PTA election is permissible, and specify how an online election should be run and how electronic ballots should be stored.
- 14.) Section I.F.1.d of the regulation should provide more illustrative examples of inappropriate campaigning, and should clarify that DOE employees are prohibited from soliciting and/or campaigning for candidates during PA/PTA elections. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 15.) Section I.F.3.a of the regulation should not require PA/PTAs to conduct expedited elections in order to fill officer vacancies that arise before the start of the school year and which are not the result of resignations (e.g. – vacancies caused by the failure to elect officers in non-mandatory positions). It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 16.) In the event that one of two PA/PTA co-officers resigns, Section I.F.3.b of the regulation should not require that the PA/PTA vote to determine if the remaining co-officer can serve independently. Rather, the co-officer should be permitted to decide whether they will serve independently without consulting the PA/PTA general membership. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 17.) Section I.G.4.a of the regulation should not require the executive board to be responsible for actually ensuring that notifications are sent in a manner that will reach all parents.
- 18.) Section I.G.4.a of the regulation should be amended to require PA/PTAs to use a handicap-accessible place of assembly, if such a location exists within the school. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.

- 19.) Section I.G.6 of the regulation should not require outgoing officers of the PA/PTA to transfer records to incoming officers “the next practicable day” following the election. The deadline to transfer records should be pushed back (e.g. – require transfer to take place before the next term commences on July 1st). It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 20.) Section I.G.6 of the regulation should not require the outgoing PA/PTA treasurer to make arrangements to transfer financial records to the incoming treasurer prior to the conclusion of the outgoing treasurer’s term. The outgoing treasurer should not be required to transfer records until after they have received the June bank statement. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 21.) Section I.G.6 should not require that record transfers occur in the presence of the principal. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 22.) In cases where a mandatory PA/PTA officer is a candidate in the education council selection process, Section I.G.7 should empower the PA/PTA executive board to identify a selector to serve in place of such mandatory officer, and should not require a vote of the general membership. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 23.) Section III.A.2 of the regulation should be amended to require a PA/PTA to obtain re-approval of the PA/PTA budget from the general membership in the Fall following the June vote, in order to give new members an opportunity to express their preferences. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 24.) Section III.B.1 of the regulation should be amended to prohibit a PA/PTA from having two signatories on the PA/PTA bank account who are related by blood or marriage. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 25.) Section III.B.3 of the regulation should be amended to permit PA/PTAs to make bank account deposits using Deposit-Only ATM cards, in order to allow parents to deposit fundraising proceeds after banking hours. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 26.) Section III.C.7.b should be amended to allow a PA/PTA Fundraising Activity Report to be submitted to the principal more than 5 calendar days (e.g. – 10 days) after a fundraising activity, in order to allow for the possibility that it may take more than 5 days for bills to be reconciled and paid, and for monies to be received. It should be noted that

this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.

- 27.) Section III.D.6.b of the regulation should be amended to clarify that a PA/PTA does not need to incorporate and/or consult with legal counsel in order to obtain 501(c)(3) status. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 28.) Section III.E.3 should not require a PA/PTA to provide receipts to all donors who make cash donations, irrespective of the amount of the donation. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.
- 29.) Section V.A.1 should not require PA/PTA members to attempt to resolve disputes internally in the first instance, but should rather permit grievances to be submitted to the District or Borough Family Advocate as an initial step.
- 30.) The regulation should require principals and FACE to inform Presidents' Councils as to whether there are any PA/PTAs within the district/borough that have ceased to function.
- 31.) Section III.D.5.d of the regulation should be amended in order to permit PA/PTAs that raise significant funds to hire bookkeepers and/or other staff to perform administrative work. It should be noted that this comment concerns pre-existing language already contained in the regulation, and does not address the proposed revisions.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposed Regulation

On July 25, 2012, the DOE accepted seven changes and included them in the revised regulation. These changes were as follows:

- 1.) With regard to comment 4, while it is not a substantial revision, the DOE accepted the suggestion and has updated the hyperlinks contained in the regulation. It should be noted that these hyperlinks connect to bylaw templates on the FACE webpage which have been publicly accessible throughout the public comment period, and which have not been subject to substantial revisions.
- 2.) With regard to comment 6, while it is not a substantial revision, the DOE accepted the suggestion and has amended the definition of "calendar days" as follows: "calendar days is inclusive of week days and weekends."

- 3.) With regard to comment 7, the DOE recognizes the importance of self-governance for PA/PTAs, and desires to afford PA/PTAs a degree of autonomy in conducting their election affairs. However, while it is not a substantial revision, the DOE accepted the suggestion in part, and has added the following language to Section I.C.2 (Footnote 2) of the regulation: “An expedited election should be held as expeditiously as possible pursuant to Section I.F.4. Officer vacancies which arise before the start of the school year and which are not the result of resignations (e.g. – vacancies resulting from a failure to elect any person to the office from the outset) must be filled by October 15th. (See Section I.F.3.a). Officer vacancies which arise after the start of the school year (e.g. – vacancies resulting from resignations) should be filled as soon as possible after the vacancy occurs, taking into account the unique circumstances and logistics of the situation. Upon request, FACE will provide guidance regarding what may constitute timely scheduling of an expedited election in a particular situation.”
- 4.) With regard to comment 8, while it is not a substantial revision, the DOE accepted the suggestion and has added the following language to Section I.E.4.b of the regulation: “Waivers may be granted by the DOE Ethics Officer in appropriate circumstances.”
- 5.) With regard to comment 9, while it is not a substantial revision, the DOE accepted the suggestion and has added the following language to Section I.E.4.e of the regulation: “General membership approval is required for PA/PTAs to join any organization.”
- 6.) With regard to comment 17, while it is not a substantial revision, the DOE accepted the suggestion and has amended the language of Section I.G.4.a, in pertinent part, as follows: “The PA/PTA executive board is responsible for ensuring that notifications of meetings are sent in a manner calculated to reach all parents (e.g., backpack, postal mail, automated call, email).”
- 7.) With regard to comment 18, while it is not a substantial revision, the DOE accepted the suggestion and has added the following language to Section I.G.4.a of the regulation: “If an appropriate, handicap-accessible place of assembly exists within the school, meetings should be held in that location.”

The DOE declined to incorporate other suggestions into the revised regulation for the reasons explained below:

- 1.) With regard to comment 1, the regulation continues to permit PA/PTAs to choose whether they will function as a PA or PTA. Section I.D.2 of the regulation provides, in pertinent part, as follows: “A PA may vote to amend its bylaws to extend membership to school staff. The parent members of a PTA may vote to revert back to a PA.”
- 2.) With regard to comment 2, Section I.F.1.g of the regulation expressly states that “[t]he parent coordinator cannot be the principal’s designee.”

- 3.) With regard to comment 3, parent coordinators are a source of school-based support for parent leaders. Consistent with their job description, parent coordinators can serve as a resource to the PA/PTA executive board to offer assistance in holding elections and conducting affairs in accordance with the regulation. It should be noted that although Section I.F of the regulation references parent coordinators as an optional source of support for the PA/PTA to consult, the regulation does not vest the parent coordinator with authority to control and/or obstruct PA/PTA business.
- 4.) With regard to comment 5, this suggestion concerns pre-existing language already contained in the regulation. Questions regarding when various definitions will apply in other contexts may be directed to FACE on a case-by-case basis.
- 5.) With regard to comment 10, this suggestion concerns pre-existing language already contained in the regulation. Section I.F of the regulation provides that “[r]equests for assistance may be made by executive board members after consultation with the PA/PTA membership.” While it is not necessary for the PA/PTA executive board to obtain express approval from the general membership prior to submitting a request for assistance, the executive board must first consult with the general membership in order to foster inclusive decision-making and transparency.
- 6.) With regard to comments 11-12, the DOE recognizes the importance of self-governance for PA/PTAs and Presidents’ Councils, and desires to afford them a degree of autonomy in conducting their election affairs. While it is operationally necessary to require PA/PTA regular elections to be held prior to the end of the school year, and to encourage Presidents’ Councils to delay their elections until they’ve afforded constituent PA/PTAs a sufficient opportunity to elect their officers and determine their Presidents’ Council representatives, the DOE declines to include additional, binding deadlines or timing recommendations in the regulation. FACE will continue to be proactive in working with Presidents’ Councils to message the importance of attempting to conduct PA/PTA elections prior to June.
- 7.) With regard to comment 13, Section I.F.1 of the regulation provides that “[t]he PA/PTA is responsible for determining the most inclusive and appropriate means of conducting elections in a fair and unbiased manner.” That section goes on to state: “The PA/PTA bylaws must specify how elections will be conducted. Specifically, the bylaws must address the processes for candidate solicitation, nominations, and the election of officers. PA/PTA bylaws are subject to review and approval by FACE.” In deference to the status of PA/PTAs as autonomous, self-governing organizations, the regulation affords PA/PTAs a degree of autonomy to define and implement their own election processes subject to the standards of parliamentary procedure. FACE is available to provide guidance upon request.
- 8.) With regard to comment 14, this suggestion concerns pre-existing language already contained in the regulation. Section I.F.1.d of the regulation clearly establishes the type of conduct that is prohibited, as follows: “No materials in support of a candidate or slate

of candidates may be distributed or posted on school premises or on the school's website by any candidate, supporter, PA/PTA executive board or PA/PTA committee.”

- 9.) With regard to comment 15, this suggestion concerns pre-existing language already contained in the regulation. In order to promote orderly functioning of the PA/PTA with a full slate of officers pursuant to applicable bylaws, all vacancies that cannot be filled by succession must be filled by expedited election under Section I.F.3.
- 10.) With regard to comment 16, this suggestion concerns pre-existing language already contained in the regulation. Co-officers are elected as a team, and their qualifications to serve are assessed jointly rather than in their individual capacities. If one of the co-officers resigns, the PA/PTA general membership must be provided an opportunity to express their preferences as to whether or not the remaining officer should continue to serve in a solo capacity.
- 11.) With regard to comments 19-21, these suggestions concern pre-existing language already contained in the regulation. Section I.G.6 of the regulation does not specify a date certain by which the transfer of PA/PTA records must occur, but rather states that the records should be transferred on “the next practicable day following election.” Similarly, Section I.G.6 does not require the outgoing treasurer to deliver financial records to the incoming treasurer by a date certain, but rather states that the outgoing treasurer “must make arrangements” to transition records prior to the conclusion of his or her term. The importance of an expedient transfer of PA/PTA records cannot be overstated, as it ensures a smooth transition from one executive board to the next. The presence of the principal at the time of the records transfer is also designed to promote a smooth transition, as the principal is often an enduring constant who can serve as a bridge between the outgoing and incoming executive boards. The language in the regulation provides adequate flexibility for PA/PTAs to execute the records transfer at a time and in a manner that is appropriately suited to their needs.
- 12.) With regard to comment 22, this suggestion concerns pre-existing language already contained in the regulation. Section I.G.7 of the regulation prohibits a PA/PTA officer who is running for a seat on an education council from participating as a designated selector in the education council selection process. This prohibition is designed to guard against improper conflicts of interest. If an officer is barred from participating as a selector based on a conflict of interest, it would not be appropriate to allow that officer to play a role in identifying the designee who will serve as a selector in their place without soliciting the approval of the general membership.
- 13.) With regard to comment 23, this suggestion concerns pre-existing language already contained in the regulation. In order to promote effective planning and appropriate ordering of financial affairs, the PA/PTA budget must be approved in June, in advance of the year in which the budget will take effect. The incoming PA/PTA executive board that begins its service on July 1 may recommend amendments to the PA/PTA budget, and such amendments must be approved by the general membership.

- 14.) With regard to comment 24, this suggestion concerns pre-existing language already contained in the regulation. Section III.B.1.b of the regulation provides that at least 3 officers must be identified as eligible signatories for check-signing purposes, but specifies that the two required signatures on a check cannot come from persons who are related by blood or marriage. This language is sufficient to guard against the risk of financial conflicts and/or misconduct, without unduly infringing on the right of related persons to simultaneously serve on the PA/PTA executive board and accordingly be named as potential bank account signatories.
- 15.) With regard to comment 25, this suggestion concerns pre-existing language already contained in the regulation. PA/PTAs will continue to be prohibited from using ATM cards to conduct business in order to preserve the integrity of PA/PTA financial practices and minimize the risk of PA/PTA funds being accessed improperly. FACE will continue to investigate the operational pros and cons associated with Deposit-Only ATM cards in order to determine if an exception should be granted in the future.
- 16.) With regard to comment 26, this suggestion concerns pre-existing language already contained in the regulation. Section III.C.7.b requires that a Fundraising Activity Report be submitted within 5 days “following the completion of each fundraising activity.” If there are still outstanding deposits, invoices and bills that have yet to be reconciled, then the fundraising activity is not yet complete within the meaning of the regulation. The 5-day period does not commence until the fundraising activity is complete.
- 17.) With regard to comment 27, this suggestion concerns pre-existing language already contained in the regulation. 501(c)(3) status is only available to organizations that are organized in a particular manner pursuant to Section 501(c)(3) of the Internal Revenue Code. The issues involved are highly complex and case-dependent. The DOE cannot and will not provide legal advice to PA/PTAs in connection with 501(c)(3) status and/or any tax implications.
- 18.) With regard to comment 28, this suggestion concerns pre-existing language already contained in the regulation. In accordance with established accounting and bookkeeping principles, all cash donations should be appropriately documented, and receipts must be issued to donors.
- 19.) With regard to comment 29, the DOE recognizes the importance of self-governance for PA/PTAs, and desires to afford PA/PTAs a degree of autonomy in conducting their own affairs. To that end, PA/PTAs are encouraged to attempt to resolve disputes internally whenever possible.
- 20.) With regard to comment 30, sufficient measures are already in place to foster the involvement of Presidents’ Councils in promoting the effective functioning of PA/PTAs. In cases where a PA/PTA has ceased to function, Section I.B of the regulation advises principals that they may seek support from the Presidents’ Council in order to re-establish the PA/PTA. In addition, FACE has and will continue to partner with Presidents’

Councils in order to ensure that PA/PTAs engage in timely planning and execution of annual elections.

- 21.) With regard to comment 31, this suggestion concerns pre-existing language already contained in the regulation. Section III.D.5.d of the regulation provides that: “PA/PTAs and Presidents’ Councils may not hire staff to complete administrative tasks of the association or manage PA/PTA or Presidents’ Council programs.” This provision is designed to prevent PA/PTA funds from being diverted for purposes other than the support of the educational, social and cultural programs of schools, districts and boroughs. It would not be appropriate to create an exemption for PA/PTAs that raise significant funds.

Accordingly, the DOE will present the proposed regulation to the PEP with the amended changes.

A copy of the proposed regulation can be obtained at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/default.htm>.