



**Department of
Education**

Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: June 25, 2012

Topic: Proposed Chancellor's Regulation D-150

Date of PEP Vote: June 26, 2012

Summary of Proposed Amendments to Chancellor's Regulation D-150

Chancellor's Regulation D-150, Process for the Selection of Members of the Citywide Council on Special Education and the Citywide District 75 Council, sets forth the procedures of the NYC Department of Education ("DOE") for the nomination and selection of members of the Citywide Council on Special Education ("CCSE") and the District 75 Council ("D75 Council"). The proposed amendments to the regulation were posted for public comment on May 11, 2012. The following amendments have been proposed:

- Candidate eligibility requirements have been updated to provide that CCSE nominees must be parents of students with an individualized education program ("IEP") who currently receive special education services that are provided by and/or paid for by the DOE.
- Eligibility to run for the CCSE is determined as of the date the parent submits an application to run for a position on the CCSE.
- A parent who is eligible to serve on the CCSE 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.
- Candidate eligibility requirements have been updated to provide that eligibility to run for the D75 Council is determined as of the date that the parent submits an application to run for a position on the D75 Council.
- A parent who is eligible to serve on the D75 Council at the time of application, but who ceases to have a child enrolled in a District 75 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 program.

- The conflicts of interest provisions applicable to nominees for the CCSE and the D75 Council have been updated to reference Chancellor's Regulation D-125.
- Nominees for the CCSE and the D75 Council are permitted to submit applications for more than one Citywide or Community Education Council.
- CCSE nominees are required to list information on their application regarding each special education program where they have enrolled a child with an IEP.
- Nominees for the D75 Council are required to list information on their application regarding each District 75 school where they currently have a child in attendance.
- The parent advisory vote has been eliminated from the selection process for the CCSE and the D75 Council.
- The procedures for conducting the CCSE Nominees' Forum have been updated to clarify the organizational role played by the Division of Family and Community Engagement (FACE).
- The procedures for conducting the D75 Council Nominees' Forum have been updated to provide for enhanced involvement of the D75 Presidents' Council.
- The selection rules for the CCSE have been amended to provide that the seven nominees who received the highest number of votes will be deemed conditionally selected, except that no district other than District 75 may have more than one representative on the CCSE, and District 75 may have no more than two representatives on the CCSE.
- If two District 75 parents are among the seven nominees who received the highest number of votes and who were conditionally selected to the CCSE, then the two previously unselected nominees who received the highest number of votes will be deemed conditionally selected to fill the two remaining positions on the CCSE, subject to the restriction that no district other than District 75 may have more than one parent representative on the CCSE.
- If two District 75 parents are not among the seven nominees who received the highest number of votes and were conditionally selected to the CCSE, then the two District 75 parents receiving the highest number of votes will be deemed conditionally selected.
- If a runoff for the CCSE is necessary because one or more seats remain unfilled by operation of the restrictions against selecting multiple candidates from the same district (other than District 75) or more than two District 75 parents, then all nominees who have not been selected already and whose children do not attend school in districts already represented on the CCSE will be eligible to be selected in the runoff.
- If a runoff for the D75 Council is necessary because one or more seats remain unfilled by operation of the restrictions against selecting multiple candidates from the same school,

then all nominees who have not been selected already and whose children do not attend a school already represented on the D75 Council will be eligible to be selected in the runoff.

- If multiple runoffs for the CCSE or the D75 Council 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.
- Nominees seeking to serve as a Public Advocate appointee to the CCSE and/or the D75 Council are required to submit applications to the Public Advocate's office.
- Individuals interested in filling vacancies on the CCSE and/or the D75 Council must submit applications, which may be obtained from the CCSE, the D75 Council or FACE.
- 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).

Summary of Issues Raised and Significant Alternatives Suggested

The DOE received comments from 1 commentator during the public comment period. The comment received is summarized as follows:

Advisory Vote: The advisory vote should not be eliminated from the selection process.

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

The DOE declined to incorporate the suggestion into the regulation. State law does not require or reference a parent advisory vote as a component of the selection processes for the CCSE or the D75 Council. In analyzing feedback received in the wake of the 2011 selection process, it was determined that the advisory vote results and participation rates failed to provide designated selectors with reliable and/or useful indicators of widespread parent voting preferences. Accordingly, the proposed regulation eliminates the advisory vote from the selection process.

Accordingly, the DOE will present the proposed regulation to the PEP.

A copy of the proposed regulation can be obtained at:

http://schools.nyc.gov/NR/rdonlyres/01F22114-943E-4122-A766-C5A9E1FBDBFE/124924/D150_SummaryofChanges.pdf.