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Category: **CITYWIDE COUNCIL FOR ENGLISH LANGUAGE LEARNERS** Issued: 3/24/10 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 5

### **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 parents<sup>1</sup> of students in a bilingual or ESL program (“ELL students”) are eligible to self-nominate for the CCELL.
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 financial conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on the Conflicts of Interest Law of the City of New York.

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<sup>1</sup> 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.

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 CCSE. For purposes of this regulation, a senior is considered to be a student who has approximately 30 high school credits.

## II. PARENT NOMINATIONS

A. Parents interested in serving on the CCELL shall self-nominate by submitting a completed application and disclosure form online at [www.powertotheparents.org](http://www.powertotheparents.org).<sup>2</sup> The Office for Family Engagement and Advocacy (OFEA) will post timeframes for the submission of self-nominations on that site. Parents who do not have internet access may contact OFEA for a list of schools and local organizations that can provide access to a computer with internet access.

B. Portions of each nominee's application (name, school child attends, statement of background and activities, personal statement, and size of school) will be posted on [www.powertotheparents.org](http://www.powertotheparents.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. PARENT AND COMMUNITY INPUT PROCESS

A. Nominees' Forums

The Office for Family Engagement and Advocacy, in collaboration with the community school district, borough, and District 75 Presidents' Councils, will convene a nominees' forum in each borough where nominees will be permitted to make presentations to the selectors and other parents and interested parties.

B. Advisory Vote

Following the nominees' forum, an online advisory vote for each district, including District 75, and each borough will take place at [www.powertotheparents.org](http://www.powertotheparents.org). At the community district level, such advisory votes shall be open to all parents of ELL students enrolled in community district schools. At the borough level, such advisory vote shall be open to all parents of high school ELL students in the borough. The District 75 advisory vote shall be open to all parents of ELL students in that district. OFEA will post a timeframe for the advisory votes. During this period, all parents of ELL students may vote using their child's OSIS number and the zip code associated with that OSIS number as a password. After logging in, parents will be presented with a ballot containing the names of CCELL candidates. Parents will then cast a non-binding, advisory vote by voting for up to nine candidates. The independent agent managing the advisory vote will provide the results of the vote to the selectors from each district or borough.

## V. SELECTION PROCESS

A. Selection of parent members

1. Selectors must log on to [www.powertotheparents.org](http://www.powertotheparents.org) to vote. Once logged on, selectors will be provided with a ballot containing the names of all nominees for the CCELL. Each selector shall vote for two nominees. OFEA will provide selectors with more detailed information regarding voting.

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<sup>2</sup> Parents may apply to only one community or citywide council.

2. When ballots are tallied:
    - a. The nine nominees receiving the highest number of votes will be deemed selected conditionally, subject to verification of eligibility. However, no district may have more than one parent representative on the CCELL, except as provided in V.A.2.c.
    - 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.
    - c. The restriction described in A.A.2.b shall not apply to situations where fewer than nine parents would be selected if the restriction were enforced.
  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 remains unfilled for reasons other than a tie, all nominees who have not been selected already will be eligible to be selected in the runoff.
    - c. If the runoff 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 and V.A.3.b 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.<sup>3</sup> 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.
  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 and will make significant contribution to improving bilingual and ESL programs in the NYC schools. Such members serve two-years terms and have no term limits.
- 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.

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<sup>3</sup> 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.

**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 the Office for Family Engagement and Advocacy. 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 2010, with terms commencing July 1, 2010 and ending on June 30, 2011. All subsequent selections of CCELL members shall occur on the second Tuesday in May 2011, 2013, 2015, 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, advisory vote by parents of students in bilingual or ESL programs, and vote by selectors. The Office for Family Engagement and Advocacy will publish detailed 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 to receive resignations on his 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.<sup>4</sup> Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences

<sup>4</sup> 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.

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 vacancy occurs on the CCELL, either by resignation or removal of a parent member, the CCELL shall fill the vacancy at a public meeting. For parent vacancies, the CCELL shall consult with parents of students who are enrolled in a bilingual or ESL program before the vacancy is filled. 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.
  3. If the 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.
- 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 using a process the Chief Achievement Officer develops. The Chief Achievement Officer shall inform the CCELL and the Office for Family Engagement and Advocacy 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**

The Office for Family Engagement and Advocacy will oversee implementation of the procedures contained in this regulation, and will provide technical assistance as necessary.

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