2015-2017

Community and Citywide Education Council Guide

NYC EDUCATION COUNCILS

NYC Department of Education

Department of Education

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Dear Newly Elected Community and Citywide Education Council Members:

Congratulations on your election as Community or Citywide Education Council (CCEC) members. Your decision to volunteer your time to represent New York City public school parents and students is critically important in encouraging families to get involved in their children's education and attain the ultimate collective goal of promoting student achievement in pursuit of college and careers.

It is with great pleasure that I welcome you to the New Member CCEC Orientation for the 2015-2017 term. This resource guide was designed to be a helpful tool for you and your fellow council members throughout your term. This is only the first in a series of trainings that we are committed to providing during the course of your term; whether you are a new or returning member, we sincerely hope you will attend most if not all of them.

The New York City Department of Education is committed to developing a collaborative partnership with all Community and Citywide Education Councils. Today begins a renewed commitment to parent engagement and community partnership. Again, congratulations and welcome to the 2015-2017 New Member CEC Orientation.

Sincerely,

Jesse Mojica

Jesse Mojica

Division of Family and Community Engagement

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TAB #1

CCEC Roles and Responsibilities

2015-2017

Community and Citywide Education Councils:

An Overview

Councils: Membership and Jurisdiction

- Community Education Councils (CECs) (9 elected/2appointed)
  - District level advocacy and representation (kindergarten- 8th grade)
- Citywide Councils (elected/some appointed)
  - High Schools (CCHS)
  - Special Education (CCSE)
  - English Language Learners (CCELL)
  - District 75 (CCD75)
- Presidents' Councils (elected PA/PTA Presidents, or designees)
  - District level (kindergarten–8th Grade)
  - Borough level (high schools)
  - Citywide (D75 schools)
- Chancellor's Parent Advisory Council (CPAC)

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History of the Councils

- The CEC/Citywide Councils were created by NYS Education Law to replace the Community Schools Boards
  - Their powers and duties are defined by state law
  - Chancellor's regulations implement the provisions of state law pertaining to council membership (elections and filling vacancies)
  - CEC/Citywide Councils are independent of DOE
  - But they are "public bodies" under NYS law and are subject to special requirements (Open Meetings Law; FOIL; quorum)

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The Councils' Role

- CEC/Citywide Councils have an obligation to:
  - Consult and communicate with parents and with their constituent PA/PTAs
    - ✓ Joint meetings with Presidents' Councils
  - Advocate on behalf of district schools regarding educational issues that impact the district
  - Maximize local opportunities for parental involvement by widely advertising monthly meeting agendas, hosting public hearings, liaising with school leadership teams, etc.

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Quick Facts—CECs/Citywide Councils

❑ Must

- hold at least one meeting per month (notice required: 72 hours) open to the public during which the public may discuss issues affecting the Councils' respective constituencies
- Send members' Performance Reports to the PEP each month
- Participate in trainings and continuing education programs (at least two per term; failure to attend "shall constitute cause for removal from office")

❑ Are entitled to:

- Hire an Administrative Assistant
- Receive training opportunities
- Limited reimbursement of expenses for members

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Powers and Duties of CECs

(NYS Education Law § 2590-e)

- Review the district's educational programs and assess their effect on student achievement
- Hold meetings at least every month with the superintendent where the public may discuss the current state of the schools in the district
- Submit an annual evaluation of the superintendent to the chancellor
- Provide input to the Chancellor and the City Board (PEP) on district concerns
- Serve as a liaison to School Leadership Teams
- Approve zoning lines as submitted by the superintendent
- Hold public hearings on the district's annual capacity plan and submit a plan to the Chancellor
- Prepare a district report card

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Powers and Duties of the Citywide Councils

These Councils (CCHS, CCSE, CCELL and D75) have only advisory powers.

- They can:
  - Issue an annual report
  - Comment on educational policies
  - Make recommendations on how to improve the efficiency and delivery of services to their respective populations

- They must:
  - Hold at least one meeting per month open to the public during which the public may discuss issues affecting the Councils' respective constituencies

- They are entitled to:
  - Hire an Administrative Assistant
  - Receive training opportunities

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The Administrative Assistant

- NYS Ed. Law § 2590 provides that councils "may appoint a secretary"
  - All councils have an administrative assistant (the "AA")
  - The law states that the AA ***shall***:
    - ✓ Prepare meeting notices, agendas and minutes
    - ✓ Record and maintain accounts of proceedings and other council meetings
    - ✓ Prepare briefing materials and other related informational materials for such meetings

- DOE policy mandates that the AA handles the council's finances
  - ✓ Preparing the budget and tracking expenses
  - ✓ Submitting PO's and reimbursement requests
  - ✓ Purchasing with a P-Card

- Bylaws provide (Art. 2 "Elections") that the AA convenes the annual meeting and conducts an election for the chair *pro tem* unless a new council includes officers from the previous term

Bylaws

- Bylaws are the rules councils operate by
  - Every council member must be familiar enough with the bylaws to know where to find answers when issues arise
  - A current copy should be at every meeting in case questions arise
- Councils' bylaws are based on a DOE-issued template
  - Are the provisions clear and do they make your council work smoothly?
    - ✓ Issues in most bylaws: moving meeting dates, forming committees and nominating chairs; changing the order of business; "official actions" only at "calendar meeting" and by resolution; officers named in bylaws
- Councils should review bylaws regularly and amend them to fit their needs
  - Must have a document showing date of adoption by council
  - Amendment procedure is spelled out in the bylaws
    - ✓ Any amendment takes a minimum of two calendar meetings
    - ✓ A bylaw committee is recommended (but not required)

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Meetings

- All council meetings are "public" because the councils are subject to the Open Meetings Law ("OML")
  - ✓ "Calendar" and business meetings
  - ✓ Committee (and "subcommittee") meetings
  - ✓ Special meetings
- The notice requirements are spelled out in the OML
  - ✓ 72 hours (except for special meeting)
  - ✓ Prominently posted in public place/notice to the media
- Executive sessions are allowed for certain matters listed in the OML
  - ✓ Personnel matters and pending or threatened litigation

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Meeting Agendas & Minutes

- Meeting Agenda/Program
  - The mechanism for setting agenda topics should be spelled out in the bylaws
    - ✓ May be set at a business meeting, sometimes months in advance
    - ✓ In practice, the job often devolves to the president by default
- Meeting Minutes
  - Are the <u>only</u> record of council action, so they should include all motions and votes; attendance (and absences); other matters such as program details *may* be included
  - Should be in reasonably good English and should *not* include remarks attributed to named council members (especially if negative)
- Under OML, minutes must be posted on the council's website within two weeks (if the council maintains a regularly updated one)
  - You should assume all minutes will become public and used in ways you don't anticipate (Google your name-council minutes may come up)
- Consider sending the AA for training on taking minutes and parliamentary procedures

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Absences

- Members not attending meetings is the major cause of council dysfunction
  - Without quorum, nothing can be decided
  - The absent members' constituents are not adequately represented and informed

- Bylaws should spell out how many meetings a member may miss before sanctions are applied
  - CEC/Citywide Council members may be deemed to have vacated their seats under state law and Chancellor's regulations if they have more than 3 "unexcused absences"

- No seat is vacated automatically
  - There must be a motion/resolution at a calendar meeting to declare a seat vacant for failure to attend meetings
  - If the member resigns, an announcement of the vacancy at a calendar meeting is sufficient

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Absences- (cont'd)

- CECs/Citywide Councils may declare a vacancy when a member misses a number of meetings
  - UNEXCUSED: "a member…. who refuses or neglects to attend three meetings…. without rendering in writing a good and valid excuse vacates his or her office by refusal to serve. …..After the third unexcused absence the community council ***shall*** declare a vacancy to the chancellor."
  - EXCUSED: "Valid excuses" (defined in law/regulations) include death in the family, illness and work obligations and others as defined by the council
  - The member's absence and the excuse (or lack thereof) must be recorded in the minutes
- Questions that come up often:
  - Business and calendar meeting on the same day: one or two missed meetings?
  - what if a member has more than three *excused* absences?
- Vacancies must filled by the Council within 60 days according to procedures set forth in the regulations

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2015-2017

Community and Citywide Education Councils:

A Guide to Setting up the Council for the New Term

The Nuts and Bolts of Setting up a New Council

By Laurie Windsor
President, District 20 CEC

SCHOOL LIAISONS

- Divide number of schools by members
- Random selection of schools
- Should not be your own child’s school
- AA can send out letter to principal, parent coordinators and PTAs advising who their liaison is.

BUDGET

- Need to set up the budget for the year
- Budget is $20,000
- Good idea to review last year's budget as a guideline
- Want to approve the budget in July so it can be sent in to the Senior Grant Officer and also, P-Card can be issued to the AA

BUDGET

- Common line items include member reimbursements and office supplies
- Line items can be moved as the year progresses, e.g., need more funding in member reimbursements so move money from office supplies
- Reimbursement Forms-filled out and submitted monthly. President signs off on members' forms. Treasurer signs off on President's forms. Must have supporting documentation.

SCHOOL VISITS

- AA makes the appointments for members.
- No visit to a school should be unannounced.
- AA responds to event invitations extended to the members

CORRESPONDENCE

- All correspondence goes to the AA at the council office.
- AA forwards to members emails and mail by scanning it.
- Outgoing correspondence needs to be reviewed.
- President and/or Secretary may review outgoing correspondence.

ADMINISTRATIVE ASSISTANT

- President is supervisor unless another member is designated.
- Review vacation schedule, work day (start time/end time/lunch).
- Discuss how after hour meetings are handled, e.g., AA comes in later that day or works overtime.
- AA is responsible for tracking the council's budget and should provide a spreadsheet with funds spent and remaining funds left in each line item.
- Responsible for inputting members' reimbursements on FAMIS and submitting the documentation to the Senior Grant Officer.

GOALS & OBJECTIVES

- Discuss what the priorities are for the school year
- Are there any items that are a carryover from previous year
- What are the new items that the council wants to focus on
- Ask for the superintendent’s input

BYLAWS REVIEW

- Can send out prior to meeting via email so that members have time to review
- If needed, a committee can be set up to review.
- Items of note include meeting date and time, absences, committees

COMMITTEES

- As per the bylaws
- Also can set up ad hoc as needed
- Ask for chair and members for each committee
- Committee Meetings are open to the public and notifications sent out

MEETINGS

- Discuss:
  - Dates as per bylaws-set up calendar for the year
  - Change dates as needed due to holidays
  - Topics
  - Speakers
  - Schools to use for meetings – handicapped accessible

MINUTES

- Must be taken at all meetings including committee meetings
- Must be available in draft format within 2 weeks of the meeting
- AA responsible for taking the minutes and typing them
- Voted on at the next meeting after review and any necessary edits
- If no quorum (6 members), then notes are taken

MONTHLY ACTIVITY REPORTS

- Are required to be completed by each member.
- AA rolls it up into one report to submit to DOE
- PEP (Panel For Educational Policy) receives the reports to review
- SGO also uses for member reimbursement documentation

RELATIONSHIPS

- Superintendent
- UFT Rep for district
- CSA Rep for district
- District Family Advocate
- Community Based Organizations
- Elected Officials
- DOE
- PTAs & Presidents' Council
- CPAC

Notes:

Notes:

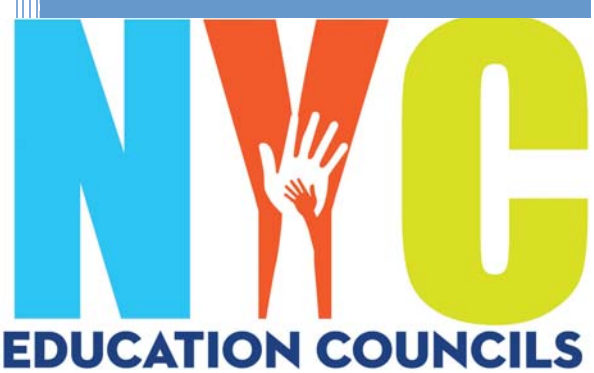
TAB #2

Public Officers Law and Quorum

2015-2017

Committee on Open Government

- Open Meetings Law FAQ
- Freedom of Information Law FAQ



DEPARTMENT OF STATE
COMMITTEE ON OPEN GOVERNMENT
ANDREW M. CUOMO, GOVERNOR CESAR A. PERALES, SECRETARY OF STATE

website:www.dos.ny.gov/coog/index.html

About the Committee on Open Government

The Committee is responsible for overseeing and advising with regard to the Freedom of Information Law, the Open Meetings Law and the Personal Privacy Protection Law (Public Officers Law, Articles 6, 7 and 6-A respectively). Staff of the Committee gives advice by telephone, email, written advisory opinions, and training classes conducted throughout the state. Advice is offered to the government, the public and the news media.

The Freedom of Information Law (FOIL) pertains to the public's right to gain access to government records. See the FOIL Advisory Opinion Index. The Open Meetings Law (OML) concerns the public's right to attend meetings of public bodies. See the OML Advisory Opinion Index. Both statutes are based upon a presumption of access and, since their initial enactment, have undergone significant changes based largely upon recommendations made by the Committee.

A basic guide to the Freedom of Information and Open Meetings Laws, Your Right to Know, includes sample letters of request and appeal and is available on our Publications page.

The Personal Privacy Protection Law (PPPL), enacted in 1984, pertains to personal information collected and maintained by state agencies. State agencies are required to meet standards of fair information practices regarding the collection, maintenance, use and disclosure of personal information.

The Committee is required to submit a comprehensive annual report to the Governor and the Legislature describing the Committee's experience under each of the statutes and recommendations for improving them.

The Committee and the laws it oversees have gained national and international recognition as models for other jurisdictions. Its work and experience have been shared with access professionals at international conferences, and it is represented through membership in the Council on Governmental Ethics Laws and participation on the Media Law Committee of the New York State Bar Association.

Who is covered by the Open Meetings Law?

The Open Meetings Law applies to “public bodies.” That term is defined to include entities consisting of two or more people that conduct public business and perform a governmental function for New York State, for an agency of the state, or for public corporations, such as cities, counties, towns, villages and school districts. Committees and subcommittees of these entities are also included within the definition. Consequently, city councils, town boards, village boards of trustees, school boards, commissions, legislative bodies, and committees and subcommittees consisting of members of those groups all fall within the framework of the Law. See advisory opinions under “P” for “Public Body” in the OML Advisory Opinion Index.

What is a meeting?

The term “meeting” is defined as “the official convening of a public body for the purpose of conducting public business.” As such, when a quorum (a majority of the membership of a public body) gathers for the purpose of discussing public business, the meeting must be convened open to the public, whether or not there is an intent to take action and regardless of the manner in which the gathering may be characterized. See advisory opinions under “M” for “Meeting” and “Q” for “Quorum in the OML Advisory Opinion Index.

How do I know if a meeting is going to be held?

The Law requires that notice of the time and place of all meetings be given prior to every meeting. If a meeting is scheduled at least a week in advance, notice must be given to the public and the news media not less than 72 hours prior to the meeting. When a meeting is scheduled less than a week in advance, notice must be given to the public and the news media “to the extent practicable” at a reasonable time prior to the meeting. Notice to the public must be accomplished by posting in one or more designated public locations, and posting online. Notice must be given to the news media; there is no requirement that notice be published in the newspaper. See advisory opinions under “N” for “Notice” in the OML Advisory Opinion Index.

What is an “executive session”?

The Law provides for closed or “executive” sessions under certain circumstances prescribed in the Law. It is noted that an executive session is not separate from an open meeting but rather is a portion of an open meeting during which the public may be excluded. The Law requires that a public body take several steps to close the meeting. First, a motion must be made during an open meeting to enter into executive session; second, the motion must identify the general area or areas of the subject or subjects to be considered; and third, the motion must be carried by a majority vote of the total membership of a public body. See advisory opinions under “E” for “Executive Session” in the OML Advisory Opinion Index.

Can a public body close a public meeting for "personnel matters"?

Citing "personnel matters" is not a sufficient ground for going into an executive session. The motion to go into executive session should be more specific. For example, a motion could be made to enter into executive session to discuss "the employment history of a particular person." The person would not have to be identified. See advisory opinions under "P" for "Personnel" in the OML Advisory Opinion Index.

What can a public body discuss in executive session?
Pursuant to the proper motion, a public body may discuss only issues listed in §105(1) of the Open Meetings Law. A public body cannot vote to appropriate public monies during a closed session. Although most public bodies (except school boards) may vote during a properly convened executive session, any vote to expend public monies must be taken in public. See advisory opinions under "E" for "Executive Session" in the OML Advisory Opinion Index.

Who can attend an executive session?
An executive session can be attended by members of the public body and any other persons authorized by the public body. OML §105(1).

Can I speak at a meeting?

The Law is silent with respect to public participation. While it has been advised that a public body does not have to allow the public to speak, many choose to permit public participation. In those instances, it has been advised that a public body must treat all persons in a like manner. For instance, the public body can adopt reasonable rules to ensure fairness; i.e., allowing those who want to speak a specific period of time to express their views. See advisory opinions under "P" for "Public Participation" in the OML Advisory Opinion Index.

I requested minutes of a town board meeting and was told that I could not have them until they were approved. Is this right?

No. The Law states that minutes of open meetings must be made available within two weeks of the meeting; minutes of executive sessions must be made available within one week of the executive session. It has been suggested that if the minutes have not been approved, they may be marked "draft," "unapproved," or "non-final" when they are disclosed. See advisory opinions under "M" for "Minutes, Unapproved" in the OML Advisory Opinion Index.

How can I learn more specific information about open meetings?

Through the OML Advisory Opinion Index. Committee staff prepares written advisory

opinions in response to particular sets of facts and circumstances. Many are available online, through two separate indexes (FOIL and Open Meetings Law), organized by key

phrase. The higher the number, the more recent is the opinion.
For example, if you would like to know more about whether a board is required to post notice of its meetings online, you would review opinions under “N” for “Notice” in the OML Advisory Opinion Index. If you are unable to find an opinion through the key phrase index, use the Google search box above the alphabet grid to locate opinions with particular words or phrases.

These opinions represent the view of the Committee on Open Government at the time that they were rendered. They may not longer represent those views if, for example, there have been subsequent court decisions or statutory amendments that bear on the issues discussed in the opinions.

Advisory opinions that are not available online, primarily those prepared prior to 1993, are maintained by the Committee on Open Government and a various law libraries throughout the state. Copies of these opinions are available by contacting the Committee.

Who is subject to the Freedom of Information Law?

Every New York State or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function is subject to the Law. Each of those governmental entities is an "agency." The courts are outside its coverage but often must disclose records under other provisions of law. The State Legislature is covered by the Freedom of Information Law, but is treated differently from agencies generally. Private corporations or companies are not subject to the Freedom of Information Law. See FOIL §86(3) and FOIL Advisory Opinion Index under "A" for "Agency".

How do I make a request?

Simply write your request and mail it or email to the "records access officer" at the agency where the records are maintained. Here is a sample request made via email.

Can I make a request via email?

Probably. Every agency subject to the Freedom of Information Law, provided that it has the ability to receive requests for records from the public and transmit records by means of email, is required to do so.

How do I make a request via email?

Write your request and email it to the agency where the records are requested. Here is a sample request via email. Don't forget to write "FOIL request" in the subject line.

Must an agency scan records in response to a request?

It is our view that if an agency has the ability to scan records in order to transmit them via email and doing so will not involve any effort additional to an alternative method of responding, it is required to do so. For example, when copy machines are equipped with scanning technology that can create electronic copies of records as easily as paper copies, and the agency would not be required to perform any additional task in order to create an electronic record as opposed to a paper copy, we believe that the agency is required to do so. In that instance, transferring a paper record into electronic format would eliminate any need to collect and account for money owed or paid for preparing paper copies, as well as tasks that would otherwise be carried out. In addition, when a paper record is converted into a digital image, it remains available in electronic format for future use.

In sum, when an agency has the technology to scan a record without an effort additional to responding to a request in a different manner, and a request is made to supply the record via email, in our opinion, the agency must do so to comply with the Freedom of Information Law.

Where should I send my request?

Requests should be mailed or hand-delivered to the "records access officer" of the agency. If the agency has email, an email request may be sent to the email address designated by the agency for such purpose. If you wish to send a request via fax, you should check with the agency first.
Do I contact the Committee on Open Government to get public records?

No, the Committee does not maintain records generally. To obtain records, you must contact the agency that you believe maintains possession of the records. For example, if you are interested in obtaining minutes of a school board meeting, your request should be made to the school district.

What records are available?

All records are available, unless an exception permits an agency to deny access. Most of the exceptions are based upon common sense and the potential for harm that would arise by means of disclosure. If disclosure of records would be damaging to an individual or preclude a government agency from carrying out its duties, it is likely that some aspects of the records may be withheld. See FOIL §87(2).

What records can I obtain electronically?

It depends. Not all records are maintained electronically, and some records which are maintained electronically may not be available in a particular electronic format.

Do I get to choose in which electronic format the records are sent?

If an agency has reasonable means to convert accessible records from one electronic format into a different more desirable format, it must do so at your request.

How long must I wait to get access to records?

When an agency receives a request, §89(3)(a) of the Freedom of Information Law states that it has five business days to grant or deny access in whole or in part, or if more time is needed, to acknowledge the receipt of the request in writing and indicate an approximate date by which the agency will respond to the request, usually not more than 20 additional business days. See Explanation of Time Limits for Responding to a Request.

How long must I wait to get access to records if I sent my request via email?

Because an electronic request may be sent at any time, for purposes of determining the date of receipt and the required response time frame, an email request is determined

to have been received on the first business day on which it was received during normal business hours. For example, if an email request is sent at 6 pm on Tuesday, it is deemed to have been received at 9 am Wednesday.

When an agency receives a request, §89(3)(a) of the Freedom of Information Law requires that it has five business days to grant or deny access in whole or in part, or if more time is needed, to acknowledge the receipt of the request in writing and indicate an approximate date by which the agency will respond to the request. See Explanation of Time Limits for Responding to a Request.

What happens if an agency fails to respond within five business days of receipt of my request?

A failure to comply with any of the time limitations imposed by law would constitute a denial of a request that may be appealed in accordance with §89(4)(a) of the Freedom of Information Law. That provision states that an appeal must be made within thirty days of the denial. The appeal should be made to the person designated by the agency to determine appeals or the chief executive or governing body of the agency.

What happens if an agency fails to respond to my appeal?

The agency is required to respond to the appeal within ten business days of the receipt of the appeal by granting access to the records or fully explaining the reasons for further denial in writing. See FOIL §89(4)(b). If a determination on the appeal is not rendered within ten business days, the failure to do so constitutes a denial of the appeal. In that circumstance, you may initiate a proceeding to challenge the denial of access under Article 78 of the Civil Practice Law and Rules.

How much can I be charged for public records?

It depends. If you request paper copies, an agency may charge up to twenty-five cents per photocopy up to 9”x14”. If the paper copies requested are larger than 9’x14’, the agency can charge the actual cost of making the copies. See FOIL §87(1)(b)(iii).
If you request records to be transmitted electronically, and the agency maintains the records electronically, there may be no basis for charging a fee. See FOIL §87(1)(b) and (c).
If you request a large volume of electronic records, the agency can charge the actual cost of reproducing the records. When it takes an agency more than 2 hours to prepare, extract or generate electronic data, the agency could charge for the employee’s time. See FOIL §87(1)(b) and (c).
If you request that paper records be scanned and forwarded to you electronically, please see the following advisory opinions: 18568, 18620.

Can I inspect records instead of paying the fees?

Yes. Any person has the right to inspect accessible records at no charge. If portions of the records may be withheld, however, the agency is permitted to require payment for redacted copies of records. If portions of electronic records can reasonably be redacted electronically, prior to disclosure, no payment can be required for time needed to review the records and redact.

Do I have to give a reason why I want public records?

No. A person requesting records cannot be required to provide a reason or indicate the intended use of the record might be. The only instance in which the purpose of a request is relevant is when the request is for a list of names and residence addresses. Only in that instance is the agency authorized to seek certification that the list will not be used for solicitation or fund-raising purposes; if it is determined that a list will be used for those purposes, an agency can deny access. See FOIL §89(3)(a), §87(2)(b) and §89(2)(b).
I asked a local government official a question about his office, but he didn't answer. What can I do to make him answer?

The Freedom of Information Law pertains to records; it is not intended to be used as a vehicle for cross examining government officials or employees. Therefore, an agency is not required to answer questions or to create a new record in response to questions. While agency staff may answer questions, and many do, that service is separate from the requirements of the Freedom of Information Law, which deals with requests for existing records.

Do I have a right to know how government spends money?

Yes. Records reflective of government expenditures are generally available. Also, every agency is required to create a payroll record which indicates the name, public office address, title and salary of every officer or employee of the agency. See FOIL §87(3)(b).

Can an agency deny my request because it is too broad or too vague?

An agency may reject a request that does not "reasonably describe" records. If the request is too vague to answer, the agency must seek clarification of the request, and when appropriate, indicate the manner in which records are filed, retrieved or generated. Also, the nature of an agency's filing or record retrieval system is relevant to whether a request reasonably describes records. If locating a record involves the equivalent of searching for the needle in the haystack, the request likely does not reasonably describe the record. In that instance, the agency should be contacted to learn how its records are kept or filed.

How can I learn more specific information about access to records?

Through the FOIL advisory opinion index. Committee staff prepares written advisory opinions in response to particular sets of facts and circumstances. Many are available online, through two separate indexes (FOIL and Open Meetings Law), organized by key phrase.

For example, if you would like to know whether assessment rolls are public, you could review opinions under “A” for “Assessment Information” through the Freedom of Information Law index. If you are unable to find an opinion through the key phrase index, use the Google search box above the alphabet grid to locate opinions with particular words or phrases.

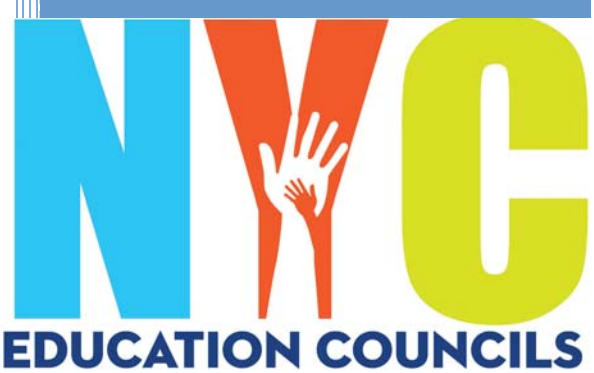
These opinions represent the view of the Committee on Open Government at the time that they were rendered. They may not longer represent those views if, for example, there have been subsequent court decisions or statutory amendments that bear on the issues discussed in the opinions.

Advisory opinions that are not available online, primarily those prepared prior to 1993, are maintained by the Committee on Open Government and a various law libraries throughout the state. Copies of opinions are available by contacting the Committ

2015-2017

Open Meetings Law (OML)

NYS Public Officers Law
Art. 7



Open Meetings Law

§ 100. Legislative Declaration

It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.

§ 101. Short Title

This article shall be known and may be cited as the **"Open Meetings Law"**

§ 102. Definitions

As used in this article:

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.

2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.

3. "Executive session" means that portion of a meeting not open to the general public.

§ 103. Open Meetings and Executive Sessions

(a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section ninety-five1 of this article.

(b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law.

(c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity for the public to attend, listen and observe at any site at which a member participates.

(d) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in an appro-priate facility which can adequately accommodate members of the public who wish to attend such meetings.

(d)1. Any meeting of a public body that is open to the public shall be open to being photographed, broadcast, web-cast, or otherwise recorded and/or transmitted by audio or video means. As used herein the term “broadcast” shall also include the transmission of signals by cable.

2. A public body may adopt rules, consistent with recommendations from the committee on open government, reasonably governing the location of equipment and personnel used to photograph, broadcast, webcast, or otherwise record a meeting so as to conduct its proceedings in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies shall be provided upon request to those in attendance.

(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

§ 104. Public Notice

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

3. The public notice provided for by this section shall not be construed to require publication as a legal notice.

4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

5. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

§ 105. Conduct of Executive Sessions

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

a. matters which will imperil the public safety if disclosed;

b. any matter which may disclose the identity of a law enforcement agent or informer;

c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;

d. discussions regarding proposed, pending or current litigation;

e. collective negotiations pursuant to article fourteen of the civil service law;

f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

g. the preparation, grading or administration of examinations; and

h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

2. Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

3. The statute of limitations in an article seventy-eight proceeding with respect to an action taken at executive session shall commence to run from the date the minutes of such executive session have been made available to the public.

§ 108. Exemptions

Nothing contained in this article shall be construed as extending the provisions hereof to:

1. judicial or quasi-judicial proceedings, except proceedings of the public service commission and zoning boards of appeals;

2. a. deliberations of political committees, conferences and caucuses.

b. for purposes of this section, the deliberations of political committees, conferences and caucuses means a private meeting of members of the senate or assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to

(i) the subject matter under discussion, including discussions of public business,

(ii) the majority or minority status of such political committees, conferences and caucuses or

(iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations; and

3. any matter made confidential by federal or state law.

§ 109. Committee

The committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.

The committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.

§ 110. Construction With Other Laws

1. Any provision of a charter, administrative code, local law, ordinance, or rule or regulation affecting a public body which is more restrictive with respect to public access than this article shall be deemed superseded hereby to the extent that such provision is more restrictive than this article.

2. Any provision of general, special or local law or charter, administrative code, ordinance, or rule or regulation less restrictive with respect to public access than this article shall not be deemed superseded hereby.

3. Notwithstanding any provision of this article to the contrary, a public body may adopt provisions less restrictive with respect to public access than this article.

2015-2017

Freedom of Information Law (FOIL)

NYS Public Officers Law

ART. 6

Selected Provisions

- **FOIL**
- **CR D-110**
- **Record Retention Guide**

Freedom of Information Law
[Selected Provisions]

§ 84. Legislative Declaration

The legislature hereby finds that a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions; the more open a government is with its citizenry, the greater the understanding and participation of the public in government.

As state and local government services increase and public problems become more sophisticated and complex and therefore harder to solve, and with the resultant increase in revenues and expenditures, it is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible.

The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

The legislature therefore declares that government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article.

§ 85 Short Title

This article shall be known and may be cited as the **"Freedom of Information Law"**

§ 86. Definitions

As used in this article, unless the context requires otherwise:

1. "Judiciary" means the courts of the state, including any municipal or district court, whether or not of record.

2. "State legislature" means the legislature of the state of New York, including any committee, subcommittee, joint committee, select committee, or commission thereof.

3. "Agency" means any state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state or any one or more municipalities thereof, except the judiciary or the state legislature.

4. “Record” means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

5. “Critical infrastructure” means systems, assets, places or things, whether physical or virtual, so vital to the state that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare or security of the state, its residents or its economy.

§ 87. Access To Agency Records

1. (a) Within sixty days after the effective date of this article, the governing body of each public corporation shall promulgate uniform rules and regulations for all agencies in such public corporation pursuant to such general rules and regulations as may be promulgated by the committee on open government in conformity with the provisions of this article, pertaining to the administration of this article.

(b) Each agency shall promulgate rules and regulations, in conformity with this article and applicable rules and regulations promulgated pursuant to the provisions of paragraph (a) of this subdivision, and pursuant to such general rules and regulations as may be promulgated by the committee on open government in conformity with the provisions of this article, pertaining to the availability of records and procedures to be followed, including, but not limited to:

i. the times and places such records are available;
ii. the persons from whom such records may be obtained, and
iii. the fees for copies of records which shall not exceed twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with the provisions of paragraph (c) of this subdivision, except when a different fee is otherwise prescribed by statute.

(c) In determining the actual cost of reproducing a record, an agency may include only:

i. an amount equal to the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare a copy of the requested record;
ii. the actual cost of the storage devices or media provided to the person making the request in complying with such request;
iii. the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency’s information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy; and

iv. preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of agency employee time is needed to prepare a copy of the record requested. A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record.

2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

(a) are specifically exempted from disclosure by state or federal statute;

(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;

(c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations;

(d) are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;

(e) are compiled for law enforcement purposes and which, if disclosed, would:

i. interfere with law enforcement investigations or judicial proceedings;
ii. deprive a person of a right to a fair trial or impartial adjudication;
iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or
iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures;

(f) if disclosed could endanger the life or safety of any person;

(g) are inter-agency or intra-agency materials which are not:

i. statistical or factual tabulations or data;
ii. instructions to staff that affect the public;
iii. final agency policy or determinations;
iv. external audits, including but not limited to audits performed by the comptroller and the federal government; or

(h) are examination questions or answers which are requested prior to the final administration of such questions.
(i) if disclosed, would jeopardize the capacity of an agency or an entity that has shared

information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or

[...]

(3. Each agency shall maintain:

(a) a record of the final vote of each member in every agency proceeding in which the member votes;
(b) a record setting forth the name, public office address, title and salary of every officer or employee of the agency; and
(c) a reasonably detailed current list by subject matter of all records in the possession of the agency, whether or not available under this article.

Each agency shall update its subject matter list annually, and the date of the most recent update shall be conspicuously indicated on the list. Each state agency as defined in subdivision four of this section that maintains a website shall post its current list on its website and such posting shall be linked to the website of the committee on open government. Any such agency that does not maintain a website shall arrange to have its list posted on the website of the committee on open government.

[...]

4. (c) Each state agency that maintains a website shall post information related to this article and article six-A of this chapter on its website. Such information shall include, at a minimum, contact information for the persons from whom records of the agency may be obtained, the times and places such records are available for inspection and copying, and information on how to request records in person, by mail, and, if the agency accepts requests for records electronically, by e-mail. This posting shall be linked to the website of the committee on open government.

5. (a) An agency shall provide records on the medium requested by a person, if the agency can reasonably make such copy or have such copy made by engaging an outside professional service. Records provided in a computer format shall not be encrypted.

(b) No agency shall enter into or renew a contract for the creation or maintenance of records if such contract impairs the right of the public to inspect or copy the agency's records.

§ 89. General Provisions Relating To Access To Records; Certain Cases

The provisions of this section apply to access to all records, except as hereinafter specified:

1. (a) The committee on open government is continued and shall consist of the lieutenant governor or the delegate of such officer, the secretary of state or the delegate of such officer, whose office shall act as secretariat for the committee, the commissioner of the office of general services or the delegate of such officer, the director of the budget or the delegate of such officer, and seven other persons, none of whom shall hold any other state or local public office except the representative of local governments as set forth herein, to be appointed as follows: five by the governor, at least two of whom are or have been representatives of the news media, one of whom shall be a representative of local government who, at the time of appointment, is serving as a duly elected officer of a local government, one by the temporary president of the senate, and one by the speaker of the assembly. The persons appointed by the temporary president of the senate and the speaker of the assembly shall be appointed to serve, respectively, until the expiration of the terms of office of the temporary president and the speaker to which the temporary president and speaker were elected. The four persons presently serving by appointment of the governor for fixed terms shall continue to serve until the expiration of their respective terms. Thereafter, their respective successors shall be appointed for terms of four years. The member representing local government shall be appointed for a term of four years, so long as such member shall remain a duly elected officer of a local government. The committee shall hold no less than two meetings annually, but may meet at any time. The members of the committee shall be entitled to reimbursement for actual expenses incurred in the discharge of their duties.

(b) The committee shall:

i. furnish to any agency advisory guidelines, opinions or other appropriate information regarding this article;
ii. furnish to any person advisory opinions or other appropriate information regard ing this article;
iii. promulgate rules and regulations with respect to the implementation of subdivision one and paragraph (c) of subdivision three of section eighty-seven of this article;
iv. request from any agency such assistance, services and information as will enable the committee to effectively carry out its powers and duties;
v. develop a form, which shall be made available on the internet, that may be used by the public to request a record; and
vi. report on its activities and findings regarding this article and article seven of this chapter, including recommendations for changes in the law, to the governor and the legislature annually, on or before December fifteenth.

[...]

3. (a) Each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such request and a statement of the approximate date,

which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with subdivision five of this section. An agency shall not deny a request on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome because the agency lacks sufficient staffing or on any other basis if the agency may engage an outside professional service to provide copying, programming or other services required to provide the copy, the costs of which the agency may recover pursuant to paragraph (c) of subdivision one of section eighty-seven of this article.

An agency may require a person requesting lists of names and addresses to provide a written certification that such person will not use such lists of names and addresses for solicitation or fund-raising purposes and will not sell, give or otherwise make available such lists of names and addresses to any other person for the purpose of allowing that person to use such lists of names and addresses for solicitation or fund-raising purposes. If an agency determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the agency shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part. Upon payment of, or offer to pay, the fee prescribed therefor, the entity shall provide a copy of such record and certify to the correctness of such copy if so requested, or as the case may be, shall certify that it does not have possession of such record or that such record cannot be found after diligent search. Nothing in this article shall be construed to require any entity to prepare any record not possessed or maintained by such entity except the records specified in subdivision three of section eighty-seven and subdivision three of section eighty-eight of this article. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so. When doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested by a person or to allow the transferred record to be read or printed shall not be deemed to be the preparation or creation of a new record.

(b) All entities shall, provided such entity has reasonable means available, accept requests for records submitted in the form of electronic mail and shall respond to such requests by electronic mail, using forms, to the extent practicable, consistent with the form or forms developed by the committee on open government pursuant to subdivision one of this section and provided that the written requests do not seek a response in some other form.

4. (a) Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief exec-

utive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. In addition, each agency shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination thereon. Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial.

(b) Except as provided in subdivision five of this section, a person denied access to a record in an appeal determination under the provisions of paragraph (a) of this subdivision may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules. In the event that access to any record is denied pursuant to the provisions of subdivision two of section eighty-seven of this article, the agency involved shall have the burden of proving that such record falls within the provisions of such subdivision two. Failure by an agency to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial.

(c) The court in such a proceeding may assess, against such agency involved, reasonable attorney's fees and other litigation costs reasonably incurred by such person in any case under the provisions of this section in which such person has substantially prevailed, when:

i. the agency had no reasonable basis for denying access; or
ii. the agency failed to respond to a request or appeal within the statutory time.

6. Nothing in this article shall be construed to limit or abridge any otherwise available right of access at law or in equity of any party to records.

8. Any person who, with intent to prevent the public inspection of a record pursuant to this article, willfully conceals or destroys any such record shall be guilty of a violation.

9. When records maintained electronically include items of information that would be available under this article, as well as items of information that may be withheld, an agency in designing its information retrieval methods, whenever practicable and reasonable, shall do so in a manner that permits the segregation and retrieval of available items in order to provide maximum public access.

2015-2017

CR D-110

Freedom of Information Law (FOIL) Procedures

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation D-110 dated July 8, 2008, and has been revised to reflect changes in the Public Officers Law that became effective on August 8, 2008 and January 2, 2009.

Changes:

- There is now a basis for determining the actual cost of reproducing (but not searching for) records maintained in electronic storage devices or media.
- Records must be provided on the medium requested if it can be accomplished reasonably or by engaging an outside professional service. Records provided in computer format may not be encrypted.
- In renewing a contract for the creation or maintenance of records, the contract may not impair the right of the public to inspect or copy records.
- An agency shall not deny a request because it is voluminous or burdensome if an outside professional service may be engaged to provide copying, programming or other such services, the cost of which may be recovered.
- An unwarranted invasion of personal privacy includes the sale or release of names and (work) addresses of public employees if such lists would be used for solicitation. (Former provision referred to "commercial purpose;" "solicitation" was substituted.) A requester may be required to give a written certification that the information will not be used for solicitation.
- When a record or data maintained in a computer storage system can be retrieved or extracted with reasonable effort, the agency is required to do so. Any programming necessary to retrieve a record and to transfer it to the medium requested shall not be deemed to be the creation of a new record.

ABSTRACT

This regulation governs requests made pursuant to the Freedom of Information Law (NYS Public Officers Law §84, et seq. and 21 NYCRR Part 1401) to inspect or obtain copies of records maintained by the New York City Department of Education. This regulation supersedes Chancellor's Regulation D-110, *Freedom of Information Law (FOIL)*, dated July 8, 2008.

INTRODUCTION

Department of Education personnel shall provide to the public the information and records required by FOIL, as well as records otherwise available by law.

I. RECORDS

A. Definition of Records (Public Officers Law ("POL") § 86(4))

A "record" is any information kept, held, filed, produced or reproduced by, with or for the New York City Department of Education ("DOE") in any physical form whatsoever, including, but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations, or codes.

B. Mandated Records (POL § 87(3))

The DOE must maintain the following records:

1. A record of the final votes taken by the Panel for Educational Policy, the Citywide Councils on Special Education and High Schools, and the Community Education Councils;
2. A record setting forth the name, public office address, title, and salary of every officer or employee of the DOE;
3. A reasonably detailed current list by subject matter of all records in the possession of the DOE whether or not available under FOIL for public inspection and copying. The list is to be updated annually, and the date of the most recent update shall be conspicuously indicated. ED-1, the State Education Department's Records Retention and Disposition Schedule, may be useful in this regard. It is available at: http://www.archives.nysed.gov/a/records/mr_pub_ed1.shtml

The DOE is not required to create a record in response to a FOIL request or to respond to questions. FOIL pertains to requests for and releasability of records. However, see Section VII below concerning electronic records.

II. RECORDS EXEMPTED FROM PUBLIC ACCESS

A. The public has access to all records, except that the DOE may deny access to records or portions of records that:

1. Are specifically exempted from disclosure by state or federal statute* (POL § 87(2) (a));
2. If disclosed, would constitute an unwarranted invasion of personal privacy (POL § 87(2) (b)) (see Section III below);
3. If disclosed, would impair present or imminent contract awards or collective bargaining negotiations (POL § 87(2) (c));
4. Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise (POL § 87(2) (d));

* For example, FERPA, the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

5. Are compiled for law enforcement purposes and which, if disclosed, would:
   a. interfere with law enforcement investigations or judicial proceedings;
   b. deprive a person of a right to a fair trial or impartial adjudication;
   c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
   d. reveal criminal investigative techniques or procedures, except routine techniques and procedures (POL § 87(2) (e)).
6. If disclosed, would endanger the life or safety of any person (POL § 87(2) (f));
7. Are inter-agency or intra-agency materials unless they are:
   a. statistical or factual tabulations or data;
   b. instructions to staff that affect the public;
   c. final agency policy or determinations; or
   d. external audits, including but not limited to audits performed by the comptroller and the federal government (POL § 87(2) (g)).
8. Are examination questions or answers which are requested prior to the final administration of such questions (POL § 87(2) (h)); or
9. If disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures (POL § 87(2) (i)).

B. The release of and access to student records is governed by FERPA (the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g). See Chancellor's Regulation A-820, *Student Records: Confidentiality, Access, Disclosure and Retention.* Generally, information that would tend to identify a student, including but not limited to his/her name, student identification number and parent's name, must be redacted from documents prior to their release. However, if the requester represents the parent or eligible student whose records he/she is requesting and provides a written consent or release, the personally identifying information for his/her client will not be redacted (see Attachment No. 1).

III. UNWARRANTED INVASION OF PERSONAL PRIVACY (POL § 89(2) (b-c))

A. An unwarranted invasion of personal privacy includes, but shall not be limited to:
   1. Disclosure of employment, medical or credit histories or personal references of applicants for employment;
   2. Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
   3. Sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;
   4. Disclosure of information of a personal nature which, if disclosed, would result in economic or personal hardship to the subject party and such information is not relevant to the work of the DOE; or
   5. Disclosure of information of a personal nature reported in confidence to the DOE and not relevant to the ordinary work of the DOE.

B. An employee's name, job title and salary are not exempt under this provision.

C. To prevent an unwarranted invasion of personal privacy, the Central Records Access Officer, Central FOIL Designee or local Records Access Officer (see Section IV) shall delete identifying details such as social security or file number, date of birth and personal/home contact information prior to releasing records.

D. Disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when the person to whom a record pertains consents in writing to the disclosure or when a person seeks access to records pertaining to himself/herself.

IV. DESIGNATION AND RESPONSIBILITIES OF THE CENTRAL RECORDS ACCESS OFFICER, CENTRAL FOIL DESIGNEES AND LOCAL RECORDS ACCESS OFFICERS

A. The Chancellor shall designate an individual to act in the capacity of Central Records Access Officer (CRAO). The CRAO is the sole person authorized to receive and act on requests to inspect or obtain records maintained by the central DOE offices and any other location within the DOE that does not fall within one of the Integrated Service Centers (ISCs), the Children First Network (CFN); District 79 or the Citywide District for Special Education (District 75), or a Community Education or Citywide Council.

B. Each central office shall designate an individual as Central FOIL Designee (CFD), forward his/her name and contact information to the CRAO and update the information as needed. In the event that a central office receives a FOIL request in the first instance, the CFD shall forward a copy of the request to the CRAO in order to maintain an accurate central record of all FOIL requests.

C. The ISC or CFN Senior Counsel acts as the Records Access Officer (RAO) for each ISC/CFN. The RAO is the sole person authorized to receive and act on requests to inspect or obtain records of the schools and offices that the ISC/CFN supports. The RAO shall forward a copy of each FOIL request to the CRAO in order to maintain an accurate central record of all FOIL requests. The CRAO will assist the RAO in responding to requests and may review records prior to their release.

D. Similarly, District 79 and District 75 also shall designate individuals to act as RAOs (one each) for their school and office records.

E. The Administrative Assistant in each Community Education Council ("CEC") or Citywide Council (Special Education or High School) shall act as the RAO for that Council. Requests for Council documents shall be submitted in writing, either in person, by mail, electronic mail, or by facsimile directly to the Council's Administrative Assistant.

F. If the CRAO is the first to receive a FOIL request for records from the ISC/CFN, District 75/79 or a Community or Citywide Council, the request will be forwarded to the RAO to be acknowledged and processed.

G. Each CFD and RAO shall compile and maintain a reasonably detailed current list by subject matter of all records in the possession of the office, ISC/CFN, D75/79 or Council, whether or not such records are accessible under the law and provide an updated copy of the list to the CRAO annually (see Section I.B.3 above).

V. PROCEDURES FOR OBTAINING ACCESS TO RECORDS

A. Requests to inspect or obtain copies of records maintained by the central DOE offices, and any other location within the DOE that does not fall within one of the ISCs, CFN, District 79 or 75, or a Community or Citywide Council, shall be submitted in writing, either in person, by mail, by facsimile or electronic mail, to:

Central Records Access Officer
Office of Legal Services
New York City Department of Education
52 Chambers Street, Room 308
New York, NY 10007
Fax: (212) 374-5596
FOIL@schools.nyc.gov

Requests must reasonably describe the records being requested so that an effective search can be conducted (POL § 89(3)). No specific form or format is required for the FOIL request.

B. Requests to inspect or obtain copies of ISC/CFN, District 79 or 75, or Community Education or Citywide Council records, including records maintained within a particular school, may be submitted in a similar manner to the appropriate RAO or may be made by submitting the request in writing to the CRAO, pursuant to Section V.A.

C. FOIL requests submitted by representatives of the press/media should be sent to the Office of Communications and Media Relations. Responses will be coordinated with the CRAO.

VI. RESPONSES TO FOIL REQUESTS

A. Within five (5) business days of receipt of a written request for a record reasonably described, the CRAO or his/her designee (for central records) or the RAO (for ISCs, the CFN, Districts 75/79 and Community Education or Citywide Councils) shall:

1. Make such record available to the requester. If records are maintained on the internet, inform the requester that the records may be accessed on the DOE's website (giving the specific location, i.e., the link) and, that if he/she does not have internet access, a printed copy will be provided;
2. Deny such request in writing, and provide a reason for the denial; or
3. Acknowledge in writing the receipt of such request and state the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied.

If the request or any portion of the request for a record is not reasonably described, inform the requester and include direction, to the extent possible, that would enable that person to reasonably describe the records being sought.

B. The CRAO or RAO shall consult with the custodian of the records, as needed, estimate the amount of time it will take to locate and then review documents responsive to the request, and determine whether any or all of the records or portions thereof are releasable. If the CRAO or RAO determines to grant a request in whole or in part, and if circumstances prevent disclosure within twenty (20) business days from the date of the acknowledgement, he/she shall state, in writing, both the reason for the inability to grant the request within twenty (20) business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

In accordance with State Regulations, among the factors to consider in determining a reasonable time are: "the volume of a request; ease or difficulty in locating, retrieving or generating records; the complexity of the request; the need to review records to determine the extent to which they must be disclosed; the number of requests received; and similar factors that bear on the ability to grant access to records promptly and within a reasonable time" (21 NYCRR 1401.5 (d)).

C. Responses to requests also may be sent by electronic mail provided that the written requests do not seek a response in some other form.

D. The letter of acknowledgement shall inform the requester that he/she may be charged for copies of records made available under FOIL pursuant to Section VII below. The letter of acknowledgement shall state:

> Section 87(2) (b) (iii) of the Public Officers Law permits an agency to charge a copying fee of 25¢ per page. Once we have obtained the records responsive to your request, we will notify you of the cost. [*Once payment is requested, add*: Please make your check or money order payable to *New York City Department of Education* and indicate the FOIL # on the document.]

In the event the records requested are voluminous, the requester may be advised of the estimated cost of reproduction and asked to pay for and authorize their reproduction before copies are made. However, copies of records may be released prior to receiving payment. Although the DOE is not required to charge for copies of records that are provided, charges should be imposed when it is cost effective to do so especially when responsive documents are voluminous. The DOE may waive these fees also.

E. The CRAO or his/her designee shall forward copies of the request and acknowledgement to the CFD of the office(s) maintaining the records sought, or RAO. The CFD or the RAO, as appropriate, shall gather the records from the appropriate office, school, or CEC. The CFD or RAO shall release or deny access to the records requested within the time frame set forth in the acknowledgement letter. In some cases, the records will be forwarded to the CRAO for release. If the records cannot be released by the date indicated, the CRAO or RAO must send a letter extending the response date and provide a reason for needing additional time to respond to the request (see Section VI.B).

F. Where a public record is determined to be too voluminous to photocopy, the CRAO, CFD, or RAO will direct the requester to the place where the records may be inspected.

1. Records may be inspected or copied at the office of the appropriate CFD/RAO or CRAO or at the location he/she specifies at a mutually convenient time made by appointment on any regular business day, usually between 9:00 a.m. and 5:00 p.m. In the event that the records are maintained at a school, any appointment must be scheduled on a school day.

2. Records will be made available for inspection subject to the following conditions:

a. No records may be altered or destroyed by the requester;

b. No records may be copied or removed by the requester from the location where their inspection has been authorized;

c. Records made available for inspection will be kept available for ten (10) business days after the requester has been notified of their availability. Failure of the requester to inspect the records within that time will terminate processing of the request, and the file will be closed.

d. If records require redaction prior to disclosure, a request for inspection may be denied and the requester informed that the records are only available as copies, for which appropriate payment must be made.

G. Where the CFD, RAO, or the CRAO believes that a record or portion of a record is subject to an exemption from disclosure, he/she must redact the record before releasing it and inform the requester of the specific ground(s) for denying access to the record/portion within the relevant time frame.

H. Upon request, the CRAO, CFD, or RAO shall certify to the correctness of the copies of the records being provided (see Attachment No. 2).

I. If the records sought do not exist or are not in the possession of the DOE, the CFD, CRAO or RAO must inform the requester and, in addition, shall certify, on request, that the DOE is not the custodian of such record(s); or that the DOE is a custodian of such records but a diligent search was conducted and the records were not located (see Attachment No. 2).

J. Any letter denying access to records or portions of records also must contain a notice of appeal rights (see Section VIII below). Copies of cover letters of responses by a CFD and extension letters (see Section VI.D above) should be sent to the CRAO.

VII. FEES; ELECTRONIC INFORMATION

A. Where copies of records are being provided, the records may be provided for no fee. However, if fees are charged, the following fee schedule applies:

1. 25 cents (25¢) per page for documents up to 8½ x 14 inches in size, subject to modifications consistent with the law;

2. For other records, the actual cost of reproducing the record, but in accordance with this subsection. In determining the actual cost of reproducing a record, an agency may include only:

a. an amount equal to the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare a copy of the requested record;

b. the actual cost of the storage devices or media provided to the person making the request in complying with such request;

c. the actual cost of engaging an outside professional service to prepare a copy of a record, but only when the agency's information technology equipment is inadequate to prepare a copy, if such service is used to prepare a copy; and

d. preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of agency employee time is needed to prepare a copy of the record requested. A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed or if an outside professional service would be retained to prepare a copy of the record.

B. A request may not be denied on the basis that it is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome because the agency lacks sufficient staffing or on any other basis if the agency may engage an outside professional service to provide copying, programming, or other services required to provide the copy, the costs of which the agency may recover pursuant to Section VII.A above.

C. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so. When doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically.

D. Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested or to allow the transferred record to be read or printed shall <u>not</u> be deemed to be the preparation or creation of a new record.

E. An agency shall provide records on the medium requested if it can reasonably make such copy or have such copy made by engaging an outside professional service. Records provided in a computer format shall not be encrypted.

F. No agency shall enter into or renew a contract for the creation or maintenance of records if such contract impairs the right of the public to inspect or copy the agency's records.

G. No fee shall be charged for the inspection of or search for records, for a certification that the records are accurate or that a diligent search was conducted and no records were located, or for document(s) that have been printed or reproduced for current distribution to the public.

H. The above-noted fee schedule is subject to modification consistent with the law.

VIII. <u>APPEALS</u>

A. Constructive Denial

A requester who is neither granted nor denied access to records within the time limits set forth above or in the acknowledgment letter or any extension letter(s) may consider the request constructively denied and may appeal such denial in accordance with the procedures set forth below.

B. A requester denied access to any DOE record may, within 30 days, appeal such denial by writing to:

The General Counsel
Office of Legal Services
New York City Department of Education
52 Chambers Street, Room 308
New York, NY 10007
FAX: (212) 374-5596
FOIL@schools.nyc.gov

To expedite the process, the requester should provide a copy of the request and a copy of the denial of access and give the basis for the appeal. The General Counsel shall issue a written decision on the appeal within ten (10) business days following receipt of the appeal and fully explain in writing the reasons for further denial, or provide access to the record sought. A copy of the appeal and the written determination shall be forwarded to the Committee on Open Government*. A copy of the written determination shall be forwarded to the CFD/RAO also.

IX. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Office of Legal Services* N.Y.C. Department of Education 52 Chambers Street – Room 308 New York, NY 10007 FOIL@schools.nyc.gov	Fax:
212-374-6888		212-374-5596

* Address: NYS Department of State, Committee on Open Government, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

In addition, copies of the FOIL law, state regulations, advisory opinions and other information on FOIL can be found on the Committee's website at http://www.dos.state.ny.us/coog.

PARENT'S CONSENT TO RELEASE OF STUDENT RECORDS

I, _____, am the parent/guardian of
print name

_____, _____,
print name of student date of birth

_____, who attends/attended the New York City
student ID #

Public Schools in _____. The last school he/she attended
year/time period

was/is _____ in
name and address of school

_____. The student is under the age of 18.
borough

(Please provide any additional information that might be helpful in locating the student records (e.g., address or name, if different when he/she attended)):

_____

_____

I give consent to the New York City Department of Education to release my child's student records including _____
specify records

to _____
provide name and address of person, agency, or company

_____

Purpose of disclosure: _____

_____

_____ _____
signature of parent/guardian date

Department of Education

STUDENT'S CONSENT TO RELEASE OWN STUDENT RECORDS

I, _____, _____,
print name date of birth

_____ attended the New York City Public Schools
student ID #

in _____. The last school I attended was
year/time period

_____ in _____.
name and address of school borough

I am at least 18 years old.

(Please provide any additional information that might be helpful in locating your records (e.g., former address, name, if different when you attended)):

_____

_____

_____

I give consent to the New York City Department of Education to release my student records, including

_____
specify records

to _____
provide name and address of person, agency or company

_____

Purpose of disclosure: _____

_____

_____ _____
signature of former student date

RECORDS CERTIFICATION SAMPLE

I, John Doe, the Records Access Officer and an Assistant Director of the Division of School Facilities in the New York City Department of Education, hereby certify that the attached records are true and accurate copies of the boiler repair for Jones High School in Queens from 2006 to 2008.

I further certify that these records were made and kept in the regular course of business of the Department of Education, and it is in the regular course of business of the Department of Education to make and maintain such records.

John Doe *July 1, 2008*

(See Certification Blanks on the following pages)

CERTIFICATION OF DILIGENT SEARCH CONDUCTED AND NO RECORDS FOUND

SAMPLE CERTIFICATION

I, Jane Doe, hereby certify that I am the Senior Counsel and Records Access Officer of the Bronx Integrated Service Center ('ISC") of the New York City Department of Education, and in that capacity I have the authority to make this certification.

I also certify that, at my direction, staff members conducted a diligent search of the records that are in the custody and control of P.S. 555, and no records responsive to this FOIL request (OORS report concerning Sam Smith for an incident of March 18, 2005) were located.

Jane Doe *July 1, 2008*

N.B. Either Certification may be made by the CRAO, RAO, CFD, or a Principal, Office/Unit Director or other supervisor.

(See Certification Blanks on the following pages)

RECORDS CERTIFICATION

I, _____, the Records Access Officer and
name

_____ of the
title

_____ of the New York City Department of Education,
office/school

hereby certify that the attached records are true and accurate copies of

_____
describe records

_____.

I further certify that these records were made and kept in the regular course of business of the Department of Education, and it is in the regular course of business of the Department of Education to make and maintain such records.

_____ _____
signature date

DILIGENT SEARCH CONDUCTED AND CERTIFICATION OF NO RECORDS FOUND

I, _____, hereby certify that
name

I am the Records Access Officer and _____
title

of the _____ of the New York City
office/school

Department of Education, and in that capacity I have the authority to make this certification. I also certify that, at my direction, staff members conducted a diligent search of the records that are in the custody and control of _____
place/office/school

and no records responsive to this FOIL request were located.

_____ _____
signature date

2015-2017

Record Retention Policy for Education Councils

FREEDOM OF INFORMATION LAW & RECORD RETENTION POLICY
FOR EDUCATION COUNCILS

NYC's Community and Citywide Education Councils are considered "agencies" and are subject to New York State's Freedom of Information Law (FOIL). Councils need to be mindful of the fact that any member of the public has a right to request copies of their records; accordingly, they should be familiar with the basic requirements of record retention.

Councils must maintain:

- a record of the final vote of each member in every proceeding in which the member votes
- a record setting forth the name, public office address and title of every officer and employee
- a reasonably detailed current list, by subject matter, of all records in the possession of the council

Record Retention

The law requires that the following items be retained PERMANENTLY.

- Official minutes and hearing proceedings
- Legal opinion or legal directive
- Local law, rule, regulation, ordinance, resolution, proclamation or court order
- Manual of procedures, policies and standards affecting local government operations
- Correspondence and supporting documentation maintained in a subject file documenting significant policy or decision making or significant events

Recording of voice conversations, including audio tape, videotape and verbatim minutes used to produce official minutes and hearing proceedings, reports or other records must be retained for 4 months after transcription and/or approval of minutes or proceedings.

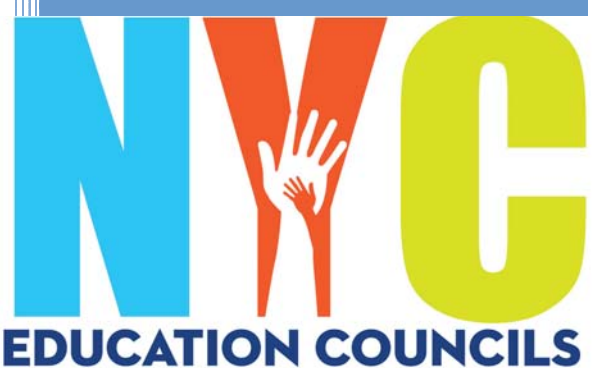
Once discussion is closed, the chair calls for a vote on the motion and each member's vote must be recorded. If the motion carries by at least six votes, it is adopted. All motions, with the date of their adoption, and a record of the vote should be maintained in a permanent file in the council office.

Further information regarding the retention of records is found in the Record Retention and Distribution Schedule, prepared by The University of the State of New York, State Education Department, New York State Archives.

2015-2017

General Construction Law

§ 41 Quorum and Majority



§ 41. Quorum and Majority

Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of the whole number of such persons or officers, gathered together in the presence of each other or through the use of videoconferencing, at a meeting duly held at a time fixed by law, or by any by-law duly adopted by such board or body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or duty. For the purpose of this provision the words “whole number” shall be construed to mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and were none of the persons or officers disqualified from acting.

Notes:

Notes:

TAB #3

NYS Ed. Law, Art. 52-A

2015-2017

NYS Education Law
Article 52-A

Selected Provisions

- 2590-a
- 2590-b
- 2590-c
- 2590-e
- 2590-h
- 2590-l

§ 2590-a. Definitions

As used in this article, the following terms shall mean:

1. City district. The term “city district” shall mean the city school district of the city of New York.

2. Community district. The term “community district” shall mean a community school district created or to be created within the city district under the provisions of this article.

3. City board. The term “city board” shall mean the board of education of the city district.

4. Community district education council. The term “community council” shall mean the community district education council of a community district established pursuant to section twenty-five hundred ninety-c of this article.

4. Community board. The term “community board” shall mean the board of education of a community district.

5. Chancellor. The term “chancellor” shall mean the chancellor of the city district.

6. Community superintendent. The term “community superintendent” shall mean the superintendent of schools of a community district.

7. Parent. The term “parent” shall mean a person in parental relation to a child, as that phrase is defined in subdivision ten of section two of this chapter.

[...]

9. Educational facilities. The term “educational facilities” shall mean land and the improvements thereon for use in connection with any educational activity to be undertaken or provided by the city board or any community council or any facility attendant thereto or any facility necessary, useful or desirable in connection with such activity.

10. Project. The term “project” shall mean, with respect to an educational facilities capital plan,

(a) the performance, at a specified educational facility, of one or more program elements, as defined in paragraph a, b, c or d of subdivision two of section twenty-five hundred ninety-p of this article; or

(b) the performance of the program elements defined in paragraphs f and g of such subdivision or any system replacement identified in paragraph e of such subdivision.

§ 2590-b. Continuation of City Board and Establishment of Community Districts; Establishment of the City-Wide Councils on Special Education, English Language Learners, and High Schools

1. (a) The board of education of the city school district of the city of New York is hereby continued. Such board of education shall consist of thirteen appointed members: one member to be appointed by each borough president of the city of New York; and eight members to be appointed by the mayor of the city of New York. The chancellor shall serve as an ex-officio non-voting member of the city board. The city board shall elect its own chairperson from among its voting members. All thirteen appointed members shall serve at the pleasure of the appointing authority and shall not be employed in any capacity by the city of New York, or a subdivision thereof, or the city board. No appointed member of the city board shall also be a member, officer, or employee of any public corporation, authority, or commission where the mayor of the city of New York has a majority of the appointments. Each borough president's appointee shall be a resident of the borough for which the borough president appointing him or her was elected and shall be the parent of a child attending a public school within the city school district of the city of New York. Each mayoral appointee shall be a resident of the city and two shall be parents of a child attending a public school within the city district. All parent members shall be eligible to continue to serve on the city board for two years following the conclusion of their child's attendance at a public school within the city district. Any vacancy shall be filled by appointment by the appropriate appointing authority within ninety days of such vacancy. Notwithstanding any provision of local law, the members of the board shall not have staff, offices, or vehicles assigned to them or receive compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(b) The city board shall hold at least one regular public meeting per month. At least one regular public meeting shall be held in each borough of the city of New York per year; any additional meetings may be called at the request of the chairperson. The city board shall consider appropriate public accommodations when selecting a venue so as to maximize participation by parents and the community.

(c)(i) Notice of the time, place and agenda for all city board regular public meetings shall be publicly provided, including via the city board's official internet web site, and specifically circulated to all community superintendents, community district education councils, community boards, and school based management teams, at least ten business days in advance of such meeting.

(ii) A city board regular public meeting agenda shall be comprised of a list and brief description of the subject matter being considered, identification of all items subject to a city board vote, and the name, office, address, email address and telephone number of a city district representative, knowledgeable on the agenda, from whom any infor-

mation may be obtained and to whom written comments may be submitted concerning items on such agenda.

(d) The chairperson of the city board shall ensure that at every regular public meeting there is a sufficient period of time to allow for public comment on any topic on the agenda prior to any city board vote

(e) Minutes of all city board regular public meetings shall be made publicly available, including via the city board's official internet website, in a timely manner but no later than the subsequent regular city board meeting.

2. (a) There shall be a community council for each community district created pursuant to this article.

(b) The city board shall define, adjust, alter, maintain and adopt the boundaries of the community districts pursuant to this chapter no later than February first, nineteen hundred ninety-five. There shall be no less than thirty nor more than thirty-seven community districts.

(c) The city board may readjust or alter the districts in such plan only once in every ten years, commencing with the year two thousand four. The city board in conjunction with the chancellor and the community council representatives, shall prepare and make public a plan to ensure the smooth transition of pupils and school personnel, creation of new boards, and allocation of school facilities and resources among the districts established pursuant to paragraph (b) of this subdivision. Prior to the adoption of the transition plan, the city board shall hold one or more public hearings in each borough. The city board shall make the transition plan available not less than three weeks before the first such public hearing. Upon receipt of comments, the city board, in conjunction with the chancellor and the community council representatives, shall prepare a revised transition plan, if necessary and make such plan available to the public for comment.

3. (a) The redistricting advisory study group established prior to the effective date of this paragraph for the purpose of study and making recommendations on community school district boundaries, is hereby continued and shall perform the duties required herein.

(b) The study group shall prepare a report containing recommendations for dividing the city into no more than thirty-seven community districts.

(c) In preparation of its recommendations for dividing the city into community districts, the study group shall ensure that the recommendations provide for the most effective delivery of educational services and shall be guided by the following criteria:

(1) each community district shall: (i) be a suitable size for efficient policymaking and

economic management; (ii) contain a reasonable number of pupils; (iii) be compact and contiguous, contained within county lines, and to the maximum extent possible, keep intact communities and neighborhoods; and (iv) bear a rational relationship to geographic areas for which the city of New York plans and provides services;

(2) to the extent possible, keep existing lines intact;

(3) the common and special education needs of the communities and school children involved;

(4) effective utilization of existing and planned school facilities;

(5) minimum disruption of existing and planned elementary school-junior high/middle school-high school feeder patterns;

(6) transportation facilities;

(7) additional administrative costs involved in the creation of such new districts; and

(8) ensure fair and effective representation of racial and language groups pursuant to the Voting Rights Act of 1965, as amended.

(9) notwithstanding the provisions of this subparagraph and subparagraphs one through eight of this paragraph: (i) the residents of the county of New York in school district ten as it existed prior to the implementation of this paragraph shall continue to remain in school district ten as such district is comprised; (ii) the boundaries of community district thirty-one shall continue to remain as they are currently comprised; and (iii) no county shall have fewer community school districts than in existence on the effective date of this paragraph.

(d) The study group shall hold one or more public hearings in each borough before final adoption of its recommendations. The study group shall make its recommendations available to the public for inspection and comment not less than one month before the first such public hearing. Following its consideration of the comments received on the recommendations, the study group shall prepare a report containing its final recommendations. The study group shall submit its report to the city board and make such report available to the public for inspection no later than November first, nineteen hundred ninety-four.

(e) The city board of education shall hold public hearings in each borough on the recommendations submitted by the study group and may adopt, revise or reject in whole or in part such recommendations, or, may request the study group to submit adjusted recommendations. The final recommendations shall be adopted by the city board of education no later than February first, nineteen hundred ninety-five to take effect July first, nineteen hundred ninety-six, provided that such revised boundaries adopted by

the city board pursuant to this chapter shall be used for purposes of community school board elections to be held on the first Tuesday in May, nineteen hundred ninety-six.

(f) Provided, however, that the city board may make minor adjustments, (i) to correct errors that may occur in the district lines adopted by the city board, or (ii) upon showing a change in circumstances. Any such limited revisions to community school district lines may occur between the effective date of this paragraph and the city board readjustment scheduled in the year two thousand four.

(g) No public hearings required pursuant to this subdivision shall be held during the months of July and August. All public hearings shall be held at a time and place designated to maximize community and parent participation. Notice of all such public hearings shall be provided in a timely manner to all print and electronic media and shall be widely distributed to all interested parties, so as to maximize participation by parents and the community. In addition such notice shall be posted in each school building and district office.

4. a. There shall be a city-wide council on special education created pursuant to this section. The city-wide council on special education shall consist of eleven voting members and one non-voting member, as follows:

(1) nine voting members who shall be parents of students with individualized education programs, to be selected by parents of students with individualized education programs pursuant to a representative process developed by the chancellor. Such members shall serve a two year term;

(2) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions and will make a significant contribution to improving special education in the city district. Such members shall serve a two year term; and

(3) one non-voting member who is a high school senior with an individualized education program, appointed by the administrator designated by the chancellor to supervise special education programs. Such member shall serve a one year term.

b. The city-wide council on special education shall have the power to:

(1) advise and comment on any educational or instructional policy involving the provision of services for students with disabilities;

(2) advise and comment on the process of establishing committees and/or subcommittees on special education in community school districts pursuant to section forty-four hundred two of this chapter;

(3) issue an annual report on the effectiveness of the city district in providing services to students with disabilities and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(4) hold at least one meeting per month open to the public and during which the public may discuss issues facing students with disabilities.

c. Vacancies shall be filled for an unexpired term by the city-wide council on special education, pursuant to a process developed by the chancellor that shall include consultation with parents of students with individualized educational programs; provided however, that where 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.

5. (a) There shall be a city-wide council on English language learners created pursuant to this section. The city-wide council on English language learners shall consist of eleven voting members and one non-voting member, as follows:

(i) nine voting members who shall be parents of students who are in a bilingual or English as a second language program conducted pursuant to section thirty-two hundred four of this chapter, some of whom may be parents of students who have been in such a program within the preceding two years, to be selected by parents of students who receive such services pursuant to a representative process developed by the chancellor. Such members shall serve a two year term;

(ii) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the education of English language learners and will make a significant contribution to improving bilingual and English as a second language programs in the city district. Such members shall serve a two year term; and

(iii) one non-voting member who is a high school senior who is or has been in a bilingual or English as a second language program, appointed by the administrator designated by the chancellor to supervise such programs. Such member shall serve a one year term.

(b) The city-wide council on English language learners shall have the power to:

(i) advise and comment on any educational or instructional policy involving bilingual or English as a second language programs;

(ii) issue an annual report on the effectiveness of the city district in providing services to English language learners and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(iii) hold at least one meeting per month open to the public and during which the public may discuss issues facing English language learners.

c) Vacancies shall be filled for an unexpired term by the city-wide council on English language learners, pursuant to a process developed by the chancellor that shall include consultation with parents of students who receive services for English language learners; provided however, that where 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.

6. (a) There shall be a city-wide council on high schools created pursuant to this section. The city-wide council on high schools shall consist of thirteen voting members and one non-voting member, as follows:

(i) ten voting members who shall be parents of students attending public high schools. Two members representing each borough shall be selected by presidents and officers of the parents' associations or parent-teachers' associations in the relevant borough, pursuant to a process established by the chancellor. Such members shall serve a two year term;

(ii) one voting member who shall be a parent of a high school student with an individualized education program. Such member shall be appointed by the city-wide council on special education, and shall serve a two year term;

(iii) one voting member who shall be a parent of a student in a bilingual or English as a second language program conducted in a public high school. Such member shall be appointed by the city-wide council on English language learners, and shall serve a two year term;

(iv) one voting member appointed by the public advocate of the city of New York, who shall be a resident of the city and shall have extensive business, trade, or education experience and knowledge who will make a significant contribution to improving education in the city district. Such member shall serve for a term of two years; and

(v) one non-voting member who is a public high school senior, appointed by the chancellor pursuant to a process developed by the chancellor. Such member shall serve a one year term.

Officers of parents' associations or parent-teachers' associations who are candidates in the selection process established by the chancellor pursuant to this subdivision shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such officer for purposes of the selection process.

(b) The city-wide council on high schools shall have the power to:

(i) advise and comment on any educational or instructional policy involving high schools;

(ii) issue an annual report on the effectiveness of the city district in providing services to high school students and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(iii) hold at least one meeting per month open to the public and during which the public may discuss issues facing high schools.

(c) Vacancies shall be filled for an unexpired term by the city-wide council on high schools, pursuant to a process developed by the chancellor that shall include consultation with parents of students attending public high school; provided, however, that where 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.

7. (a) Members of the city-wide councils established pursuant to this section shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the city-wide council on which they serve.

(b) Each such city-wide council may appoint a secretary, pursuant to the policies of the city board, who shall perform the following functions:

(i) prepare meeting notices, agendas and minutes;

(ii) record and maintain accounts of proceedings and meetings; and

(iii) prepare briefing materials and other related informational materials for such meetings.

Each city-wide council shall be responsible for the appointment, supervision, evaluation and discharge of the secretary.

(c) No person may serve at the same time on more than one city-wide council established pursuant to this section, nor may any person serve at the same time on such a city-wide council and any community district education council.

(d) A member of a city-wide council established pursuant to this section shall be ineligible to be employed by any such council, any community district education council, or the city board.

(e) No person shall be eligible for membership on a city-wide council established pursuant to this section if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee.

(f) A person who has been convicted of a felony, or has been removed from a city-wide council established pursuant to this section or community district education council for any of the following shall be permanently ineligible for appointment to a city-wide council:

(i) an act of malfeasance directly related to his or her service on such city-wide council or community district education council; or

(ii) conviction of a crime, if such crime is directly related to his or her service upon such city-wide council or community district education council.

(g) In addition to the conditions enumerated in the public officers law creating a vacancy, a member of a city-wide council established pursuant to this section who refuses or neglects to attend three meetings of such city-wide council of which he or she is duly notified, without rendering in writing a good and valid excuse therefor vacates his or her office by refusal to serve. Each absence and any written excuse rendered shall be included within the official written minutes of such meeting. After the third unexcused absence such city-wide council shall declare a vacancy to the chancellor.

§ 2590-c. Composition of Community District Education Councils

1. Each community district shall be governed by a community district education council. The community councils shall consist of eleven voting members and one non-voting member, as follows:

(a) Nine voting members shall be parents whose children are attending a school under the jurisdiction of the community district, or have attended a school under the jurisdiction of the community district within the preceding two years, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of two years. Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process.

(b) Two voting members shall be appointed by the borough presidents corresponding to such district. Such appointees shall be residents of, or own or operate a business in, the district and shall be individuals with extensive business, trade, or education experience and knowledge, who will make a significant contribution to improving education in the district. Such members shall serve for a term of two years and may only be reappointed for one additional two year term.

(c) One non-voting member who is a high school senior residing in the district, appointed by the superintendent from among the elected student leadership. Such member shall serve for a one year term.

Members shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the community council.

2. For the initial community council, such members must be selected on or before October thirty-first, two thousand three, with terms commencing on December first, two thousand three. Thereafter, commencing in May of two thousand five, the selection of community council members shall occur on the second Tuesday in May, with terms commencing on the following July first.

3. Each such council shall select one of its voting members to serve as chair.

4. Notwithstanding any provisions of law to the contrary, the community district education council may appoint a secretary, pursuant to the policies of the city board, who shall perform the following functions: (a) prepare meeting notices, agendas and minutes; (b) record and maintain accounts of proceedings and other council meetings; and (c) prepare briefing materials and other related informational materials for such meetings.

Each council shall be responsible for the appointment, supervision, evaluation and discharge of the secretary.

5. No person may serve on more than one community council or on the city-wide council on special education, the city-wide council on English language learners, or the city-wide council on high schools and a community council. A member of a community council shall be ineligible to be employed by the community council of which he or she is a member, any other community council, the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, or the city board. No person shall be eligible for membership on a community council if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee.

A person who has been convicted of a felony, or has been removed from a community school board, community district education council, or the city-wide council on special education, the city-wide council on English language learners, or the city-wide council on high schools for any of the following shall be permanently ineligible for appointment to any community district education council:

(a) an act of malfeasance directly related to his or her service on the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, community school board or community district education council; or

(b) conviction of a crime, if such crime is directly related to his or her service upon the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, community school board or community district education council.

Any decision rendered by the chancellor or the city board with respect to the eligibility or qualifications of the nominees for community district education councils must be written and made available for public inspection within seven days of its issuance at the office of the chancellor and the city board. Such written decision shall include the factual and legal basis for its issuance and a record of the vote of each board member who participated in the decision, if applicable.

6. (a) In addition to the conditions enumerated in the public officers law creating a vacancy, a member of a community district education council who refuses or neglects to attend three meetings of such council of which he or she is duly notified, without rendering in writing a good and valid excuse therefore vacates his or her office by refusal to serve. Each absence and any written excuse rendered shall be included within the official written minutes of such meeting. After the third unexcused absence the community council shall declare a vacancy to the chancellor.

(b)(1) Vacancies in positions that were not appointed by a borough president shall be

filled for an unexpired term by the community district education council after consultation with the presidents' council or other consultative body representing parents' associations and other educational groups within the district. Recommendations made by such parents and other educational groups shall be submitted in writing and included within the record of the meeting at which the vacancy is filled.

(2) If such vacancy results in the council not having at least one member who is a parent of a student who is an English language learner or who has been an English language learner within the preceding two years, or results in the council not having at least one member who is a parent of a student with an individualized education program, the community council shall select a parent having such qualifications to fill the vacancy.

(c) If the vacancy is not filled by the community council within sixty days after it is declared due to a tie vote for such appointment, the chancellor shall vote with the community council, to break such tie vote. If the community council has failed to fill the vacancy within sixty days after it is declared because of any other reason, the chancellor shall order the community council to do so pursuant to section twenty-five hundred ninety-11 of this article.

(d) Where a vacancy occurs in a position appointed by a borough president, the borough president shall appoint a member to serve the remainder of the unexpired term.

7. (a) Each community council shall prepare and submit to the city board a performance report every month. The information provided shall include community council members' attendance records; participation in community council committees and other community council activities; visits to schools; and voting records on major issues before the community council.

(b) The city board shall review and consolidate the performance reports into one comprehensive city district-wide report, which shall be disseminated to the community and the media semiannually.

8. The chancellor shall:

(a) develop a process to ensure a uniform election process for parent associations and parent-teacher associations. Such process shall ensure uniformity with respect to timing of elections and the structure and size of the body.

(b) develop a process for nomination of candidates for community council membership. Such process will outline in detail the procedure which must be followed to present a name for consideration, may include qualifications and prohibitions in addition to those outlined in this section and may allow for an interview process for nominees.

(c) develop selection procedures for community council members which shall attempt

to ensure membership that reflects a representative cross-section of the communities within the school district and diversity of the student population including those with particular educational needs, shall include consideration of the enrollment figures within each community district and the potential disparity of such enrollment from school to school within the district, and shall ensure that, to the extent possible, a school may have no more than one parent representative on the community council. Such procedures shall ensure that at least one position on the community council is filled by a parent of a student who is an English language learner or who has been an English language learner within the preceding two years, and at least one position is filled by a parent of a student with an individualized education program, and shall allow for the seven remaining positions to be filled by parents who are otherwise eligible.

(d) promulgate rules and regulations requiring financial disclosure by the nominees and policies prohibiting political endorsements of and campaign contributions to nominees.

(e) beginning in January of each school year and continuing until the date of selection, ensure the distribution of guides to parents in addition to information regarding community council roles, functions, and activities, including upcoming parents' association and parent-teacher association elections, candidate information, and the nature of the selection process.

Prior to the adoption of the processes, procedures, rules or regulations set forth in this subdivision, the chancellor shall ensure that there is an inclusive public process which allows for sufficient public input from parents and the community including public hearings. All such processes, procedures, rules or regulations must be final in sufficient time to assure for an orderly implementation and notification of such processes, procedures, rules or regulations to allow for full community participation in the nomination and selection processes and procedures.

§ 2590-e. Powers and Duties of Community District Education Councils

Each community council shall have the following powers and duties to establish educational policies and objectives, not inconsistent with the provisions of this article and the policies established by the city board, with respect to all prekindergarten, nursery, kindergarten, elementary, intermediate and junior high schools and programs in connection therewith in the community district. The community councils shall have no executive or administrative powers or functions, but shall have the following powers and duties:

1. Repealed.

2. Deleted.

3. promote achievement of educational standards and objectives relating to the instruc tion of students.

4. cooperate as required by the chancellor in the removal from office pursuant to section twenty-five hundred ninety-l of this article of any community council member for willful, intentional or knowing involvement in the hiring, appointment or assignment of employees other than as specifically authorized in this article.

5. a. require community council members, the community superintendent, and any other officer or employee in schools and programs under the jurisdiction of the community councils, to make annual written disclosure, in accordance with regulations and bylaws of the city board developed in consultation with the community councils, to the community council and the city board, of the following information:

(1) the employment by the city school board or any community council of any person related within the third degree of consanguinity or affinity to the person making disclosure, including the employment of any such person for which a two-thirds vote was required under paragraph e of subdivision four of section twenty-five hundred ninety-j of this chapter with a notation of the date such vote was taken.

(2) the source of any income, reimbursement, gift or other form of compensation for services rendered together with a description of such services.

(3) the source of any financial contribution made within the year preceding the election or the term of office of a community district education council member to assist in the election or reelection of such member of the community council, and the amount of such contribution, consistent with any applicable regulations of the city board and the board of elections.

b. willful or repeated failure to make full and timely disclosure shall constitute cause for removal from office of any member of a community council or for any other officer or employee disciplinary action and such other penalty as provided by law.

c. all written disclosures required hereunder shall be filed with the community council

and the city board and shall be available for public inspection during regular business hours on regular business days.

6. require community council members, candidates for community district education councils, the community superintendent and, for good cause shown, any other officer or employee in schools and programs under the jurisdiction of the community councils to submit to the city board and the community councils, in accordance with regulations and bylaws of the city board developed in consultation with the community councils, financial reports for themselves and their spouses.

a. the frequency and period of coverage, the designation of persons to submit such reports by name, title or income level or by a combination thereof, and the content of such reports, including minimum dollar amounts, shall be determined by the city board.

b. willful or repeated failure to file required financial reports or make other required disclosures shall constitute cause for removal from office of any member of a community council or for any other officer or employee disciplinary action and such other penalty as provided by law. No person may assume office as a community council member without previously complying with this subdivision, subdivision five of this section, and with all applicable financial disclosure requirements promulgated by the board of elections.

7. participate in training and continuing education programs pursuant to the provisions of this subdivision.

(1) Community district education council members shall participate in training to acquaint them with the powers, functions and duties of community council members, as well as the powers of other governing and administering authorities that affect education including the powers of the commissioner, city board, chancellor and community superintendents. Such participation shall be completed no later than three months from the date in which a community council member takes office for the first time.

(2) Each community district education council member shall be required to participate in continuing education programs on an annual basis as defined by the chancellor. Participation in training pursuant to paragraph one of this subdivision by a community district education council member who takes office for the first time shall be deemed to satisfy the requirements of this subdivision for the first year of such member's term.

(3) such training and continuing education programs shall be approved by the chancellor, following consultation with the commissioner, and may be provided by the state education department, the city board, the chancellor or a nonprofit provider authorized by the chancellor to provide such training and continuing education programs.

(4) the chancellor is authorized to promulgate regulations regarding providers and their certification, the content and implementation of the training and continuing education programs. Any such regulations shall be developed after consultation with the commis-

sioner.
(5) such training and continuing education programs shall be offered on an annual basis or more frequently, as needed, to enable community council members to comply with this subdivision.

(6) failure of community council members to comply with the training and continuing education requirements mandated by this subdivision shall constitute cause for removal from office pursuant to section twenty-five hundred ninety-l of this article.

8. Each year prepare a school district report card pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performance of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the requests to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts

(i) identified as having fifteen percent or more of their students in special education, or

(ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or

(iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

9. Subject to paragraph (o) of subdivision one of section twenty-five hundred ninety-f of this article, to employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be the district's attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter in actions or proceedings in which the council or any member thereof is a defendant or a respondent.
10. Where the district has provided transportation to students enrolled in such district to

a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been

(a) contacted and informed of the intervening circumstances which make such transportation impractical and

(b) such student had been delivered to his or her parent or legal guardian.

11. Approve zoning lines, as submitted by the superintendent, consistent with the regulations of the chancellor, applicable to schools under the jurisdiction of the community district.

12. Hold meetings at least every month with the superintendent to discuss the current state of the schools in the district and progress made toward the implementation of the district's comprehensive education plan required by the chancellor.

13. Review of the district's educational programs and assess their effect on student achievement.

14. Hold public meetings at least every month with the superintendent during which the public may speak so that parents and the community have a voice and a public forum to air their concerns.

15. Submit an annual evaluation of the superintendent to the chancellor.

16. Submit an annual evaluation consistent with procedures which shall be developed by the chancellor of all other instructional supervisory personnel who have responsibility for more than one school within the district.

17. Hold a public hearing on the district's annual capacity plans, recommended by the superintendent and based on data from the chancellor on enrollment/utilization for each school within the district and submit such plan, upon approval by the community council, to the chancellor for his or her approval and implementation.

18. Provide input, as it deems necessary, to the chancellor and the city board on matters of concern to the district.

19. Liaison with school leadership teams as may be necessary and provide assistance

to the school leadership teams where possible.
20. Consult on the selection of a community superintendent pursuant to subdivision thirty of section twenty-five hundred ninety-h of this article.

21. Hold a joint public hearing with the chancellor or deputy chancellor, or in the case of a proposed significant change in school utilization the chancellor or his or her designee, and the impacted school based management team regarding any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, of any public school located within the community district pursuant to subdivision two-a of section twenty-five hundred ninety-h of this article.

§ 2590-h The Powers and Duties of the Chancellor

The office of chancellor of the city district is hereby continued. Such chancellor shall serve at the pleasure of and be employed by the mayor of the city of New York by contract. The length of such contract shall not exceed by more than two years the term of office of the mayor authorizing such contract. The chancellor shall receive a salary to be fixed by the mayor within the budgetary allocation therefor. He or she shall exercise all his or her powers and duties in a manner not inconsistent with the city-wide educational policies of the city board. The chancellor shall have the following powers and duties as the superintendent of schools and chief executive officer for the city district, which the chancellor shall exercise to promote an equal educational opportunity for all students in the schools of the city district, promote fiscal and educational equity, increase student achievement and school performance and encourage local school-based innovation, including the power and duty to:

1. Control and operate:
(a) academic and vocational senior high schools until such time as the same may be transferred to the jurisdiction of appropriate community district education councils pursuant to this article;

(b) all specialized senior high schools. The special high schools shall include the present schools known as:

The Bronx High School of Science, Stuyvesant High School, Brooklyn Technical High School, Fiorello H. LaGuardia High School of Music and the Arts in the borough of Manhattan, and such further schools which the city board may designate from time to time. The special schools shall be permitted to maintain a discovery program in accordance with the law in effect on the date preceding the effective date of this section; admissions to the special schools shall be conducted in accordance with the law in effect on the date preceding the effective date of this section;

(c) all special education programs and services conducted pursuant to this chapter;

(d) subject to the provisions of section twenty-five hundred ninety-i of this article, devolving powers to the schools, city-wide programs for city-wide services to a substantial number of persons from more than one community district, including transportation; food services; payroll and personnel functions, including pension and retirement services; and enforcement of laws and regulations promoting equal opportunity in employment, access to public accommodations and facilities, equal opportunity in education, and preventing and addressing unlawful discrimination; provided, however, that a community district may also operate within its district programs which provide similar services otherwise authorized by this article.

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or

she may determine; provided, however, that the chancellor shall consult with the affected community district education council before:

(a) substantially expanding or reducing such an existing school or program within a community district;

(b) initially utilizing a community district school or facility for such a school or program;

(c) instituting any new program within a community district.

2a. (a) Notwithstanding any other provision to the contrary, prepare an educational impact statement regarding any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, for any public school located within the city district.

(b) Such educational impact statement shall include the following information regarding the proposed school closing or significant change in school utilization:

(i) the current and projected pupil enrollment of the affected school, the prospective need for such school building, the ramifications of such school closing or significant change in school utilization upon the community, initial costs and savings resulting from such school closing or significant change in school utilization, the potential disposability of any closed school;
(ii) the impacts of the proposed school closing or significant change in school utilization to any affected students;
(iii) an outline of any proposed or potential use of the school building for other educa tional programs or administrative services;
(iv) the effect of such school closing or significant change in school utilization on personnel needs, the costs of instruction, administration, transportation, and other support services;
(v) the type, age, and physical condition of such school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features;
(vi) the ability of other schools in the affected community district to accommodate pupils following the school closure or significant change in school utilization; and
(vii) information regarding such school's academic performance including whether such school has been identified as a school under registration review or has been identified as a school requiring academic progress, a school in need of improvement, or a school in corrective action or restructuring status.

(c) Such educational impact statement shall be made publicly available, including via the city board's official internet website, and a copy shall also be filed with the city board, the impacted community council, community boards, community superintendent, and school based management team at least six months in advance of the first day of school in the succeeding school year.

(d) No sooner than thirty days, but no later than forty-five days following the filing of the educational impact statement, the chancellor or deputy chancellor, or in the case of a proposed significant change in school utilization the chancellor or his or her designee, shall hold a joint public hearing with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization, and shall allow all interested parties an opportunity to present comments or concerns regarding the proposed school closing or significant change in school utilization. The chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district.

(d-1) So long as the revised proposal does not impact any school other than a school that was identified in the initial educational impact statement, the chancellor, after receiving public input, may substantially revise the proposed school closing or significant change in school utilization provided that the chancellor shall prepare a revised educational impact statement, in the form prescribed in paragraph (b) of this subdivision, and publish and file such educational impact statement in the same manner as prescribed in paragraph (c) of this subdivision. No sooner than fifteen days following the filing of such revised educational impact statement, the chancellor or deputy chancellor, or in the case of a significant change in school utilization the chancellor or his or her designee, shall hold a joint public hearing with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization and shall allow all interested parties an opportunity to present comments and concerns regarding such proposal. The chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district.

(e) Except as otherwise provided in paragraph (f) of this subdivision, all proposed school closings or significant changes in school utilization shall be approved by the city board pursuant to section twenty-five hundred ninety-g of this article and shall not take effect until all the provisions of this subdivision have been satisfied and the school year in which such city board approval was granted, has ended.

(f) In the event that the chancellor determines that a school closing or significant change in school utilization is immediately necessary for the preservation of student health, safety or general welfare, the chancellor may temporarily close a public school or adopt a significant change in the school's utilization on an emergency basis. Such emergency school closing or significant change in school utilization shall only remain in effect for six months, during such time the chancellor shall comply with the requirements of this

subdivision in order for such school closure or significant change in school utilization to extend beyond the six month period.

3. Subject to the approval of the city board, develop a plan to provide for the establishment of comprehensive high schools within the city district so that every community district shall have available to its graduates further education and a comprehensive high school. Such plan may provide for the conversion of academic and vocational high schools and may be amended or modified from time to time.

4. Appoint teacher-aides for the schools and programs under his or her jurisdiction within the budgetary allocation therefor.

5. Retain jurisdiction over all employees who are required in connection with the performance of duties with respect to the design, construction, operation and maintenance of all school buildings in the city school district. Such employees shall have all rights accorded them under the provisions of the civil service law, including manner of appointment, classification, promotion, transfer and removal including an opportunity to be heard provided, however, that each custodian shall be responsible for the performance of his or her duties to the principal of the school who shall be responsible to the district superintendent.

6. Employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be his or her attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter; provided, however, that in actions or proceedings between the city board or the chancellor and one or more community boards, the city board or the chancellor shall be represented by the corporation counsel of the city of New York.

7. To continue existing voluntary programs or to establish new programs under which students may choose to attend a public school in another community district.

8. Promulgate minimum clear educational standards, curriculum requirements and frameworks, and mandatory educational objectives applicable to all schools and programs throughout the city district, and examine and evaluate periodically all such schools and programs with respect to

(i) compliance with such educational standards and other requirements, and
(ii) the educational effectiveness of such schools and programs, in a manner not inconsistent with the policies of the city board.

9. Furnish community district education councils and the city board periodically with the results of such examinations and evaluations and to make the same public.

10. Require each community superintendent to make an annual report covering all matters relating to schools under the district's jurisdiction including, but not limited to, the evaluation of the educational effectiveness of such schools and programs connected therewith.

11. Require such community district education council or superintendent to make such number of periodic reports as may be necessary to accomplish the purposes of this chapter.

12. *Repealed.*

13. Perform the following functions throughout the city district; provided, however, that the chancellor and any community district education council may agree that any such function may be appropriately performed by the community district education council with respect to the schools and programs under its jurisdiction:

(a) Technical assistance to community districts and schools;

(b) Such warehouse space on a regional basis as he or she determines to be necessary or appropriate after consultation with the community superintendents;

(c) Purchasing services on a city-wide, regional or community district basis subject to subdivision thirty-six of this section;

(d) Reinforce and foster connections to institutions of higher education to promote student achievement.

14. Develop and furnish pre-service and in-service training programs for principals and other employees throughout the city district. In addition, the chancellor shall prepare and annually update a training plan for participating parents, and school personnel, which shall include, at minimum, such training as may be required for exercise of their responsibilities, full participation and compliance with the provisions of this section. The chancellor shall, in addition, within amounts appropriated, allocate sufficient funds directly and to the superintendents for teacher and principal training to meet identified needs for school improvement.

15. Promote the involvement and appropriate input of all members of the school community pursuant to the provisions of this article, including parents, teachers, and other school personnel, including:

(a) establishing a parents' association or a parent-teachers' association in each public school under the chancellor's jurisdiction; and ensuring that the districts and charter schools located within the city district do the same; the chancellor shall ensure that meetings of such parents' associations or parent-teachers' associations shall comply with section four hundred fourteen of this chapter;

(b) pursuant to a plan prepared in consultation with associations of parents, and representatives of teachers, supervisors, paraprofessionals and other school personnel within the city district, and promulgated no later than January thirty-first, nineteen hundred ninety-eight, (i) taking all necessary steps to ensure that no later than October

first, nineteen hundred ninety-nine, the city district and the community districts are in full compliance, and remain in compliance thereafter, with state and federal law and regulations concerning school-based management and shared decision-making, including section 100.11 of the commissioner's regulations, in a manner which balances participation by parents with participation by school personnel in advising in the decisions devolved to schools pursuant to sections twenty-five hundred ninety-i and twenty-five hundred ninety-r of this article, and (ii) pursuant to such plan providing for appropriate training to any parent and school personnel who participate in the school based management and shared decision-making process;

(b-1) school based management teams developed pursuant to paragraph (b) of this subdivision shall possess the following powers and duties:

(i) develop an annual school comprehensive educational plan and consult on the school-based budget pursuant to section twenty-five hundred ninety-r of this article. Such school comprehensive educational plan shall be developed concurrently with the development of the school-based budget so that it may inform the decision-making process and result in the alignment of the comprehensive educational plan and the school-based budget for the ensuing school year. Such plan shall be submitted to the community superintendent along with the principal's written justification demonstrating that the school-based budget proposal is aligned with the school's comprehensive educational plan and the school based management team's response to such justification pursuant to paragraph (h) of subdivision one of section twenty-five hundred ninety-f of this article. In the case of specialized, academic, vocational, and other high schools that are not under the jurisdiction of a community superintendent, such plan shall be submitted to the chancellor pursuant to subdivision e of section twenty-five hundred ninety-r of this article. The chancellor shall ensure that the comprehensive educational plan of every school within the city district is easily accessible and be made available for public inspection including via the city board's official internet website;

(ii) hold at least one meeting per month during the school year. Each monthly meeting shall be held at a time that is convenient for the parent representatives;

(iii) provide notice of monthly meetings that is consistent with the open meetings law;

(iv) have parent members of such teams make recommendations, consistent with the chancellor's regulations, on the selection of the school principal and have all members be consulted prior to the appointment of any principal candidate to its school;

(v) undergo initial and ongoing training that will allow its members to carry out their duties effectively;

(vi) dispute any decision made by the principal to the community superintendent pursuant to section twenty-five hundred ninety-f of this article where members of the

school based management team, other than the principal, reach a consensus that the decision is inconsistent with the goals and policies set forth in the school's existing comprehensive educational plan; and

(vii) provide to the community superintendent an annual assessment of the school principal's record of developing an effective shared decision-making relationship with school based management team members; and

(c) developing, in consultation with associations of parents in the city district, and implementing no later than October first, nineteen hundred ninety-eight, a parental bill of rights which provides for, at minimum:

(i) reasonable access by parents, persons in parental relation and guardians to schools, classrooms, and academic and attendance records of their own children, consistent with federal and state laws, provided that such access does not disrupt or interfere with the regular school process;

(ii) the rights of parents, persons in parental relation and guardians to take legal action and appeal the decisions of the school administration, as authorized by law;
(iii) the right of parents, persons in parental relation and guardians to have information on their own child's educational materials;
(iv) access to and information about all public meetings, hearings of the chancellor, the city board, the community superintendents, the community district education councils, and the schools; and
(v) access to information regarding programs that allow students to apply for admission where appropriate to schools outside a student's own attendance zone.

The chancellor shall by rule or regulation provide for the involvement including membership, in any parents' association or parent-teacher association established pursuant to this subdivision, of a grandparent who is in parental relation to a child who attends a school within the jurisdiction of the community school district. For purposes of this subdivision, a grandparent shall be considered to be in parental relation to a child when such grandparent has assumed care of such child because such child's parents are not available due to death, imprisonment, mental illness, living outside the state, abandonment of the child, or other circumstances. A determination of whether a grandparent is in parental relation to a child shall be based upon the individual circumstances surrounding guardianship and custodial care of such child.

16. Promulgate such rules and regulations as he or she may determine to be necessary or convenient to accomplish the purposes of this act, not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

17. Possess those powers and duties described in section twenty-five hundred fifty-four of this title, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

18. Possess those powers and duties contained in section nine hundred twelve of this chapter and those provisions of article fifteen of this chapter which relate to non-public schools, those powers and duties contained in section five hundred twenty-two of the New York city charter, and those powers and duties contained in article seventy-three of this chapter, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

19. Delegate any of his or her powers and duties to such subordinate officers or employees as he or she deems appropriate and to modify or rescind any power and duty so delegated.

20. Ensure compliance with qualifications established for all personnel employed in the city district, including the taking of fingerprints as a prerequisite for licensure and/or employment of such personnel. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. Furthermore, the division of criminal justice services is authorized to submit the fingerprints to the federal bureau of investigation for a national criminal history record check.

21. Perform the functions of the bureau of audit throughout the city district, including ensuring compliance with subdivisions thirty-six and thirty-seven of this section.

22. Establish uniform procedures for record keeping, accounting and reporting throughout the city district, including pupil record keeping, accounting and reporting.

23. Develop an educational facilities master plan, and revisions thereto, as defined in section twenty-five hundred ninety-o of this article.

24. Develop and implement a five-year educational facilities capital plan, and amendments thereto, as defined in section twenty-five hundred ninety-p of this article. The chancellor shall also appoint a person, who reports directly to the chancellor or his or her designee, to assist in the development and implementation of such plan and amendments thereto and to oversee the school buildings program.

25. On the chancellor's own initiative, or at the request of a community superintendent, transfer a principal employed by a community school district pursuant to an agreement with the employee organization representing such principals. The chancellor shall establish a procedure for consulting with affected parents to explain any such transfer. Consistent with section twenty-five hundred ninety-i of this article, including without limitation subdivision three thereof, and subdivision one thereof with respect to the rights and obligations of a school to which a principal is transferred, in addition to any other law providing for the transfer of principals, the chancellor also may cause the transfer or removal of principals for persistent educational failure, conflicts of interest, and ethics violations, and may require principals to participate in training and other remedial programs to address

identified factors affecting student achievement and school performance.

26. Establish educational and experience qualifications and requirements for all custodial positions including, but not limited to, custodians and custodial engineers and develop standards for evaluating the performance of all such individuals, subject to approval of the city board. Such performance standards shall include, but not be limited to: the cleanliness of facilities; adequacy and timeliness of minor repairs; maintenance of good working order of facilities and grounds; general facilities improvement; and emergency services. The chancellor shall promulgate regulations setting forth the respective responsibilities of the district plant manager, which shall include regular consultation and ongoing reports to the community superintendent, and the principal of each school for evaluating the performance of the custodial employees assigned to his or her school, in accordance with such performance standards, and such performance evaluations shall be given dominant weight in any decision for the purposes of: advancement; continued employment; building transfers; and other performance incentives. The responsibility of the principal of each school in the evaluation of custodial employees may be a matter for collective bargaining with collective bargaining representatives for principals.

27. Promulgate regulations, in conjunction with each community superintendent, establishing a plan for providing access to school facilities in each community school district, when not in use for school purposes, in accordance with the provisions of section four hundred fourteen of this chapter. Such plan shall set forth a reasonable system of fees not to exceed the actual costs and specify that no part of any fee shall directly or indirectly benefit or be deposited into an account which inures to the benefit of the custodians or custodial engineers.

[...]

29. Promulgate regulations establishing educational, managerial, and administrative qualifications, performance record criteria, and performance standards for the positions of superintendent and principal.

30. Select and appoint a community superintendent, in compliance with the qualifications required by subdivision twenty-nine of this section and subject to the provisions of subdivision two of section twenty-five hundred ninety-j of this article, and in consultation with the corresponding community district education council, at a salary to be fixed within the budgetary allocation therefor.

31. Intervene in any district or school which is persistently failing to achieve educational results and standards approved by the city board or established by the state board of regents, or has failed to improve its educational results and student achievement in accordance with such standards or state or city board requirements, or in any school or district in which there exists, in the chancellor's judgment, a state of uncontrolled or unaddressed violence. The chancellor may, in addition to exercising any other powers authorized by this article, require such school principal, or district as the case may be, to

prepare a corrective action plan, with a timetable for implementation of steps acceptable to the chancellor to reach improvement goals consistent with city board standards and educational results. The chancellor may require the school or district to alter or improve the corrective action plan, or may directly modify the plan. The chancellor shall monitor implementation of the plan, and, if the school or district fails to implement it, may supersede any inconsistent decision of the school principal, community district education council or community superintendent; assume joint or direct control of the operation of the school or district to implement the corrective action plan; or take any other action authorized by this article. Any action of the chancellor to supercede an inconsistent decision of the school principal, community district education council or community superintendent, or to assume joint or direct control of the operation of the school or district pursuant to this subdivision may be appealed to the city board in accordance with section twenty-five hundred ninety-g of this article.

32. Appoint a deputy, for each borough of the city of New York, responsible for coordinating and periodically meeting and consulting with the borough president, the chancellor and the community superintendents in the borough on borough-specific issues and issues of borough-wide significance, including the provision of services in support of schools and community districts such as transportation, purchasing, capital planning, and coordination with municipal services, and chancellor and city board policy with respect to the high schools.

33. Require community school board members to participate in training and retraining in order to promote district and school performance and student achievement, as a continuing condition for membership.

35.1 Take all necessary steps to promote the effectiveness and integrity of school-based budgeting pursuant to section twenty-five hundred ninety-r of this article, including the obligations imposed by subdivision thirty-seven of this section.

36. Develop a procurement policy for the city school district of the city of New York and the community districts and public schools therein to ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud, and corruption; and ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to, the following criteria: quality, cost and efficiency.

(a) Such policy shall specifically include:

(i) a competitive sealed bidding process for the awarding of contracts in which sealed bids are publicly solicited and opened and that a contract is awarded to the lowest responsive, responsible bidder;

(ii) processes for awarding contracts using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, in which case the most competitive alternative method of procurement, which is appropriate under the circumstances, shall be used consistent with the requirements of subparagraph (vii) of this paragraph;

(iii) measures to enhance the ability of minority and women owned business enterprises to compete for contracts and to ensure their meaningful participation in the procurement process;
(iv) the manner for administering contracts and overseeing the performance of contracts and contractors;
(v) standards and procedures to be used in determining whether bidders are responsible;
(vi) circumstances under which procurement may be used for the provision of technical, consultant or personal services;
(vii) requiring written justification for the basis, including the efficiency, benefit, and necessity, for awarding a contract using procurement methods other than competitive sealed bidding including competitive sealed proposals and sole source contracts, and for awarding technical, consultant, or personal services contracts, franchises, revocable consents, or concessions. Such written justification shall be filed with the comptroller of the city of New York along with the corresponding contract, franchise, revocable consent, or concession;
(viii) maintaining a file for every contract franchise, revocable consent, and concession containing information pertaining to the solicitation, award and management of every such contract or agreement. Such file shall contain copies of each determination, writing or filing required by this subdivision and shall be open to public inspection with adequate protection for information which is confidential;
(ix) a process for the filing of all contracts, franchises, revocable consents, and concessions with the comptroller of the city of New York;
(x) a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller; and
(xi) procedures for the fair and equitable resolution of contract disputes.

(b) Consistent with the provisions of paragraph (a) of this subdivision such policy shall also include:

(i) standards for quality, function, and utility of all material goods, supplies, and services purchased by the chancellor, superintendents, or schools;
(ii) regulations which enable superintendents and schools to purchase material goods, supplies, and services directly from vendors or suppliers when such products are available at prices or other terms more economically beneficial for the purposes of the acquiring superintendent or school; and
(iii) regulations shall include repair services and building supplies, as defined in such regulations, for expenditures from each district's minor repair and purchasing funds pursuant to section twenty-five hundred ninety-r of this article.

(c) The chancellor shall be responsible for certifying that the procedural requisites pur-

suant to this subdivision and section twenty-five hundred ninety-g of this article have been met, prior to the filing any contract awarded by a procurement method other than competitive sealed bidding, or prior to filing any technical, consultant, or personal services contract, franchise, revocable consent, or concession with the comptroller of the city of New York. The corporation counsel for the city of New York shall certify prior to the filing of such contract or agreement with the comptroller of the city of New York, that the city district has legal authority to award each such contract or agreement.

(d)(i) No contract, franchise, revocable consent or concession shall be implemented until a copy has been filed with the comptroller of the city of New York and either such comptroller has registered it or thirty days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed pursuant to subparagraph (iii) of this paragraph, or the comptroller of the city of New York has grounds for not registering such contract or agreement under subparagraph (ii) of this paragraph.

(ii) Subject to the provisions of subparagraph (iii) of this paragraph, the comptroller of the city of New York shall register such contract or agreement within thirty days unless such comptroller has information indicating that:

(1) there remains no unexpended and unapplied balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract or agreement;
(2) a certification required pursuant to this paragraph has not been made; or
(3) the proposed vendor has been debarred by the city of New York.

(iii) The comptroller of the city of New York may, within thirty days of the date of filing of the contract, franchise, revocable consent or concession with his or her office, object in writing to the registration of such contract or agreement, if in such comptroller's judgment there is sufficient reason to believe that there is possible corruption in the letting of such contract or agreement or that the proposed contractor is involved in corrupt activity. Such objection shall be delivered within such thirty day period to the mayor of the city of New York setting forth in detail the grounds for the New York city comptroller's determination. The mayor of the city of New York may require registration of the contract or agreement despite the New York city comptroller's objections if the mayor of the city of New York has responded to such comptroller's objections in writing, indicating:

(1) the corrective actions if any, that have been taken or will be taken in response to such comptroller's objections, or
(2) the reasons why the mayor of the city of New York disagrees with such comptroller's objections.

Such response by the mayor of the city of New York shall not serve as the basis for further objection by the New York city comptroller, and such comptroller shall register the contract, franchise, revocable consent or concession within ten days of receipt of the

mayor of the city of New York's response.

(e) The requirements of paragraphs (c) and (d) of this subdivision shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.

37. Establish guidelines and a system of internal controls, including internal administrative controls and internal accounting controls, with provisions for internal audits, as such terms are defined in section nine hundred fifty of the executive law. Such system shall also include a system of internal control review designed to identify weaknesses and identify actions to rectify them; a clear and concise statement of the generally applicable management policies and standards made available to each officer and employee relevant to fiscal and expenditure control, in addition to education and training efforts to ensure adequate understanding of internal control standards and evaluation techniques; and the designation of an internal control officer for each community district, each of whom shall report to the chancellor and the auditor general, to execute a regular internal audit function, which shall operate in accordance with generally accepted governmental auditing standards. The internal auditors for the community districts shall operate in cooperation with the auditor general, appointed by the chancellor, who shall, in addition to the functions of the internal auditors, monitor and conduct random audits of school districts at least once every two years for fraud, waste, and mismanagement. Notwithstanding any provision of state law or state or city regulation, the internal auditors, and the auditor general, shall be entitled, upon their request, to all and any documents and materials bearing in their judgment on the finances and cost-effectiveness of the schools and the school districts that is in the possession of the community districts, the schools, or any officer thereof.

38.To exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools under the jurisdiction of the community district education councils. The chancellor shall exercise all such duties and responsibilities for all community districts or may delegate the exercise of all such duties and responsibilities to all of the community superintendents of the city district.

38-a. To exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools which are not covered under subdivision thirty-eight of this section. Provided, however that the city board shall maintain jurisdiction over any consequence resulting from an employee waiver of a hearing, as provided for in paragraph (d) of subdivision two of section three thousand twenty-a of this chapter.

39. (a) Prescribe regulations and by-laws requiring members of the city board, the chancellor, and any other officer or employee in schools and programs under the jurisdiction

of the city board and the chancellor to make annual written disclosure to the chancellor, of the following information:

(i) the employment by the city school board or any community district education council of any person related within the third degree of consanguinity or affinity to the person making disclosure, including the employment of any such person for which a two-thirds vote was required under paragraph (e) of subdivision four of section twenty-five hundred ninety-j of this article, with a notation of the date such vote was taken.
(ii) the source of any income, reimbursement, gift, or other form of compensation for services rendered, together with a description of such services.

(b) The chancellor shall review, at least once annually, compliance with the requirements of subdivisions five and six of section twenty-five hundred ninety-e of this article and regulations or by-laws prescribed in this subdivision. Any community district education council member, community superintendent, or other officer or employee required to make disclosure, who fails to make such disclosure, shall be notified in writing of his or her failure to do so and given thirty days within which to comply.

[(c) *Redesignated as (b)*]

(d) Willful failure to make full and timely disclosure shall constitute cause for removal from office of any member of the city board or for any other officer or employee disciplinary action and such other penalty as may be provided by law.

(e) Disclosures made pursuant to the requirements of this subdivision and any notification of failure to make disclosures shall be made available for public inspection during regular business hours on regular business days.

40. (a) Prescribe regulations and by-laws requiring members of the city board, the chancellor, and, for good cause shown, any other officer or employee in schools and programs under the jurisdiction of the city board and the chancellor, to submit to the chancellor, in the discretion of the chancellor, financial reports for themselves and their spouses.

(b) The frequency and period of coverage, the designation of persons to submit such reports by name, title, or income level, or by a combination thereof, and the content of such reports, including minimum dollar amounts, shall be determined by the chancellor, and such reports may include but not necessarily be limited to the following:

(i) amount and source of income for services rendered, together with a description of such services;
(ii) amount and source of gifts, capital gains, reimbursements for expenditures, and honoraria;
(iii) investments in securities and real property;
(iv) amount of debts and names of creditors;

(v) outstanding loans and other forms of indebtedness due to person reporting or spouse, by name and amounts; and
(vi) trusts and other fiduciary relationships and their assets in which a beneficial interest is held.

(c) Willful failure to file required financial reports shall constitute cause for removal from office of any member of the city board or for any other officer or employee disciplinary action and such other penalty as may be provided by law.

41. Appoint and set salaries for staff in non-represented managerial titles.

42. (a) To dispose of such personal property used in the schools and other buildings of the city of New York under the charge of the city board as shall no longer be required for use therein. Such disposition shall be made in the name of the city of New York and for such city.

(b) The chancellor may sell, at prices as may be agreed upon, such manufactured articles or other products of any school of the district, day and evening, as may not be utilized by the city board, and all moneys realized by the sale thereof shall be paid into the city treasury and shall at once be appropriated by the city to a special fund to be administered by the city board for such purposes as such board, in its discretion, may determine. All other moneys realized by the sale of personal property shall be paid into the city treasury and shall at once be appropriated by the city to the special school fund of the city board for use in the borough in which the property sold was situated.

(c) Such method of disposal shall be deemed not to apply to the disposition of school books pursuant to subdivision forty-three of this section.

43. To dispose of, to the best advantage of the city of New York, either by sale or on the basis of money allowance for waste paper, all books delivered to the several public schools of such city that have been discarded either by reason of being obsolete, no longer required by the course of study, worn by long usage, or mutilated by accident. If disposal is made by sale, it shall be to the highest bidder, and the money realized shall be paid into the city treasury and shall at once be appropriated by the city to the special school fund of the city board entitled “supplies”. If disposal is made on the basis of money allowance for waste paper, it shall be to the highest bidder. Such discarded books may be disposed of without public advertisement or entry into a formal contract. Should the discarded books be in such condition that no sale or exchange can be made, or should there be reason to believe that such discarded books have become infected through disease among the pupils, or should the superintendent of schools certify that such discarded books contain erroneous, inaccurate, obsolete, or antiquated subject matter, illustrations, maps, charts, or other material, the committee on supplies of the board of education, if such books cannot be sold, given away, or otherwise salvaged as waste paper without danger to the public health, may authorize their destruction by fire, in which event the superintendent of school supplies shall obtain and file in his or her

office a certificate that such books have been so destroyed, signed by the principal of the school in which the books are located.

44. To provide the proper book or books in which he or she shall cause the class teachers under the direction and supervision of the principal to enter the names, ages, and residences of the pupils attending the school, the name of the parent or guardian of each pupil, and the days on which the pupils shall have attended respectively, and the aggregate attendance of each pupil during the year, and also the day upon which the school shall have been visited by the superintendent of schools or by an associate superintendent of schools or by an assistant superintendent, or by members of the city board, or by members of the community district education council, or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the chancellor. Such books shall be preserved as the property of the chancellor and shall at all times be open to inspection by members of the city board, by members of the community councils and by the superintendent of schools, or by any associate superintendent of schools, or by the assistant superintendents.

45. Make rules and regulations for the conduct, operation, and maintenance of extra classroom activities and for the safeguarding, accounting, and audit of all moneys received and derived therefrom. In the case of any extra classroom activity as it shall deem proper, and notwithstanding the provisions of section twenty-five hundred thirty of this title, it may direct that the moneys received or derived from the conduct, operation, or maintenance of such an extra classroom activity be deposited with the auditor, who in such event shall be the treasurer of such an extra classroom activity, the moneys of which are required to be so deposited. In the procurement of articles and services for the conduct, operation, and maintenance of a cafeteria or restaurant service, the chancellor shall be subject to applicable provisions of law, except that said chancellor need not have duly advertised for estimates in order to contract for such articles or services in an amount exceeding one thousand dollars. The chancellor shall also have power to assign any officers or employees to perform such duties as he or she may prescribe in connection with an extra classroom activity and to designate such officers and employees when so assigned from whom a bond shall be required for faithful performance of their duties and to fix the sum in which each such bond shall be given.

46. To maintain, through such representatives as he or she may designate, an effective visitation and inspection of all schools and classes maintained in institutions controlled by the department of correction of the city of New York.

47. To assign, in his or her discretion, one or more employees of the city board to serve as trial examiner with power to conduct investigations and hearings on behalf of the chancellor. Each trial examiner shall report the result of any such investigation or hearing to the chancellor.

48. To hold a public meeting in each community district, in conjunction with the community district education council, during a two year period, beginning with the two

thousand nine--two thousand ten school year, in order to report on public school finances, student performance, and educational goals and priorities of the city district and to receive and respond to public comments and concerns. The chancellor shall direct the community superintendent to provide public notice of such meeting in order to maximize the participation of parents, students, and all other interested parties.

49. To provide information, data, estimates and statistics regarding all matters relating to the city district as requested by the director of the independent budget office of the city of New York or the comptroller of the city of New York, in a timely fashion.

50. To issue an annual report on the participation of minority and women owned business enterprises in the city district's procurement process including the number of contracts awarded to minority and women owned business enterprises, the percent of contracts awarded to minority and women owned business enterprises of the total number of all city district contracts, the aggregate value of all contracts awarded to minority and women owned business enterprises, and the percent of the aggregate value of contracts awarded to minority and women owned business enterprises of the total aggregate value of all city district contracts.

51. Propose a policy for city board approval that promotes the recruitment and retention of a workforce at the city district, community district, and school level that considers the diversity of the students attending the public schools within the city district. The chancellor shall issue an annual report outlining the initiatives taken to enhance diversity and equity in recruitment and retention and the impacts of such initiatives to the workforce at the city district, community district and school level.

52. To compile an inventory of and issue a written report about the outdoor schoolyards in the city school district, as required by subdivision fourteen of section twenty-five hundred fifty-six of this title.

53. To compile an inventory of, issue a written report, and provide recommendations as required by subdivision fifteen of section twenty-five hundred fifty-six of this title regarding transportable classroom units in the city school district.

§ 2590-l. Enforcement of applicable law, regulations and directives; establishment of appeal board

1. (a) If, in the judgment of the chancellor any community district education council and/or superintendent fails to comply with any applicable provisions of law, by-laws, rules or regulations, standards, directives and agreements, he or she may, in addition to or as an alternative to any other remedies authorized by this article, including subdivision thirty-one of section twenty-five hundred ninety-h of this article, issue an order requiring the community district education council and/or superintendent to cease its improper conduct or to take required action and consistent with the provisions of this article and the educational and operational policies of the city board, may enforce that order by the use of appropriate means, including:

(i) supersession of the community district education council and/or superintendent by the chancellor or one or more trustees appointed by him who may be, notwithstanding any other provision of law, employees of the city board with respect to those powers and duties or decisions of such community district education council and/or superintendent deemed necessary to ensure compliance with the order; and

(ii) suspension or removal of the community district education council and/or superintendent or any member or members thereof.

(b) Prior to the enforcement of any order authorized under this section, the chancellor shall provide an opportunity for conciliation, except that the chancellor without conciliation may suspend or remove one or more members of a community district education council or a community superintendent where the conduct (i) is criminal in nature; (ii) poses an immediate danger to the safety or welfare of students or any school staff or employee, or (iii) in the judgment of the chancellor, is contrary to the best interest of the city school district.

2. The community board or any suspended or removed member and/or superintendent thereof may, within fifteen days after issuance of such order, file an appeal with the city board acting as an appeal board pursuant to subdivision ten of section twenty-five hundred ninety-g of this article.

2-a. A member of a community district education council may be removed upon a finding that the member willfully, intentionally or knowingly interfered with or was involved in the hiring, appointment or assignment of employees other than as specifically authorized in this article. Such a finding, unless judicially overturned pursuant to article seventy-eight of the civil practice law and rules, shall permanently disqualify that member from employment, contracting or membership with or on any community district education council or the city board or any employment or contractual relationship, direct or indirect, with the city district, any community district, or any public school in such districts.

Notes:

Notes:

TAB #4

Chancellor's Reg. D-140-170

2015-2017

Chancellor's Regulations
Education Councils

- CR D-140 (CECs)
- CR D-150 (CCSE and CCD75)
- CR D-160 (CCHS)
- CR D-170 (CCELL)

2015-2017

CR D-140
Community Education Councils

Process for the nomination and selection of members of the Community Education Councils, including filling vacancies

NYC EDUCATION COUNCILS

SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-140 dated June 26, 2012.

Changes:

- In accordance with recent amendments to the New York State Education law, the definition of the term "ELL parent" has been expanded to include the parent of a child who is either currently an English language learner or who has been an English language learner within the preceding two years. (See page 2, Section II.D.)

ABSTRACT

Every community school district must have a Community Education Council ("CEC") that consists of 11 voting members and one non-voting student member. Nine of the voting members are selected pursuant to the procedures set forth in this regulation and must, at the time of their selection, be parents of students in grades Kindergarten through Eight who are attending a school in the community school district. The two remaining voting members are appointed by the Borough President. This regulation details the eligibility requirements and the nomination and selection procedures for CEC members. It also provides the process for filling vacancies. Each CEC shall perform all duties and responsibilities in accordance with the New York Open Meetings Law.

I. ELIGIBILITY

A. Parents

1. Parents[1] of students in grades Kindergarten through Eight who currently attend a school under the jurisdiction of the community school district in which the parents wish to serve on the CEC are eligible to self-nominate. Eligibility is determined as of the date that the parent submits an application to run for a position on a CEC. A parent who is eligible at the time of application shall, if duly elected, be permitted to serve a full two-year term on the CEC, even if their child graduates from the eighth grade and/or ceases to attend a school under the jurisdiction of the community school district during the parent's term.[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 or removed from a Community School Board, a CEC, or a Citywide Council for an act of malfeasance directly related to service on such board or council, or convicted of a crime directly related to service on such board or council; and

   d. Persons who are on another CEC, or any Citywide Council.

3. In addition, the following persons are not eligible to serve:

   a. Members of the Panel for Education Policy;

   b. Persons who have been removed from a PA/PTA, School Leadership Team, District 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 or convicted of a crime directly related to service on such association, team, council, or committee; 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 the Conflicts of Interest Law of the City of New York.

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[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] All parent members who serve on the CEC shall be parents whose children are attending a school under the jurisdiction of the community school district, or have attended a school under the jurisdiction of the community school district within the preceding two years.

B. Students

High school students who will be seniors during their year of service, who reside in the community school district in which they will serve, and who are part of their school's elected student government are eligible to be appointed by the community superintendent. Students need not attend high schools located in the community school districts in which they will serve. If no senior on the elected student government is available to serve, seniors holding other elected leadership positions (e.g., president of a club) may be considered.

II. PARENT NOMINATIONS

A. Parents interested in serving on CECs shall self-nominate by submitting a completed application form online at http://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 http://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 school under the jurisdiction of the community school district where they currently have a child in attendance. A nominee will be considered a representative of each such school. A nominee's failure to provide information regarding each school for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion.

C. Nominees who wish to be eligible to fill the one seat on the CEC that is reserved by statute for the parent of a child with an individualized education program[3] (hereinafter referred to as an "IEP parent") must indicate on their application that they expressly consent to the disclosure of information regarding the fact that they are IEP parents.

D. Nominees who wish to be eligible to fill the one seat on the CEC that is reserved by statute for the parent of a child who is either currently an English language learner[4] or who has been an English language learner within the preceding two years (hereinafter referred to as an "ELL parent") must indicate on their application that they expressly consent to the disclosure of information regarding the fact that they are ELL parents.

E. Portions of each nominee's application (name, school child attends, statement of background and activities, and personal statement) will be posted on http://www.nycparentleaders.org for parents and the public to view them. A nominee's status as an IEP parent or ELL parent will be posted if the nominee has expressly indicated on the nominee's application that he or she consents to such disclosure.

III. SELECTORS

Selectors of the parent members of each CEC shall be the three PA/PTA officers mandated by Chancellor's Regulation A-660 from every school located in the community school district (i.e., President, Secretary, and Treasurer).[5] Presidents and officers of PAs/PTAs who are candidates in the selection process shall not be eligible to cast votes in the selection process. The PA/PTA shall select a member to vote in the place of each such president or officer for the purposes of the selection process.

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[3] A child with an individualized education program is a student who has been deemed to have a disability that requires special education services.

[4] An English language learner is a student who is enrolled in a bilingual or English as a second language program.

[5] In the case of co-presidents, co-secretaries, or co-treasurers, the remaining members of the PA/PTA executive board will determine which co-officer will serve as a selector.

IV. NOMINEES' FORUM PROCESS

A. In each community school district, the District Presidents' Council, in collaboration with FACE, will convene a Nominees' Forum where nominees for the CEC 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. The Presidents' Council will determine a DOE location, date, and appropriate time for the Nominees' Forum, and will acquire all 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 the Presidents' Council with copies of a district-specific nominees' brochure containing the names and personal statements of all nominees running for the CEC in that district, 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 http://www.nycparentleaders.org to vote. Once logged in, selectors will be provided with a ballot containing the names of all nominees for the CEC in their district. Each selector shall vote for two nominees. FACE will provide selectors with more detailed information regarding the submission of ballots.

2. In selecting members for the CEC, the selectors must attempt to ensure that:

   a. membership reflects a representative cross-section of the community and the diversity of the student population including those with particular educational needs; and

   b. the enrollment figures in the district and the potential disparity of such enrollment from school to school are considered.

3. Of the nine parent (voting) member positions on the CEC, at least one position must be filled by an IEP parent, and at least one position must be filled by an ELL parent. The remaining seven positions may be filled by any eligible parent.

4. When ballots are tallied:

   a. The seven nominees who received the highest number of votes will be deemed conditionally selected. However, no school may have more than one parent representative on the CEC, except as provided in Section V.A.4.c. If more than one nominee from the same school is selected, the nominee with the highest number of votes will be deemed selected. Other nominees from the school with fewer votes will be removed from consideration, and the person with the next highest number of votes from a school not already represented on the CEC shall be deemed conditionally selected.

   b. If an IEP parent and an ELL parent are among the seven nominees who received the highest number of votes and who were conditionally selected, 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 CEC. If an IEP parent and an ELL parent are not among the seven nominees who received the highest number of votes and were conditionally selected, then the IEP parent (if the IEP seat is not yet conditionally filled) and the ELL parent (if the ELL seat is not yet conditionally filled) receiving the highest number of votes will be deemed conditionally selected. However, no school may have more than one parent representative on the CEC, except as provided in Section V.A.4.c. If an IEP parent and/or an ELL parent is from the same school as a conditionally selected parent who received a higher number of votes, the IEP parent and/or ELL parent from the same school will be removed from consideration and the IEP parent and/or ELL parent with the next highest number of votes from a school not already

represented on the CEC shall be deemed conditionally selected. A nominee who is both an IEP parent and an ELL parent may fill either the seat reserved for an IEP parent or the seat reserved for an ELL parent, but not both.

c. The restrictions described in Sections V.A.4.a and V.A.4.b shall not apply to situations where the application of the restrictions would result in fewer than nine parents being selected, or in no IEP parent or ELL parent being seated on the CEC.

5. 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 a CEC, only those nominees who were in the tie will be eligible to be selected in the runoff.

b. Where a runoff is necessary because no IEP parent received any votes, only those nominees who are IEP parents will be eligible to be selected in the runoff for the IEP seat. Where a runoff is necessary because no ELL parent received any votes, only those nominees who are ELL parents will be eligible to be selected in the runoff for the ELL seat.

c. Where a runoff is necessary because one or more seats remain unfilled by operation of the restrictions set forth in Sections V.A.4.a and V.A.4.b against selecting multiple candidates from the same school, all nominees who have not been selected already and whose children do not attend a school already represented on the CEC 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.4.c will apply.

d. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those identified above in Sections V.A.5.a, V.A.5.b and V.A.5.c, all nominees who have not been selected already will be eligible to be selected in the runoff.

e. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections V.A.5.a, V.A.5.b, V.A.5.c and/or V.A.5.d 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.5.a, V.A.5.b, V.A.5.c. and V.A.5.d.

f. 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.5.a, V.A.5.b, V.A.5.c and V.A.5.d 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.

6. If a selected 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 in the initial selection process who is not from a school already represented on the CEC shall be deemed conditionally selected.[6] If the ineligible or disqualified nominee is the only IEP parent who was selected, the IEP parent who received the next highest number of votes in the initial selection process and who is not from a school already represented on the CEC shall be deemed conditionally selected. If the ineligible or disqualified nominee is the only ELL parent who was selected, the ELL parent who received the next highest number

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

of votes in the initial selection process and who is not from a school already represented on the CEC shall be deemed conditionally selected. If advancing nominees as outlined above results in a tie, the independent agent managing the selection process for the Department of Education will determine the winner by lot. If no eligible nominee 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 Sections IX.A.2 and IX.A.3 of this regulation.

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

B. Appointment by Borough President

The Borough President shall appoint two voting members.[7] The two members must be residents of or own or operate a business in the district, and have extensive business, trade, or education experience and knowledge. Such members serve for a term of two years and may only be reappointed for one additional two-year term.[8] Nominees seeking appointment to a CEC by the Borough President shall obtain an application form from the Borough President's office, and submit their completed application form to the Borough President's office.

C. Appointment of student member (non-voting)

The community superintendent shall appoint one high school senior who resides in the community school district and who is a member of his/her school's elected student government to serve as the non-voting member of the CEC. Community superintendents will be provided with a list of eligible students from which to make an appointment. If no senior on the elected student government is available to serve, the Division of Teaching and Learning will assist the superintendent in determining whether seniors holding other elected leadership positions (e.g., president of a club) who reside in the district are available. The student member serves a one-year term.

VI. REVIEW OF QUALIFICATIONS/ELIGIBILITY

Following the conditional selection of nominees but prior to their taking office, the Chancellor or his/her designee shall determine whether nominees are eligible to serve on the CEC. If the Chancellor determines that a nominee is not eligible, in accordance with law, the Chancellor's written decision will be made available for public inspection within seven days of its issuance at the FACE central office. 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 school already represented on the CEC.

VII. TIMING

The selection of CECs shall occur on the second Tuesday in May in 2011 and every two years thereafter, with terms commencing the July 1st 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. General information regarding the roles, functions, and activities of the CECs, as well as the nature of the application and selection processes, will be distributed beginning in January of the school year in which a selection process occurs. FACE will post precise timelines to implement this regulation.

[7] The eligibility requirements in Sections I.A.2 and I.A.3 of this regulation also apply to Borough President appointees.

[8] If a person is selected to fill a vacancy in a position appointed by the Borough President for a partial term of less than two years pursuant to Section IX.A.4 of this regulation, such partial term shall not be deemed to count toward the calculation of term limits for Borough President appointees, except that no person who has previously served as a Borough President appointee for a length of time equivalent to two full terms shall be eligible to fill a vacancy in a position appointed by the Borough President.

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 of the Division of Family and Community Engagement, 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. Borough President Appointees

Resignations of Borough President appointees must be in writing, addressed to the appointing Borough President. Such resignation shall take effect upon delivery to or filing with the appointing borough president, 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 appointing Borough President.

C. Student Members

Student member resignations must be in writing, addressed to the appointing community superintendent. Such resignations shall take effect upon delivery to or filing with the appointing community superintendent, 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 appointing community superintendent.

IX. VACANCIES

A. Parent and Borough President Appointee Vacancies

1. A member of a CEC who refuses or neglects to attend three meetings of the CEC within his/her term of office, of which s/he was properly notified, without rendering a written valid excuse, vacates the office.[9] Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of a Borough President appointee should be reported to the Borough President by the Council Administrative Assistant or President. After the third unexcused absence, the CEC shall declare the seat vacant by resolution at a calendar meeting and notify the Chancellor (or Borough President, as appropriate) of its action.

2. When a parent vacancy occurs on the CEC, the CEC shall fill the vacancy for the remainder of the unexpired term at a public meeting. The community school district's Presidents' Council and other education groups shall be given the opportunity to make written recommendations for filling the parent vacancy, and to consult with the CEC before the vacancy is filled. If such a vacancy results in the council not having at least one member who is an ELL parent or at least one member who is an IEP parent, the CEC shall select a parent having such a qualification to fill the vacancy. Before selecting an IEP parent or an ELL parent to fill a vacancy, the CEC should consult with the Citywide Council on Special Education or Citywide Council on English Language Learners. All individuals interested in filling a parent vacancy on a CEC must complete an application form. Application forms may be obtained from the applicable CEC or from FACE.

3. If the parent vacancy is not filled by the CEC within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CEC fails to fill the vacancy

[9] The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of CEC member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from CEC meeting unavoidable; and other reasons the CEC deems appropriate.

within 60 days for any other reason, the Chancellor shall order the CEC to fill the vacancy pursuant to Section 2590-l of the Education Law.

4. When a vacancy occurs in a position appointed by the Borough President, the Borough President shall appoint a member to serve the remainder of the unexpired term. Nominees seeking to fill a Borough President appointee vacancy shall obtain an application form from the Borough President's office, and submit their completed application form to the Borough President's office.

B. Student Vacancies

In the case of a student vacancy, the community superintendent shall appoint another senior from the list of eligible students to serve the remainder of the unexpired term. The superintendent shall inform FACE and the CEC 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:

Telephone:	*Division of Family and Community Engagement* N.Y.C. Department of Education 49 Chambers Street – Room 503 New York, NY 10007	Fax:
212-374-2323		212-374-0076

2015-2017

CR D-150

Citywide Council on Special Education

Process for the nomination and selection of members of the Citywide Council on Special Education and the Citywide Council for District 75, including filling vacancies

SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-150 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 Special Education ("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 Department of Education ("DOE"). Eligibility is determined as of the date that the parent submits an application to run for a position on the CCSE. A parent who is eligible 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. (See page 1, Section I.A.1.a).
- The following changes have been made to the candidate eligibility requirements for nominees seeking selection to the District 75 Council ("D75 Council"). Nominees must be parents of students receiving citywide special education services in District 75. Eligibility 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 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. (See page 7, Section II.B.1).
- The conflicts of interest provisions applicable to service on the CCSE and the D75 Council have been updated to reference Chancellor's Regulation D-125. (See page 2, Section I.A.1.c.iii; page 7, Section II.B.1.c.iii)
- Nominees for the CCSE and D75 Council 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 I.B.1; pages 7-8, Section II.C.1)
- Nominees for the CCSE are now required to list information on their application regarding each special education program where they have enrolled a child with an IEP. A nominee will be considered a representative of each district where the nominee has a child with an IEP enrolled in a special education 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. (See page 2, Section I.B.2)
- Nominees for the D75 Council are now required to list information on their application regarding each District 75 school where they currently have a child in attendance. A nominee will be considered a representative of each such school. A nominee's failure to provide information regarding each school for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion. (See page 8, Section II.C.2)
- The following changes have been made to the selection processes for both the CCSE and the D75 Council: the advisory vote has been eliminated from the selection processes, and the procedures for conducting Nominees' Forums have been updated. (See page 2-3, Section I.D; page 8, Section II.E)

- The following changes have been made to the CCSE selection rules: (1) 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; (2) if two District 75 parents are among the seven nominees who received the highest number of votes and who were conditionally selected, 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; and (3) if two District 75 parents are not among the seven nominees who received the highest number of votes and were conditionally selected, then the two District 75 parents receiving the highest number of votes will be deemed conditionally selected. (See page 3, Section I.E.1.c.)
- 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, 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. (See pages 3-4, Section I.E.1.d.ii)
- 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, 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. (See page 9, Section II.F.c.ii)
- 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. (See page 4, Section I.E.1.d.v; page 9, Section II.F.c.iv)
- 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. (See page 4, Section I.E.2; pages 9-10, Section II.F.2)
- 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 the Division of Family and Community Engagement (FACE). (See page 6, Section I.I.b; page 11, Section II.J.b)
- 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

This regulation governs the eligibility requirements and the nomination and selection procedures for the Citywide Council on Special Education ("CCSE") and the District 75 Council ("D75 Council"), and sets forth the powers and duties of the D75 Council. It also provides a process for filling vacancies. Both Councils consist of 11 voting members and one non-voting student member. For the CCSE, nine of the voting members must be parents of students with an individualized education program ("IEP") selected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the NYC Public Advocate. For the D75 Council, nine of the voting members must be parents of students receiving services in District 75 selected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the NYC Public Advocate. The CCSE and the D75 Council shall perform all duties and responsibilities in accordance with the New York Open Meetings Law.

I. CITYWIDE COUNCIL ON SPECIAL EDUCATION

A. Eligibility

1. Parent Members and Public Advocate Appointees:

a. Parents[1] of students with an IEP who currently receive special education services that are provided by and/or paid for by the Department of Education (DOE) are eligible to self-nominate for the CCSE. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCSE. A parent who is eligible 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.[2]

b. The following persons are not eligible by statute:

i. 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);

ii. Current DOE employees;

iii. Persons who have been convicted of a felony or removed from a Citywide Council, or 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

iv. Persons who are on another Citywide Council or any CEC.

c. In addition, the following persons are not eligible to serve:

i. Members of the Panel for Educational Policy;

ii. 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 such association, team, council, committee, or board; and

[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 CCSE shall be parents of students with IEPs.

iii. 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.[3]

2. Students

High school students with an IEP 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.

B. Parent Nominations

1. Parents interested in serving on the CCSE shall self-nominate by submitting a completed application 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.

2. Nominees are required to list information on their application regarding each special education program where they have enrolled a child with an IEP. A nominee will be considered a representative of each district where the nominee has a child with an IEP enrolled in a special education 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.

3. Portions of each nominee's application (name, program 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.

C. Selectors

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

D. Nominees' Forum

1. FACE will convene a Nominees' Forum where nominees for the CCSE will be permitted to make presentations to the selectors and other parents and interested parties.

2. 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.

[3] The eligibility requirements in Sections I.A.1.b and I.A.1.c of this regulation also apply to Public Advocate appointees.

3. FACE will provide copies of a CCSE-specific nominees' brochure containing the names and personal statements of all nominees running for the CCSE, for distribution at the Nominees' Forum. FACE will provide additional logistic support for the Nominees' Forum as needed.

E. Selection Process

1. Selection of parent members (voting)

a. 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 CCSE and the district in which their child's school is located (or borough, if the nominee's child attends a non-District 75 high school). Each selector shall vote for two nominees. FACE will provide selectors with more detailed information regarding the submission of ballots.

b. Of the nine parent (voting) member positions on the CCSE, at least two positions must be filled by nominees who are parents of students enrolled in a District 75 program (hereinafter referred to as "District 75 parents"). The remaining seven positions may be filled by any eligible parent.

c. When ballots are tallied:

i. The seven nominees who received the highest number of votes will be deemed conditionally selected. However, no district other than District 75 may have more than one parent representative on the CCSE, except as provided in Section I.E.1.c.iii. District 75 may have no more than two parent representatives on the CCSE, except as provided in Section I.E.1.c.iii. If more than one nominee from the same district (other than District 75) is selected, or if more than two nominees from District 75 are selected, the nominee(s) with the highest number of votes will be deemed selected. Other nominees from the same 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 CCSE shall be deemed conditionally selected.

ii. If two District 75 parents are among the seven nominees who received the highest number of votes and who were conditionally selected, 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, except as provided in Section I.E.1.c.iii. If two District 75 parents are not among the seven nominees who received the highest number of votes and were conditionally selected, then the two District 75 parents receiving the highest number of votes will be deemed conditionally selected. A third District 75 parent shall not be conditionally selected to the CCSE, except as provided in Section I.E.1.c.iii.

iii. The restrictions described in Sections I.E.1.c.i and I.E.1.c.ii shall not apply to situations where the application of the restrictions would result in fewer than nine parents being seated on the CCSE.

d. 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.

i. Where a runoff is necessary due to a tie vote for one or more seats on the CCSE, only those nominees who were in the tie will be eligible to be selected in the runoff.

ii. Where a runoff is necessary because one or more seats remain unfilled by operation of the restrictions set forth in Sections I.E.1.c.i and I.E.1.c.ii

against selecting multiple candidates from the same district (other than District 75) or more than two District 75 parents, 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 the runoff fails to result in all seats being filled, then the exception set forth in Section I.E.1.c.iii will apply.

iii. Where a runoff is necessary because fewer than two District 75 parents were selected, only the nominees who are District 75 parents will be eligible to be selected in the runoff.

iv. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those specified above in Sections I.E.1.d.i, I.E.1.d.ii, and I.E.1.d.iii, all nominees who have not been selected already will be eligible to be selected in the runoff.

v. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections I.E.1.d.i, I.E.1.d.ii, I.E.1.d.iii, and I.E.1.d.iv above, the multiple runoffs will be conducted at the same time but in separate segments.

vi. 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 I.E.1.d.i, I.E.1.d.ii, I.E.1.d.iii, and I.E.1.d.iv 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 I.I.1.b and I.I.1.c of this regulation.

e. If a selected nominee who is filling a seat not reserved for District 75 becomes ineligible or is disqualified after the completion of the selection process but on or before June 25th of the selection year, the nominee who received the next highest number of votes during the initial selection process who comes from a district not already represented on the CCSE shall be deemed conditionally selected.[4] In the case of a selected nominee who is filling a seat reserved for District 75, the nominee who is the District 75 parent that received the next highest number of votes in the initial selection process shall be deemed conditionally selected. If advancing nominees as outlined above results in a tie, the independent agent managing the selection process for the Department of Education will determine the winner by lot. If no eligible nominee remains available to be selected, a vacancy will be deemed to exist on the CCSE, which shall be filled in accordance with the procedures set forth in Sections I.I.1.b and I.I.1.c of this regulation.

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

2. 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 areas of educating, training or employing individuals with handicapping conditions, who will make significant contributions to improving special education in the NYC schools. Such members serve two-year terms and have no term limits. Nominees seeking appointment to the CCSE 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.

[4] For disqualifications occurring after June 25th of the selection year, the vacancy procedures in Sections I.I.1.b and I.I.1.c of this regulation will apply.

3. Appointment of student member (non-voting)

The Chief Achievement Officer for Students with Disabilities and English Language Learners shall select one high school senior with an IEP to serve on the CCSE. The student member serves a one-year term.

F. Review of Qualifications/Eligibility

Following the conditional selection of nominees but prior to their taking office, the Chancellor or his/her designee shall determine whether nominees are eligible to serve on the CCSE. 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 would not be ineligible because s/he is from a district already represented on the CCSE.

G. Timing

The selection of CCSE members shall occur on the second Tuesday in May 2011, and every two years thereafter, with terms commencing the July 1st 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.

H. Resignations

1. 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.

2. 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.

3. Student Member

A student member's resignation must be in writing, addressed to the Chancellor. The Chancellor assigns the Chief Achievement Officer for Students with Disabilities and English Language Learners to receive resignations on his/her behalf. Such resignations shall take effect upon delivery to or filing with the Chief Achievement Officer for Students with Disabilities and English Language Learners, 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 for Students with Disabilities and English Language Learners.

I. Vacancies

1. Parent and Public Advocate Appointee Vacancies

a. If a member of the CCSE refuses or neglects to attend three meetings of the CCSE during his/her term of office, of which s/he was properly notified without

rendering a written valid excuse, the member vacates the office.[5] 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 CCSE Administrative Assistant or President. After the third unexcused absence, the Council shall declare the seat vacant by resolution at a calendar meeting, and notify the Chancellor (or Public Advocate, as appropriate) of its action.

b. When a parent vacancy occurs on the CCSE, the CCSE shall fill the vacancy for the remainder of the unexpired term at a public meeting. The CCSE shall consult with parents of students with an IEP before the parent vacancy is filled. All individuals interested in filling a parent vacancy on the CCSE must complete an application form. Application forms may be obtained from the CCSE or from FACE.

c. If the parent vacancy is not filled by the CCSE within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CCSE fails to fill the vacancy within 60 days for any other reason, the Chancellor may fill the vacancy.

d. 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.

2. Student Vacancies

In the case of a student vacancy, the Chief Achievement Officer for Students with Disabilities and English Language Learners shall appoint another eligible senior with an IEP to serve the remainder of the unexpired term. The Chief Achievement Officer for Students with Disabilities and English Language Learners shall inform FACE and the CCSE of his/her appointment.

II. DISTRICT 75 COUNCIL

A. Duties and Responsibilities

1. The D75 Council shall have the following powers and duties:

a. Advise and comment on educational and instructional policy involving the provision of District 75 services;

b. Issue an annual report on the effectiveness of the city district in providing services to District 75 students, and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

c. Hold at least one meeting per month open to the public during which the public may discuss issues facing District 75 students.

2. The D75 Council has the right to hire, supervise, evaluate and discharge a secretary who shall perform the following functions:

a. Prepare meeting notices, agendas and minutes;

b. Record and maintain accounts of proceedings and other D75 Council meetings; and

c. Prepare briefing materials and other related informational materials for meetings.

[5] The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of CCSE member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from CCSE meeting unavoidable; and other reasons the CCSE deems appropriate.

B. Eligibility

1. Parent Members and Public Advocate Appointees:

a. Only parents of students receiving citywide special education services (D75) are eligible to self-nominate for the D75 Council. Eligibility 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 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.

b. The following persons are not eligible:

i. 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);

ii. Current DOE employees;

iii. Persons who have been convicted of a felony or 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

iv. Persons who are on another Citywide Council or any CEC.

c. In addition, the following persons are not eligible to serve:

i. Members of the Panel for Educational Policy;

ii. 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 such association, team, council, committee, or board; and

iii. 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.[6]

2. Student Members

District 75 high school students who will be seniors during their year of service are eligible to serve on the D75 Council. For purposes of this regulation, a senior is considered to be a student who has approximately 30 high school credits.

C. Parent Nominations

1. Parents interested in serving on the D75 Council 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

[6] The eligibility requirements in Sections II.B.1.b and II.B.1.c of this regulation also apply to Public Advocate appointees.

FACE for a list of schools and local organizations that can provide access to a computer with internet service.

2. Nominees are required to list information on their application regarding each District 75 school where they currently have a child in attendance. A nominee will be considered a representative of each such school. A nominee's failure to provide information regarding each school for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion.

3. Portions of each nominee's application (name, program 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.

D. Selectors

Selectors of the parent members of the D75 Council shall be the three PA/PTA officers mandated by Chancellor's Regulation A-660 from every District 75 school (i.e., president, secretary, treasurer).[7] Parents who are candidates for the D75 Council shall not be eligible to serve as selectors.

E. Nominees' Forum

1. The District 75 Presidents' Council, in collaboration with FACE, will convene a Nominees' Forum, where candidates for the D75 Council will be permitted to make presentations to the selectors and other parents and interested parties.

2. 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. The District 75 Presidents' Council 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.

3. FACE will provide the District 75 Presidents' Council with copies of a district-specific nominees' brochure containing the names and personal statements of all nominees running for the D75 Council, for distribution at the Nominees' Forum. FACE will provide additional logistic support for the Nominees' Forum as needed.

F. Selection Process

1. Selection of parent members (voting)

a. 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 D75 Council. Each selector shall vote for two nominees. FACE will provide selectors with more detailed information regarding the submission of ballots.

b. When ballots are tallied:

i. The nine nominees receiving the highest number of votes will be deemed conditionally selected. However, no school may have more than one parent representative on the D75 Council, except as provided in II.F.1.b.ii. If more than one nominee from the same school is selected, the nominee with the highest number of votes will be deemed selected. Other nominees from that school with fewer votes will be removed from consideration and the person with the next highest number of votes from a school not already represented on the D75 Council shall be deemed conditionally selected.

[7] In the case of co-presidents, co-secretaries, or co-treasurers, the remaining members of the PA/PTA executive board will determine which co-officer will serve as a selector.

ii. The restriction described in II.F.1.b.i shall not apply to situations where the application of the restriction would result in fewer than nine parents being selected.

c. 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.

i. Where a runoff is necessary due to a tie vote for one or more seats on the D75 Council, only those nominees who were in the tie will be eligible to be selected in the runoff.

ii. Where a runoff is necessary because one or more seats remain unfilled by operation of the restriction set forth in Section II.F.1.b.i against selecting multiple candidates from the same school, 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 the runoff fails to result in all seats being filled, then the exception set forth in Section II.F.1.b.ii will apply.

iii. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those specified above in Sections II.F.1.c.i and II.F.1.c.ii, all nominees who have not been selected already will be eligible to be selected in the runoff.

iv. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections II.F.1.c.i, II.F.1.c.ii and II.F.1.c.iii above, the multiple runoffs will be conducted at the same time but in separate segments with nominees grouped pursuant to the requirements of Sections II.F.1.c.i, II.F.1.c.ii and II.F.1.c.iii.

v. 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 II.F.1.c.i, II.F.1.c.ii and II.F.1.c.iii 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 II.J.1.b and II.J.1.c of this regulation.

d. If a selected nominee becomes ineligible or is disqualified after the completion of the selection process but on or before June 25th of the selection year, the nominee who received the next highest number of votes in the initial selection process shall be deemed conditionally selected.[8] If advancing nominees as outlined above results in a tie, the independent agent managing the selection process for the Department of Education will determine the winner by lot. If no eligible nominee remains available to be selected, a vacancy will be deemed to exist on the D75 Council, which shall be filled in accordance with the procedures set forth in Sections II.J.1.b and II.J.1.c of this regulation.

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

2. 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 areas of educating, training or employing individuals with handicapping conditions, who will make significant contributions to improving special education in the NYC schools. Such

[8] For disqualifications occurring after June 25 of the selection year, the vacancy procedures in Sections II.J.1.b and II.J.1.c of this regulation will apply.

members serve two-year terms and have no term limits. Nominees seeking appointment to the D75 Council 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.

3. Appointment of student member (non-voting)

The Chief Achievement Officer for Students with Disabilities and English Language Learners shall select one District 75 high school senior to serve on the D75 Council. The student member serves a one-year term.

G. Review of Qualifications/Eligibility

Following the conditional selection of nominees but prior to their taking office, the Chancellor or his/her designee shall determine whether nominees are eligible to serve on the D75 Council. 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 school already represented on the D75 Council.

H. Timing

The selection of D75 Council members shall occur on the second Tuesday in May 2011, and every two years thereafter, with terms commencing the July 1st 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.

I. Resignations

1. 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.

2. 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.

3. Student Member

A student member's resignation must be in writing, addressed to the Chancellor. The Chancellor assigns the Chief Achievement Officer for Students with Disabilities and English Language Learners to receive resignations on his/her behalf. Such resignations shall take effect upon delivery to or filing with the Chief Achievement Officer for Students with Disabilities and English Language Learners, 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 for Students with Disabilities and English Language Learners.

J. Vacancies

1. Parent and Public Advocate Appointee Vacancies

a. If a member of the D75 Council refuses or neglects to attend three meetings of the Council during his/her term of office, of which s/he was properly notified without rendering a written valid excuse, the member vacates the office.[9] 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 D75 Council's Administrative Assistant or President. After the third unexcused absence, the Council shall declare the seat vacant by resolution at a calendar meeting, and notify the Chancellor (or Public Advocate, as appropriate) of its action.

b. When a parent vacancy occurs on the D75 Council, the Council shall fill the vacancy for the remainder of the unexpired term at a public meeting. The Council shall consult with the District 75 Presidents' Council before filling the parent vacancy. All individuals interested in filling a parent vacancy on the D75 Council must complete an application form. Application forms may be obtained from the D75 Council or from FACE.

c. If the parent vacancy is not filled by the D75 Council within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the Council fails to fill the vacancy within 60 days for any other reason, the Chancellor may fill the vacancy.

d. 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.

2. Student Vacancies

In the case of a student vacancy, the Chief Achievement Officer for Students with Disabilities and English Language Learners shall appoint another eligible District 75 senior to serve the remainder of the unexpired term. The Chief Achievement Officer for Students with Disabilities and English Language Learners shall inform FACE and the D75 Council of the appointment.

III. 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.

IV. 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:

Telephone:	*Division of Family and Community Engagement*	Fax:
212-374-2323	N.Y.C. Department of Education 49 Chambers Street – Room 503 New York, NY 10007	212-374-0076

[9] The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of D75 Council member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from D75 Council meeting unavoidable; and other reasons the D75 Council deems appropriate.

2015-2017

CR D-160
Citywide Council on High Schools

Process for the nomination and selection of members of the Citywide Council on High Schools, including filling vacancies

SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-160 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 High Schools ("CCHS"): Nominees must be parents of current high school students. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCHS. (See page 1, Section I.A.1)
- The conflicts of interest provision has been updated to reference Chancellor's Regulation D-125. (See page 2, 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 high school where they currently have a child in attendance. A nominee will be considered a representative of each such school. Failure to provide information regarding each school 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 provide for enhanced involvement of the Borough Presidents' Councils. (See pages 2-3, Section IV)
- If a nominee has children who attend public high schools in different boroughs, the nominee shall appear on the ballot for each borough where the nominee's children attend high school. (See page 3, Section V.A.1, footnote 4)
- A nominee who represents schools in multiple boroughs may only be selected to represent one borough on the CCHS. If a nominee is conditionally selected to represent multiple boroughs, the nominee must designate which one of the multiple boroughs s/he will represent, and will be removed from consideration for all other boroughs. (See page 3, Section V.A.2, footnote 5)
- If a runoff is necessary because one or more seats remain unfilled by operation of the restriction against selecting multiple candidates from the same school, all nominees who have not been selected already and whose children do not attend a high school already represented on the CCHS 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)
- Individuals interested in serving as a Citywide Council on Special Education (CCSE) appointee to the CCHS must submit an application to the Division of Family and Community Engagement (FACE). (See page 4, Section V.B)

- Individuals interested in serving as a Citywide Council on English Language Learners (CCELL) appointee to the CCHS must submit an application to FACE. (See page 4, Section V.C)
- Nominees seeking to serve as a Public Advocate appointee to the CCHS must submit an application to the Public Advocate's office. (See page 4, Section V.D)
- Individuals interested in filling vacancies on the CCHS must submit an application, which may be obtained from the CCHS 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 High Schools ("CCHS") consists of 13 voting members and one non-voting student member. The 13 voting members include: ten members who are parents of students attending public high schools (hereinafter referred to as "parent members") selected pursuant to the procedures set forth in this regulation; one member appointed by the Citywide Council on Special Education (CCSE) (hereinafter referred to as "CCSE appointee"); one member appointed by the Citywide Council on English Language Learners (CCELL) (hereinafter referred to as "CCELL appointee"); and one voting member appointed by the Public Advocate of the City of New York (hereinafter referred to as "Public Advocate appointee"). This regulation details the eligibility requirements and the nomination and selection procedures for CCHS members. It also provides the process for filling vacancies. The CCHS shall perform all duties and responsibilities in accordance with the New York Open Meetings Law.

I. ELIGIBILITY

A. Parent Members and CCSE, CCELL, and Public Advocate Appointees

1. Only parents[1] of current high school students are eligible to self-nominate for the CCHS. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCHS. A parent who is eligible at the time of application, but who ceases to have a child attending a public high school 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 attending a public high school.[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 or have been 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

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[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 CCHS shall be parents of students attending public high schools.

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 will be seniors during their year of service and who serve on the elected student government at their school are eligible to self-nominate by submitting an application to the Citywide Student Advisory Council (CSAC). 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 CCHS 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 high school where they currently have a child in attendance. A nominee will be considered a representative of each such school. A nominee's failure to provide information regarding each school 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, high 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

Selectors of the parent members of the CCHS shall be the three PA/PTA officers mandated by Chancellor's Regulation A-660 from every high school in the relevant borough.[3] Officers of PAs/PTAs who are candidates in the selection process shall not be eligible to cast votes in such selection process. The PA/PTA shall select a member to vote in the place of each such officer for the purposes of the selection process.

IV. NOMINEES' FORUM PROCESS

A. In each borough, the Borough High School Presidents' Council, in collaboration with FACE, will convene a Nominees' Forum where nominees for the CCHS 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. The Borough High School Presidents' Council 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 the Borough High School Presidents' Council with copies of a CCHS-specific nominees' brochure containing the names and personal statements of all nominees who are running for the CCHS in that borough, for distribution at the Nominees' Forum.

[3] In the case of co-presidents, co-secretaries, or co-treasurers, the remaining members of the PA/PTA executive board will determine which co-officer will serve as a selector.

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, each selector will be provided with a ballot containing the names of nominees for the CCHS who are representatives of schools located in the borough in which the selector's child attends school.[4] 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 two nominees with the highest number of votes in each borough will be deemed conditionally selected, subject to verification of eligibility.[5] However, no school may have more than one parent representative on the CCHS, except as provided in Section V.A.2.b. If more than one nominee from the same school is selected, the nominee with the highest number of votes will be deemed selected. Other nominees from the school with fewer votes will be removed from consideration and the person with the next highest number of votes from a school not already represented on the CCHS shall be deemed conditionally selected.

   b. The restriction described in V.A.2.a shall not apply to situations where the application of the restriction would result in fewer than ten parents being selected.

3. In the event of a tie between or among nominees, or in the event that fewer than ten 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 CCHS, 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 school, all nominees who have not been selected already and whose children do not attend a high school already represented on the CCHS 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

[4] If a nominee has children who attend public high schools in different boroughs, the nominee shall appear on the ballot for each borough where the nominee's children attend high school.

[5] A nominee who represents schools in multiple boroughs may only be selected to represent one borough on the CCHS. If a nominee is conditionally selected to represent multiple boroughs, the nominee must designate which one of the multiple boroughs s/he will represent, and will be removed from consideration for all other boroughs.

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 selected in a borough becomes ineligible or is disqualified after the completion of the selection process but on or before June 25th of the selection year, the nominee who received the next highest number of votes in the borough during the initial selection process shall be deemed conditionally selected.[6] 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. If no eligible nominee remains available to be selected, a vacancy will be deemed to exist on the CCHS, 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 CCSE

The CCSE shall appoint one voting member who is a parent of a high school student with an individualized education program. Such member shall serve a two-year term and has no term limits. Individuals interested in serving as a CCSE appointee to the CCHS shall request an application form from FACE, and submit their completed application form to FACE for forwarding on to the CCSE.

C. Appointment by the CCELL

The CCELL shall appoint one voting member who is a parent of a student in a bilingual or English as a second language program conducted in a NYC high school. Such member shall serve a two-year term and has no term limits. Individuals interested in serving as a CCELL appointee to the CCHS shall request an application form from FACE, and submit their completed application form to FACE for forwarding on to the CCELL.

D. Appointment by the NYC Public Advocate

The NYC Public Advocate shall appoint one voting member. The member must be a resident of the city who has extensive business, trade or education experience and knowledge, and who will make a significant contribution to improving education in the NYC schools. Such member shall serve a two-year term and have no term limits. Nominees seeking appointment to the CCHS 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.

E. Appointment of student member

The Chancellor's Citywide Student Advisory Council (CSAC) will review applications submitted, may conduct interviews, and will recommend a nominee to the Chancellor for appointment.

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 CCHS. 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 school already represented on the CCHS.

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

VII. TIMING

The selection of the CCHS shall occur on the second Tuesday in May in 2011 and every two years thereafter, with terms commencing the July 1st 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 and CCSE and CCELL Appointees

Resignations of parent members and CCSE and CCELL appointees 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. CCSE and CCELL appointees shall also notify the appointing council of resignations in writing and address such notice to the appointing council president. 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 Chancellor. Such resignation shall take effect upon delivery to or filing with the Chancellor, 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.

IX. VACANCIES

A. Parent, CCSE and CCELL Appointees, and Public Advocate Appointee Vacancies

1. If a member of the CCHS refuses or neglects to attend three meetings of the CCHS during his/her term of office, of which s/he was properly notified, without rendering a written valid excuse, the member vacates the office.[7] Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of the Public Advocate's appointee should be reported to the Public Advocate by the CCHS Administrative Assistant or President. All absences of the CCSE and CCELL appointees should be reported to the appointing council by the CCHS Administrative Assistant or President. After the third unexcused absence, the CCHS shall declare the seat vacant by resolution at a calendar meeting and notify the Chancellor (and Public Advocate, the CCSE, and the CCELL, as appropriate) of its action.

2. When a parent vacancy occurs on the CCHS, the CCHS shall fill the vacancy for the remainder of the unexpired term at a public meeting. Parents of high school students shall be given the opportunity to make written recommendations for filling the parent vacancy and to consult with the CCHS before the vacancy is filled. All individuals interested in filling a parent vacancy on the CCHS must complete an application form. Application forms may be obtained from the CCHS or from FACE.

[7] The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of CCHS member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from CCHS meeting unavoidable; and other reasons the CCHS deems appropriate.

3. If the parent vacancy is not filled by the CCHS within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CCHS 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 CCSE or CCELL, the appointing council shall appoint a member to serve the remainder of the unexpired term. Individuals interested in filling the CCSE or CCELL appointee vacancy shall request an application form from FACE, and submit their completed application form to FACE for forwarding onto the CCSE or the CCELL, as appropriate.

5. 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 the 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 CSAC shall recommend another senior who previously self-nominated to the Chancellor for consideration to serve the remainder of the unexpired term. The Chancellor shall inform the CCHS 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 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:

Telephone:	*Division of Family and Community Engagement* N.Y.C. Department of Education 49 Chambers Street – Room 503 New York, NY 10007	Fax:
212-374-2323		212-374-0076

2015-2017

CR D-170

Citywide Council on English Language Learners

Process for the nomination and selection of members of the Citywide Council on English Language Learners, including filling vacancies

NYC EDUCATION COUNCILS

Regulation of the Chancellor

Category:	**CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS**	Issued: 10/31/13	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 June 26, 2012.

Changes:

- The following changes have been made to the candidate eligibility requirements to comport with changes in state law: Nominees must be parents of students in a bilingual or ESL program, or students who were in such a program within the preceding two years. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCELL. (See page 1, Section I.A.1)
- 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, and/or had a child enrolled in such a program within the preceding two years. A nominee will be considered a representative of each district where the nominee has a child enrolled in a bilingual or ESL program, and/or had a child enrolled in such a program within the preceding two years. 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. (See page 2, Section II.B)
- No more than eight nominees who are not the parents of current ELL students may be selected to the CCELL. If more than eight nominees who are not the parents of current ELL students are selected, the eight such nominees with the highest number of votes will be deemed selected, subject to the restriction described in Section V.A.2.c, and all other nominees who are not the parents of current ELL students will be removed from consideration. (See page 3, Section V.A.2.b)
- No district may have more than one parent representative on the CCELL, except as provided in Section V.A.2.d. If more than one nominee from the same district is selected, the nominee with the highest number of votes will be deemed selected, subject to the restriction described in Section V.A.2.b. 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, subject to the restriction described in Section V.A.2.b. (See page 3, Section V.A.2.c)

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 are selected pursuant to the procedures set forth in this regulation, and must, at the time of their selection, be parents of students who are currently in a bilingual or English as a second language ("ESL") program, or who were in such a program within the preceding two years. 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[1] of students in a bilingual or ESL program ("ELL students"), or students who were in such a program within the preceding two years, 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.

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.

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, and/or had a child enrolled in such a program within the preceding two years. A nominee will be considered a representative of each district where the nominee has a child enrolled in a bilingual or ESL program, and/or had a child enrolled in such a program within the preceding two years. 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, except as noted in Sections V.A.2.b and V.A.2.c below.

   b. No more than eight nominees who are not the parents of current ELL students may be selected to the CCELL. If more than eight nominees who are not the parents of current ELL students are selected, the eight such nominees with the highest number of votes will be deemed selected, subject to the restriction described in Section V.A.2.c, and all other nominees who are not the parents of current ELL students will be removed from consideration.

   c. No district may have more than one parent representative on the CCELL, except as provided in Section V.A.2.d. If more than one nominee from the same district is selected, the nominee with the highest number of votes will be deemed selected, subject to the restriction described in Section V.A.2.b. 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, subject to the restriction described in Section V.A.2.b.

   d. The restriction described in Section V.A.2.c 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.c 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.d 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 25th 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.[2] 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. 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 1st 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.

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

4. The Office of Communications and Media Relations must be notified in advance of any visits by elected officials or candidates for elective office.

B. Use of School Facilities, Equipment and Supplies

School facilities, equipment and supplies may not be used on behalf of any candidate, candidates, slate of candidates, or political organization/committee, except as provided by this regulation.

1. The use of any Department of Education school during school/business hours by any person, group, organization, committee, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates or political organization/committee is prohibited.

2. No rallies, forums, programs, etc., on behalf of, or for the benefit of any elected official, particular candidate, candidates, slate of candidates or political organization/committee may be held in a school building.

3. No material supporting any candidate, candidates, slate of candidates or political organization/committee may be distributed, posted, or displayed in any school building except as noted in Section I.B.4 below:

4. Staff mailboxes and union bulletin boards in schools and district and central headquarters offices are to be used for the following purposes only: (1) by schools and district and central offices for the dissemination of education-related materials and other school-related information; and (2) by the union for the dissemination of union-related materials. Toward that end, the union may:

   a. Place materials advocating the election of a candidate, candidates, slate of candidates or political organization/committee in staff mailboxes.

   b. Post materials advocating the election of a candidate, candidates, slate of candidates or political organization/committee on union bulletin boards located in areas closed to students.

5. Notwithstanding (a) and (b) above, in no event shall materials containing endorsements of candidates for community or citywide councils be distributed in staff mailboxes or posted on union bulletin boards.

6. Parent association bulletins distributed through the children may not contain endorsements of any candidate, candidates, or slate of candidates, including candidates for Community or Citywide Councils or political organization/committee.

7. The principal is responsible for ensuring that unauthorized material is not posted, distributed or displayed.

8. No Department of Education duplicating, communication, electronic or other equipment may be used to produce, reproduce, record, or disseminate information on behalf of any candidate, candidates, slate of candidates or political organization/committee.

C. Conduct of Officers and Employees

1. While on duty or in contact with students, all school personnel shall maintain a posture of complete neutrality with respect to all candidates. Accordingly, while on duty or in contact with students, school personnel may not wear buttons, pins, articles of clothing, or any other items advocating a candidate, candidates, slate of candidates or political organization/committee.

2. Personnel may not be involved in any activities, including fundraising, on behalf of any candidate, candidates, slate of candidates or political organization/committee during working hours.

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:

Telephone:	*Division of Family and Community Engagement*	Fax:
212-374-2323	N.Y.C. Department of Education 49 Chambers Street – Room 503 New York, NY 10007	212-374-0076

Notes:

Notes:

TAB #5

Ethics and Conflicts of Interest

2015-2017

Ethics and Conflicts of Interest

- Conflicts of Interest Board FAQs
- CR C-110
- CR C-120
- CR D-130

What is the Conflicts of Interest Board?

The Conflicts of Interest Board (COIB or Conflicts Board) was established in 1989 with the revision of the City Charter. It is the agency charged with the administration and enforcement of the City's ethics law. The Conflicts of Interest Law, contained in Chapter 68 of the City Charter, deals with the conflicts that might arise for any City employee or official, including Community Education Council ("Council") members, between his or her public duties and private interests. Most conflicts are financial in nature, falling into the following categories:

- Gifts and Honoraria
- Moonlighting
- Post-City Employment
- Ownership Interests
- Financial Relationships
- Political Activities
- Volunteer Activities
-

Since Council members are considered part-time officials, the rules are less strict than for full-time employees. The law was written "to preserve the trust placed in the public servants of the City," and to "protect the integrity of government decision-making." As a Council member, you are prohibited and protected from potential conflicts that may compromise your abilities to perform your public duties in the best interests of the City.

—Financial Disclosure Reports—

As a Council member, must I file a financial disclosure report with the Conflicts of Interest Board?

No, however you must file a statement with the Department Education. Please call the Department of Education Ethics Officer at (212-374-3438) for more information.

—Gifts—

I've heard about the "valuable gifts" rule. Could you explain it?

DOE employees and officials are restricted by the Conflicts of Interest Law from accepting gifts with a value of $50 or more from any person or firm doing business with the City, including the DOE. This includes cash, tickets to concerts, plays or sports events, as well as travel expenses and meals. In addition, the DOE strongly discourages its employees and officials from accepting ANY gift from any vendor to the DOE.

A neighborhood organization in the district served by my Council would like to give me a plaque to honor my service as a Council member. This is okay, isn't it?

Generally, this would be okay, provided the plaque is of no substantial resale value.

—Job Seeking—

Are there restrictions on my seeking a new job while I am a Council member?

Generally, this would be okay, provided the plaque is of no substantial resale value.

—Job Seeking—

Are there restrictions on my seeking a new job while I am a Council member?

Yes. You may not use DOE letterhead or your position as a Council member to promote your job search. You may not use DOE resources or personnel in your job search. You may not divulge confidential DOE or City information to benefit yourself or your new employer. You may not seek or accept employment with an employer that you are currently working with in your job as a Council member.

—Misuse of Confidential Information—

I just learned through my Council position that the DOE is considering purchasing a new state of the art e-mail system that uses brand new technology. I have a friend who is in that field, and I'd like to discuss it with him. I can do this, can't I?

No. No City employee or official may disclose confidential information concerning the property, affairs, or government of the City, including the DOE, that is obtained as a result of his or her official duties and that is not otherwise available to the public.

—Misuse of Position—

I'd like to get my son a teaching job in a school in a bordering district. He's certainly qualified for the position. Is that a conflict?

Yes. You may not use your official DOE position directly or indirectly to benefit a family member or someone with whom you have a financial relationship. You also may not divulge confidential information. If the job information is not available to the public, you couldn't tell your son about the job in the first place. It is okay, however, to tell your son about a new job that is known to the general public, as long as you don't use your position or influence to get him that job.

—Outside Employment—

In addition to my position as a Council member, I have a paid job. Are there restrictions?

Generally, the City's Conflicts of Interest Law does not prohibit Council members from having paid job(s), unless the job is with a company that has business with the DOE, such as DOE contracts, grants or licenses. You also may not have a paid job that puts you in personal, written, or telephone contact with the DOE or any DOE employees or officials. In addition, your job must be done on your own time, and you may not use your official DOE position, letterhead, confidential information, or DOE personnel or equipment to perform the job or to benefit your non-DOE employer. In seeking your non-DOE job, you must adhere to the above rules as well.

Define "Doing business with the DOE."

This refers to any transaction between a person and the DOE, or ANYofits divisions/regions/districts/ schools, involving the exchange of goods, services or property, or discretionary licenses and permits. In other words, if a firm buys from or sells to the DOE, or has a license or permit that requires judgment by the DOE before issuance, that firm is doing business with the DOE.

Are waivers available permitting me to hold a job with a firm that does business with the DOE?

Waivers are granted by the Conflicts Board in many circumstances. Please contact the DOE's Ethics Officer about the possibility of obtaining a waiver if you have a job with a firm that does business with the DOE. Under the Conflicts Law, it is a Council member's responsibility to determine if his or her employer does business with the DOE. A Council member may contact the DOE's Ethics Officer, who can help determine whether a firm does business with the DOE.

In order to receive a waiver from the Conflicts Board, you must receive written support for your waiver request from the Chancellor stating that your job would not conflict with your official DOE duties. The support, if granted, will be forwarded by the Ethics Officer to the Conflicts Board along with your request for a waiver. The Conflicts Board will base its decision on how your job could possibly conflict with your position as a Council Member. If the Conflicts Board sees no conflict, you will be granted a waiver and you will be permitted to retain or take the job.

May I lobby the DOE on issues on behalf of my employer?

As a part time DOE official, a Council member is prohibited from lobbying the DOE, including any Council or District, on behalf of his or her employer. You are also prohibited from lobbying on behalf of an organization for which you work on a volunteer basis. This includes writing letters, making phone calls, and in-person visits. So the answer is "no," unless you first obtain a waiver from the Conflicts Board.

—Ownership Interests—

Is there a prohibition on having an ownership interest in a business that deals with the DOE?

You cannot have an ownership interest in a firm that does business with the DOE. In order to have an ownership interest in a firm that does business with the DOE, you must obtain an "order" from the Conflicts Board. Contact the DOE's Ethics Officer about the possibility of obtaining an order. You must receive written support from the Chancellor stating that your ownership interest would not conflict with your official DOE duties. The support, if granted, will be forwarded by the Ethics Officer to the Conflicts Board along with your request for an order. If the Conflicts Board sees no conflict, you will be granted an order and you will be permitted to retain or take the ownership interest. This rule also applies to businesses owned by your spouse or registered domestic partner, and children under 18.

Is there a prohibition on having an ownership interest in a business which does not deal with the DOE, but does deal with other City agencies?

For part-time officials, like community education council members, there is no prohibition on having

an ownership interest in a business that does not deal with the DOE but does deal with other City agencies.

—Political Activities—

What are the restrictions on political activities?

Being a public servant does not diminish your right to engage in political activity. However, there are a few rules:

- You must perform all your political activities on your own time.
- You may not use DOE letterhead, supplies, equipment or personnel.
- You may not coerce or induce fellow officials or employees to participate in or contribute to a campaign by threatening their jobs or by promising them a raise or promotion.
- You may not ask subordinates to contribute to, or participate in, a campaign– yours or anyone else's.
- You may not send requests for contributions for a political campaign if the requests are directed to employees in the district served by your Council.

Your contribution may not be in return for your appointment or promotion as a public servant.

For further information and guidelines, contact the DOE's Ethics Officer.

—Post-Employment Restrictions—

After my term of service as a Council member has finished, I plan to take a job that would involve my returning to the DOE on behalf of the new firm to discuss business. Does that pose a problem? Are there other restrictions on what I can do after my term of service?

Yes. Former DOE employees and officials are prohibited from appearing before the DOE on business for a period of one year. This means you may not appear in person, write letters, or make phone calls to the DOE on behalf of your new employer for one full year after leaving DOE service. However, it is likely that the Conflicts of Interest Board would grant you a waiver permitting you to appear before the DOE within one year of the date you leave the Council, provided that you have no contact with any employees of the district served by your former Council.

Also, you may never work on a particular matter that you were personally and substantially involved with while a Council member.

Even without a waiver, you are not restricted from returning to the district served by your former Council to have lunch, attend parties and go to similar events with friends, as long as your purpose is social, not business.

In addition, NYS Education law 2590(f) contains restrictions on what jobs former Council members may take after their term of service as a Council member is over. The law states that no former Council member may be employed by the Council on which the member served, or by the district served by that Council, within a period of three years after the Council member's term has ended, unless the

member qualifies for the position pursuant to a competitive examination and applicable provisions of the civil service law.

—Supervisor/Subordinate Relationships—

The secretary to my Council is a skilled tradesperson who does great work. Can I hire her to do work for me at home?

No. Superiors and subordinates are prohibited from having any kind of financial relationship. This includes lending money (other than a nominal amount), going into business together, employing one another, or paying for goods and/or services. This prohibition serves as protection to all City employees and officials from abuses by coworkers who might expect a payback some time in the future.

—Volunteering for Not-for-Profits—

I would like to volunteer to be on the Board of Directors of a not-for-profit that has dealings with the DOE. Is that a conflict of interest?

It could be. In such a case, you must first obtain written approval from the Chancellor or the Chancellor's designee stating that your volunteer work would be in the best interests of the City. Contact the DOE's Ethics Officer to obtain this permission. If you receive approval, you will have to abide by the following restrictions:

- All of your volunteer work must be done on your own time.
- You may not use DOE letterhead, supplies, equipment, or personnel for the work.
- You may not take part in any business the not-for-profit has with the DOE.
- You may not be compensated (if you are, you would be covered by the paid job restrictions, discussed in the questions above).
- You many not use confidential DOE or City information, nor may you use your DOE position to benefit your not-for-profit.

I serve without pay on the Board of Directors of a not-for-profit organization that receives a grant from a New York City agency but has no dealings with the DOE. Is this okay?

Yes, provided that none of the work is done on DOE time or using DOE resources or personnel.

I am thinking of volunteering as a basketball coach in a program sponsored by a not-for-profit that gets funding from the DOE. I would have no administrative or decision making authority. I can do this, right?

Yes. If you have no decision-making authority at the organization, no involvement in its business with the DOE, and are not doing the work of a paid employee, you can volunteer there without receiving DOE approval.

Note: These materials are intended as a general guide. For more detailed information on the Conflicts of Interest Law call or write the NYC Department of Education's Ethics Office at (212) 374-3438 or the Conflicts of Interest Board at (212)442-1400.

NYC DOE ETHICS OFFICE
28-11 QUEENS PLAZA NORTH
QUEENS, NY 11101
(212) 374-3438

NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400 (TDD 212-442-1443)

website: nyc.gov/ethics

2015-2017

CR C-110

Conflicts of Interest, Community Education Council Members, Employment of Family Members

Regulation of the Chancellor

Category:	PERSONNEL	Issued: 6/29/09		Number:	**C-110**
Subject:	CONFLICTS OF INTEREST, COMMUNITY EDUCATION COUNCIL MEMBERS, EMPLOYMENT OF FAMILY MEMBERS			Page:	1 of 1

SUMMARY OF CHANGES

This regulation supersedes C-110 dated December 3, 2008.

The regulation sets forth the conflict of interest rules for officials and employees of the New York City Department of Education to comply with the Conflicts of Interests Law, Chapter 68 of the New York City Charter.

Changes:

- Section II.G has clarified that the New York City Conflicts of Interest Law applies to employees during leaves of absence.
- The regulation has been updated to conform to the Department's current structure.

Regulation of the Chancellor

Category:	**PERSONNEL**	Issued: 6/29/09	Number:	**C-110**
Subject:	CONFLICTS OF INTEREST, COMMUNITY EDUCATION COUNCIL MEMBERS, EMPLOYMENT OF FAMILY MEMBERS	Page:	1 of 1

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ABSTRACT

This regulation supersedes Chancellor's Regulation C-110 dated December 3, 2008. The Conflicts of Interest Law as well as Department of Education rules prohibit Department of Education officials and employees from having private interests that may conflict with official duties. They are designed to preserve the trust placed in Department of Education officials and employees by the public, to ensure the integrity of the decisions made by Department of Education officials and employees and, in general, to promote public confidence in the Department of Education.

I. THE NEW YORK CITY CHARTER - CHAPTER 68 - CONFLICTS OF INTEREST

By resolution dated April 18, 1990, the Board of Education adopted the Conflicts of Interest Law, which is contained in Chapter 68 of the New York City Charter. The Conflicts of Interest Law applies to all Department of Education officials, including members of community education councils, and Department of Education employees. The Conflicts of Interest Law contains important restrictions in the area of second jobs, gifts and honoraria, political activities, volunteer positions and post-employment activities (i.e., positions taken after leaving Department of Education employment). All employees and officials of the Department of Education are required to familiarize themselves with these provisions and the definitions contained therein. The full text of the Conflicts of Interest Law, the Conflicts of Interest Board's pamphlet devoted to Department of Education issues and other Conflicts of Interest Board publications can be found on the Conflicts of Interest Board's website at: www.nyc.gov/ethics.

Officials and employees of the Department of Education as well as firms and individuals in the private sector who deal with the Department of Education, including any community school district, should contact the Department of Education's Ethics Officer concerning Conflicts of Interest Law issues. In addition, officials and employees must contact the Ethics Officer in order to obtain waivers from the Conflicts of Interest Board and to report allegations of violations of the Conflicts of Interest Law:

Ethics Officer
Office of Ethics and Conflicts of Interest
52 Chambers Street – Room 308
New York, NY 10007
212-374-3438

Officials and employees of the Department of Education may also contact the Conflicts of Interest Board directly concerning Conflicts of Interest Law questions and violations of the Conflicts of Interest Law:

Conflicts of Interest Board
2 Lafayette Street - Suite 1010
New York, New York 10007
212-442-1400

II. DEPARTMENT OF EDUCATION CONFLICTS OF INTEREST RULES

In addition to the Conflicts of Interest Law, the Department of Education has adopted conflicts of interest rules applicable to all Department of Education officials and employees.

A. Outside Employment (Non-Department of Education) Activities - General Rules

1. Officials and employees shall not solicit, negotiate for, or engage in any private business, transaction, or professional or political activity during the hours they are scheduled to work for the New York City Department of Education or on Department of Education property. This includes lunch periods, preparation periods, breaks, or any other time that the official or employee is deemed officially to be performing

Department of Education duties. Officials and employees shall not use supplies or any other item purchased with Department of Education funds, which are considered to be the property of the Department of Education, in furtherance of their private business, professional, or personal activities.

2. Officials and employees shall not advertise their business, political, or professional activities on Department of Education property. Advertisements for any official or employee's private business, political, or professional activities shall not indicate the official or employee's specific office, division, school district, or program without written approval of the Department of Education or, where appropriate, the Chancellor. Duplication of these advertisements on Department of Education time is prohibited.

3. Officials and employees shall not engage in any business, transaction, political, or professional activity that interferes with the proper discharge of their duties by causing them to be absent during the hours they are scheduled to work for the Department of Education, provided, however, that personal business days may be taken in accordance with regulations, collective bargaining, or other employment agreements.

B. Authorship

1. Officials and employees who are contemplating writing materials to be published by publishers doing business with the City or the Department of Education or which will offer the materials for sale to the City or the Department of Education must receive a waiver from the Conflicts of Interest Board prior to commencing contractual negotiations with such publishers. In order to obtain a waiver from the Conflicts of Interest Board, officials and employees must contact the Office of Ethics and Conflicts of Interest.

2. Officials and employees may not collect data, use materials produced in the course of their official duties or in any other way use working hours, equipment, supplies, or any other item which is Department of Education property to prepare instructional materials for commercial purposes.

3. Officials and employees who receive stipends and/or grants from the Department of Education to produce materials are prohibited from using such materials in publications for commercial purposes.

4. Authors of publications or other instructional materials may not identify themselves as representing specific offices, divisions, schools, districts, or programs at the Department of Education.

C. Coaching

It is a conflict of interest for any Department of Education official or employee who is directly or indirectly involved in the selection of staff, rating of staff or supervision of staff to conduct, for a fee or honorarium, any coaching course or training program relating to the Office of Recruitment, Personnel Assessment and Licensing's licensing examinations or to any other promotional examination or selection procedure. This does not apply to nonprofit training programs sponsored by the Department of Education.

D. Financial Relationships with Students – Private Practices, Tutoring

1. Private Practice

Department of Education officials and employees, including teachers, school psychologists, social workers, education evaluators, speech and language teachers, physical therapists, occupational therapists and others may maintain private practices or can be privately engaged to evaluate or provide therapy services to a child, other than a child who attends the school to which the official or employee is assigned. In addition, Department of Education officials and employees may not evaluate or provide therapy services to the siblings of children who attend the school to which the official or employee is assigned.

However, in maintaining a private practice, Department of Education officials and employees must comply with the restrictions of the Conflicts of Interest Law. Section 2604(b)(6) of the Conflicts of Interest Law prohibits Department of Education officials and employees from appearing, directly or indirectly, before the Department of Education and city agencies. This means that any written evaluations, progress reports, oral reports, testing results, clinical findings, etc., conducted by a Department of Education official or employee in a private capacity may not be presented to the Department of Education or any city agency. Such evaluations and reports may not be presented at IEP meetings concerning a child, including at Annual Reviews, CSE reviews, or at Impartial Hearings. All Department of Education officials or employees who enter into private practice relationships for services provided to a child must explain this rule to parents/guardians prior to initiating services. A written agreement to be signed by parents/guardians and maintained by the private practitioner should be obtained from the Office of Ethics and Conflicts of Interest.

2. Tutoring and Other Financial Relationships with Students

Department of Education officials and employees may not tutor a student for a fee or enter into any type of business relationship with a student who attends the school to which the staff member is assigned. In addition, officials and employees cannot tutor for a fee or enter into any type of business relationship with the siblings of any student who attends the school to which the official or employee is assigned. Officials and employees may apply for a waiver of this rule from the Office of Ethics and Conflicts of Interest. However, a waiver would be entertained only in a case where warranted by exigent circumstances.

This rule does not preclude officials and employees from privately tutoring students who do not attend the official or employee's assigned school. However, no one is permitted to tutor privately, for a fee, in any Department of Education building. The business of private tutoring cannot be facilitated through the use of Department of Education supplies, materials, or staff, and cannot be engaged in during the official or employee's regular hours of employment.

E. Gifts, Fundraising, and Celebrations for New or Newly-Promoted Staff Members

1. Gifts and Fundraising

No student, parent, guardian, school class, official, or employee is required or expected to contribute toward any gift or testimonial to an official or employee of the Department of Education. No class, student, parent, official, or employee shall be expected or required to participate in any fundraising activity.

a. Gifts from individual students, parents and/or guardians

Individual students, parents and/or guardians may wish to make gifts to officials and employees at the end of the year and at similar occasions, such as holidays, weddings, and the birth of an official's or employee's child. However, discretion must be used to ensure that officials and employees do not accept gifts of value from individual children, parents, or guardians. Only those gifts that are principally sentimental in nature and of small financial value may be accepted.

b. Gifts from School Classes

In addition to individual gifts, sometimes an entire school class may wish to make a gift to officials and employees at the end of the year and at similar occasions, such as holidays, weddings, and the birth of an official's or employee's child. Officials and employees may accept gifts from whole classes

of students, their parents and/or guardians, provided that each student, parent or guardian in the class has the opportunity to sign the card or note that comes with the gift, whether or not the student, parent or guardian contributed to the cost of the gift.

In addition, students, their parents and/or guardians may not be asked to contribute more than a small amount of money toward such class gifts.

2. Celebrations for New or Newly Promoted School Staff Members

Employees may wish to celebrate the arrival of or promotion of a school employee. Such celebrations should be held in the school. All staff members in the school must be invited to the celebration. It is encouraged that celebrations for new principals be open to all members of the school community, including all parents of children attending the school. All such celebrations must have a modest financial cost. Participants can be asked to contribute food or non-alcoholic drink, or a small monetary donation.

F. Approval of Travel Related Expenses Paid by Non-Government Entities

The New York City Conflicts of Interest Board has rules which permit Department of Education officials and employees to accept offers of payment of travel related expenses from non-government entities under certain conditions. When these conditions are met, the Conflicts of Interest Board considers payments of travel related expenses to be “gifts” to the City. Generally, the Conflicts of Interest Board’s rules consider the following:

- whether the trip is for a Department of Education purpose and could properly be paid for with Department funds; that is, if the Department had the funds available, the Department would be willing to pay for the trip;
- whether the travel arrangements are appropriate to the Department of Education purpose; that is, whether the employee is traveling first class or economy and whether the accommodations are luxury or economy; and
- whether the trip is no longer than necessary to accomplish the Department of Education purpose; for example, whether the employee has added days to a seminar to sightsee.

The Conflicts of Interest Board “strongly suggests” that all employee trips which are paid for by non-government entities be approved by the agency. To ensure uniform interpretation of the Conflicts of Interest Board rules, all trips taken by Department of Education officials and employees on Department business that are funded by non-government entities, whether private or not-for-profit, must be reviewed by the Office of Ethics and Conflicts of Interest for final approval. This review is limited to the Conflicts of Interest Board’s rules. Whether the trip serves a Department of Education purpose and whether it is in the scope of the official or employee’s duties to attend, is a decision to be made by the Superintendent, Executive Director, or Head of Office. For Community Education Council Members, decisions as to whether a trip serves a Department purpose will be made by the Chief Family Engagement Officer of the Office of Family Engagement and Advocacy. Travel plans paid for by non-government entities must be approved by the Ethics Officer, Office of Ethics and Conflicts of Interest, before travel plans are finalized. Written permission will be provided to the Superintendent, Executive Director, or Head of Office indicating whether the travel expenses may be accepted as a gift to the Department of Education.

G. Employment and other activities during Leaves of Absence (see also Chancellor’s Regulations: C-603, C-605, C-607, and C-650).

The Conflicts of Interest Law applies to employees on paid or unpaid leaves of absence, so in addition to the instructions and prohibitions contained in the various leave regulations, employees on leave must contact the Department of Education’s Ethics Officer for advice regarding outside activities, including but not limited to outside employment, and owning or operating a business, to determine whether a waiver from the New York City Conflicts of Interest Board is needed.

III. COMMUNITY EDUCATION COUNCIL MEMBERS – EMPLOYMENT AND OTHER RULES

Community Education Council Members are prohibited from using their positions to secure employment or promotion in the New York City Public Schools.

Members of Community Education Councils and former members of Community School Boards may not be employed by that Community Education Council or the District in which the member served within three years from the effective date of resignation or completion of elective term; provided, however, that nothing contained herein shall preclude a member from returning to a pedagogical or administrative position held by such member prior to serving as a Community Education Council Member or a Community School Board member in accordance with applicable regulations or from being appointed to a position from a rank order eligible list.

IV. EMPLOYMENT AND SUPERVISION OF RELATIVES: RELATED CONFLICTS OF INTEREST LAW PROVISIONS

A. No person employed in the city school district, including but not limited to all locations in the Community School Districts or under the jurisdiction of the Department of Education, may hire or employ a near relative, except as provided in Paragraph D below.

B. No person employed in the city school district, including but not limited to all locations in the Community School Districts or under the jurisdiction of the Department of Education, may supervise a near relative.

C. For the purpose of this rule:

1. "person employed in the city school district" shall mean any employee including members of the teaching, supervisory, administrative, or executive service, a school custodian, school custodian engineer, contract employees, and consultants.

2. "near relative" shall mean a parent, spouse, registered domestic partner, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, or the spouse or child of any of them or a person bearing the same relationship to the employee's spouse or registered domestic partner.

3. "supervise" shall include giving, furnishing, or supervising work assignments, ratings, approval of ratings, evaluation, or approval of recommendation for tenure or completion of probationary services or for continued service, or making a primary discretionary decision respecting the working conditions or privileges of another, whether direct or indirect.

4. "hire or employ" shall include any substantial participation in the hiring, selection, promotion, or termination process, including requesting or approving employment, promotion, or a selection process involving the evaluation of credentials or experience of another.

D. Requests for waivers should be directed to the Office of Ethics and Conflicts of Interest, which will process the requests. The Chancellor will grant waivers of these policies where such waiver will serve the best interests of the Department of Education. In granting such a waiver, consideration will be given to the nature of the employment, appointment or assignment involved, the degree of relationship, and the nature and extent of the supervisory relationship.

E. Nothing in this rule shall be deemed or construed to prohibit or discourage the employment of the qualified individual by reason of the fact that a near relative of the individual is employed in the city school district. Nor shall anything in this policy be construed to add any additional qualification or disqualification to the requirements for employment in the city school district.

F. Department of Education officials and employees are also public servants of the City of New York. As such, a Department of Education official or employee is prohibited by Section 2604(b)(3) of the New York City Conflicts of Interest Law from "using or attempting to use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the

public servant or any person or firm associated with the public servant". Section 2601(5) of the Conflicts of Interest Law defines a person or firm associated with a public servant as "a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest."

V. INQUIRIES

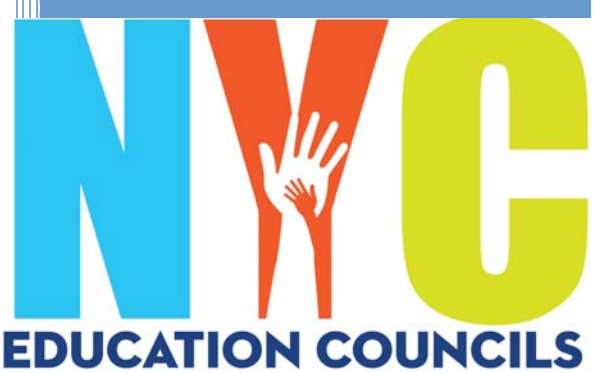
Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Ethics Officer* *Office of Ethics and Conflicts of Interest* N.Y.C. Department of Education 52 Chambers Street – Room 308 New York, NY 10007	Fax:
212-374-3438		212-374-5596

2015-2017

CR C-120

Disclosure of Financial Interests Reports



Regulation of the Chancellor

Category:	**PERSONNEL**	Issued: 6/26/12		Number:	**C-120**
Subject:	**DISCLOSURE OF FINANCIAL INTERESTS REPORTS**			Page:	1 of 1

SUMMARY OF CHANGES

This regulation governs the Department of Education's Financial Disclosure requirements and supersedes Chancellor's Regulation C-120 dated April 27, 2009.

Changes:

- Updates list of who must file financial disclosure forms. (p. 1, § I.A)
- The provision regarding applications for community education council and citywide council nominees was deleted.
- The provisions requiring Citywide council members to file annual financial disclosure have been deleted. (p. 2, § II.D; p. 2, § III.C; p. 4, § IV.C)
- Clarifies the financial disclosure requirements for Superintendents. (p. 1, § I.F; p. 2, § II.D; pp. 2-3, § III.C, D; p. 4, § IV.C, D)
- All references to OFEA have been changed to FACE.

Regulation of the Chancellor

Category:	**PERSONNEL**	Issued:	6/26/12	Number:	**C-120**
Subject:	**DISCLOSURE OF FINANCIAL INTERESTS REPORTS**			Page:	1 of 1

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ABSTRACT

This regulation governs the Department of Education's Financial Disclosure requirements. This regulation supersedes Chancellor's Regulation C-120 dated April 27, 2009.

I. APPLICABILITY OF REGULATION – WHO MUST FILE

A. Each individual who is serving in one of the titles or positions listed below must file an annual Electronic Financial Disclosure Report which consists of a combined Conflicts of Interest Board Report, an Executive Order 91 Disclosure Report, and a DOE Disclosure Report using the electronic filing application prescribed for this purpose by the Conflicts of Interest Board:

- Members of the Management Pay Plan and employees whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, concessions, and applications for variances and special permits. The foregoing does not apply to persons represented by union contracts.
- Attorneys employed in the Commercial Unit of the Office of Legal Services
- Investigators and attorneys, Office of Special Investigations
- Confidential Investigators

B. Any individual serving in any title or position listed in Paragraph (A) above on April 30th of a given year must file the Electronic Financial Disclosure Report even if the officer or employee was not employed by the Department of Education during the previous year.

C. Any individual who, on April 30th of a given year, is not serving in a title or position listed in Paragraph (A) above is not required to file the Electronic Financial Disclosure Report, even if the individual served in a title listed in Paragraph (A) during all or some of the previous year. This exemption does not apply to individuals whose duties during any part of the previous year involved the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, and applications for variances, and special permits.

D. Pursuant to New York State Education Law, each individual who is serving as a Member of the Panel for Educational Policy must file a Disclosure Report of Relatives Employed, Sources of Income and Reimbursement of Expenses or Gifts annually.

E. Community Education Council members must file a Community Education Council Financial Disclosure Form annually, as required by New York State Education Law.

F. Community Superintendents must file a financial disclosure form annually, as required by the New York State Education Law. This requirement is met by filing an annual Electronic Financial Disclosure Report, as described in Section I.A of this regulation, and pursuant to Section 12-110(b)(3) of the New York City Administrative Code.

II. WHEN TO FILE

A. Present officers and employees who are required to file the Electronic Financial Disclosure Report must do so no later than May 1st of each year (or the following Monday, if May 1st falls on a weekend) following the calendar year reported. Such officers and

employees may request an extension of time to file a disclosure report on the ground of justifiable cause or undue hardship in accordance with the rules of the Conflicts of Interest Board. Such written requests must be submitted to the Conflicts of Interest Board on or before April 15th of the filing year for a report due May 1st. A request for an extension of time does not automatically extend the time to file.

B. Former officers and employees shall file an Electronic Financial Disclosure Report covering the period for that portion of the final calendar year in which they serve. This disclosure report must be filed within 60 days of separation from service or May 1st of the year they have left service, whichever is earlier. Former officers and employees who separate from service on or by May 1st shall file an Electronic Financial Disclosure Report covering the period from January 1st of the prior calendar year through the date of the employee's separation from service.

C. Failure to file a complete and accurate Electronic Financial Disclosure Report by the dates specified shall constitute grounds for disciplinary action, which may include dismissal from service of the Department of Education. Present full-time officers and employees who file later than May 8th of each year must pay a fine pursuant to Section 12-110 (g)(1) of the Administrative Code, payable to the NYC Conflicts of Interest Board, except in documented cases of illness or undue hardship. Officers and employees who are found to have intentionally violated New York City Administrative Code §12-110, by failing to file an Electronic Financial Disclosure Report or by failing to pay a late fine, may be assessed a civil penalty of up to $10,000. Failure to file a report is also a misdemeanor. Officers and employees who are newly appointed after April 1st to a title requiring them to file the reports will not be fined if they file after May 1st but before or on the filing date indicated by the Conflicts of Interest of Board.

D. The Community Education Council Financial Disclosure Form for Members of Community Education Councils must be filed annually. Pursuant to New York State Education Law, a Council Member who is re-elected to office may not commence a new term of service until he or she has filed all required annual reports for the years served as a Council Member.

III. SUBMISSION OF REPORTS – WHERE TO FILE

A. All individuals required to file an Electronic Financial Disclosure Report must file the form with the Conflicts of Interest Board of the City of New York in the manner indicated in the instructions received with the reports. These instructions may change annually based upon the procedures of the Conflicts of Interest Board.

It is the responsibility of the reporting individual to ensure that his or her reports are completed and submitted in a timely manner.

B. Each individual who is serving as a Member of the Panel for Educational Policy must file his or her annual Disclosure Report of Relatives Employed, Sources of Income and Reimbursement of Expenses or Gifts with the DOE's Ethics Officer.

It is the responsibility of the reporting individual to ensure that his or her report is completed and submitted in a timely manner.

C. Members of Community Education Councils must submit their annual Community Education Council Financial Disclosure Form to the Community Education Council in their community school district and also to the Division of Family and Community Engagement. It is the responsibility of the reporting individual to ensure that his or her report is completed and submitted in a timely manner.

D. Community Superintendents must electronically file their annual Electronic Financial Disclosure Report with the New York City Conflicts of Interest Board. It is the responsibility of the reporting individual to ensure that his or her report is completed and submitted in a timely manner.

IV. CONFIDENTIALITY: WHO WILL SEE THE REPORTS

A. The Electronic Financial Disclosure Reports

1. Electronic Financial Disclosure Reports are for use by the Chancellor, the General Counsel to the Chancellor, and/or the DOE's Ethics Officer, and/or the Office of Special Investigations, and/or the Office of the Special Commissioner of Investigation for the City School District of the City of New York, and/or the New York City Conflicts of Interest Board, and such personnel of those offices as the Chancellor, the General Counsel to the Chancellor, the DOE's Ethics Officer, and the Director of the Office of Special Investigations, and Special Commissioner of Investigation for the City School District of the City of New York designate. Information denoted as "public" on the Electronic Financial Disclosure Report is available for public inspection upon request. Information denoted as "private" will be held confidential in accordance with the provisions of Section 12-110 of the New York City Administrative Code and the procedures of the Conflicts of Interest Board and will be released only: (a) to one of the above individuals/offices/agencies or (b) to a law enforcement agency or (c) pursuant to court order or subpoena. In the event that a request for a copy of the public portion of such a report or any information on such a report is received by the Conflicts of Interest Board, the Conflicts of Interest Board will notify the reporting employee or officer of the request and the identity of the requester at the time the report is made available to the requester. The sole exceptions to this rule will be when a court order forbids informing the individual of the impending disclosure or when the report is requested by a law enforcement agency.

2. Officers or employees may request that any item contained in their Electronic Financial Disclosure Report be excluded from public inspection on the ground that disclosure would constitute an unwarranted invasion of personal privacy. To assert such a privacy claim, the officer or employee must complete the Privacy Form in his or her Electronic Financial Disclosure Report, affirming that each particular item for which a privacy claim is asserted concerns information of a personal nature and unrelated to his or her Department of Education or New York City office or employment and does not involve a conflict of interest. Claims of privacy may be requested at any time except when public inspection of the Electronic Financial Disclosure Report has been requested. An officer or employee wishing to assert a privacy request after he or she has filed his or her Electronic Financial Disclosure Report must contact the Conflicts of Interest Board directly by telephone (212-442-1400) or email (efiling@coib.nyc.gov).

   If a privacy request is denied by the Conflicts of Interest Board, the officer or employee has ten (10) days to appeal such determination to State Supreme Court. The Conflicts of Interest Board shall notify the officer or employee of the decision to release or not to release the information and if the decision is to release the information, the officer or employee will be notified of the date after which such information will be provided, but such date shall not be less than ten (10) days from the date of such notification.

In determining whether a privacy claim will be upheld, the Conflicts of Interest Board must consider whether the information is of a highly personal nature, whether the information in any way relates to the filer's official duties, whether the disclosure poses a risk to the security or safety of any person, and whether the information involves an actual or potential conflict of interest. It has been the policy of the Board to grant privacy requests only when the safety or security of the filer, his or her family members, or some other person is at stake.

3. In the event that an officer or employee has obtained a final ruling on a claim of privacy, that ruling shall govern all future claims for the information that was the subject of the privacy claim as long as the information reported remains the same. This shall not affect the requirement to notify the officer or employee of requests for information.

4. Information regarding the financial interests of the spouse or an unemancipated child of a person filing in which the filer has no financial interest is, by law, required to be withheld from public inspection as an unwarranted invasion of privacy unless the Conflicts of Interest Board determines that the information involves an actual or potential conflict of interest on the part of the person filing. If an item is determined to be disclosable, the process of appeal set forth in Paragraph 2 above, is applicable.

B. Pursuant to State Education Law, Disclosure Report of Relatives Employed, Sources of Income and Reimbursement of Expenses or Gifts filed by Members of the Panel for Educational Policy are available for public inspection upon request to the DOE's Ethics Officer.

C. Pursuant to State Education Law, Community Education Council Financial Disclosure Forms are available for public inspection upon request to the DOE's Division of Family and Community Engagement.

D. Pursuant to Section 12-110 of the New York City Administrative Code, information denoted as public on the Community Superintendents' Electronic Financial Disclosure Forms is available for public inspection upon request, as described in Section IV (A) of this regulation.

V. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Ethics Officer* *Office of Ethics and Conflicts of Interest* N.Y.C. Department of Education 52 Chambers Street - Room 308 New York, NY 10007	Fax:
212-374-3438		212-374-5596

2015-2017

CR D-130
Political Activities in School Buildings

Regulation of the Chancellor

Category:	POLITICAL ACTIVITIES IN SCHOOL BUILDINGS	Issued: 6/22/09	Number:	**D-130**
Subject:	USE OF SCHOOL BUILDINGS BY CANDIDATES, ELECTED OFFICIALS AND POLITICAL ORGANIZATIONS, AND CONDUCT OF SCHOOL EMPLOYEES AND OFFICERS WITH RESPECT TO POLITICAL CAMPAIGNS AND ELECTIONS		Page:	1 of 1

SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation D-130 dated January 15, 2004.

Changes:

This regulation has been revised to:

- Reflect the current Department of Education organization.
- Clarify the procedures for visits to schools during school hours by elected officials and candidates for public office.
- Clarify how staff mailboxes and bulletin boards may be used with respect to political endorsements.
- Clarify that school personnel, while on duty, or in contact with students, may not wear buttons, pins, articles of clothing or any items advocating a candidate, candidates, slate of candidates, or political organization/committee.

ABSTRACT

This regulation governs the use of school buildings by candidates, elected officials, and political organizations and the conduct of school employees and officers with respect to political campaigns and elections.

INTRODUCTION

School buildings are not public forums for purposes of community or political expression. The following sets forth the rules which govern: (1) the use of, or access to, Department of Education school buildings[1] by elected officials, candidates for elective office, or organizations working on behalf of such officials or candidates, both during school and non-school hours; (2) use of school facilities, equipment and supplies for political purposes by school employees, personnel, or staff members and officials;[2] and (3) conduct of school employees, personnel, or staff members and officials with respect to political campaigns and elections.[3]

I. DURING SCHOOL HOURS

A. Visits By Elected Officials and Candidates for Public Office

Visits by elected officials, including members of Community and Citywide Councils to schools during school hours provide elected leaders with the opportunity to review directly a critical and core municipal function: delivery of public education. Moreover, visits by candidates for elective office serve an important educational function in that they expose students to persons and views with which they should become familiar as informed and responsible citizens who either vote now or will vote some day. In order to ensure that such visits enhance the educational experiences of our students and do not become political events, the following requirements must be adhered to:

1. Subject to the express approval of the school principal, not to be unreasonably withheld, an elected official may visit a school in his or her official capacity. The principal must notify the superintendent and Network Leader when such a request has been granted. However, schools must request and seek to ensure that such visits are not to be used as vehicles for personal political purposes.

2. Subject to the express approval of the school principal, candidates for elective office or elected officials seeking reelection may visit schools during school hours. Requests to visit schools should, whenever possible, be made in writing. The principal must notify the superintendent and Network Leader when such a request has been granted. Such visits should be linked to relevant studies in history, social studies, civics, etc. and serve to further the educational mission of the school. Further, in order to ensure that students receive as much information as possible and to eliminate the possibility that schools be seen as endorsing an individual candidate or particular viewpoint, schools should attempt to expose students to as many different political views as reasonably possible. No visit during school hours shall be permitted or continued if such visit may disrupt the educational school environment.

3. Notwithstanding paragraph(s) I.A.2 above, no candidate for public office, including an elected official seeking reelection, may visit any Department of Education school building during the 60 calendar days prior to a primary and/or election, except as noted in Section I.A.1 above.

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[1] For purposes of this regulation, the term school building shall include any Department of Education school building or leased school premises.

[2] For purposes of this regulation, the terms "personnel," "employee," or "staff member" include persons working for the New York City Department of Education through community-based organizations under contract (or subcontract) with the New York City Department of Education or with a community school district while performing contract services.

[3] This regulation does not apply to political conduct or activity of students.

4. The Office of Communications and Media Relations must be notified in advance of any visits by elected officials or candidates for elective office.

B. Use of School Facilities, Equipment and Supplies

School facilities, equipment and supplies may not be used on behalf of any candidate, candidates, slate of candidates, or political organization/committee, except as provided by this regulation.

1. The use of any Department of Education school during school/business hours by any person, group, organization, committee, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates or political organization/committee is prohibited.

2. No rallies, forums, programs, etc., on behalf of, or for the benefit of any elected official, particular candidate, candidates, slate of candidates or political organization/committee may be held in a school building.

3. No material supporting any candidate, candidates, slate of candidates or political organization/committee may be distributed, posted, or displayed in any school building except as noted in Section I.B.4 below:

4. Staff mailboxes and union bulletin boards in schools and district and central headquarters offices are to be used for the following purposes only: (1) by schools and district and central offices for the dissemination of education-related materials and other school-related information; and (2) by the union for the dissemination of union-related materials. Toward that end, the union may:

   a. Place materials advocating the election of a candidate, candidates, slate of candidates or political organization/committee in staff mailboxes.

   b. Post materials advocating the election of a candidate, candidates, slate of candidates or political organization/committee on union bulletin boards located in areas closed to students.

5. Notwithstanding (a) and (b) above, in no event shall materials containing endorsements of candidates for community or citywide councils be distributed in staff mailboxes or posted on union bulletin boards.

6. Parent association bulletins distributed through the children may not contain endorsements of any candidate, candidates, or slate of candidates, including candidates for Community or Citywide Councils or political organization/committee.

7. The principal is responsible for ensuring that unauthorized material is not posted, distributed or displayed.

8. No Department of Education duplicating, communication, electronic or other equipment may be used to produce, reproduce, record, or disseminate information on behalf of any candidate, candidates, slate of candidates or political organization/committee.

C. Conduct of Officers and Employees

1. While on duty or in contact with students, all school personnel shall maintain a posture of complete neutrality with respect to all candidates. Accordingly, while on duty or in contact with students, school personnel may not wear buttons, pins, articles of clothing, or any other items advocating a candidate, candidates, slate of candidates or political organization/committee.

2. Personnel may not be involved in any activities, including fundraising, on behalf of any candidate, candidates, slate of candidates or political organization/committee during working hours.

3. Any campaigning by any personnel on Department of Education time is strictly prohibited. This extends to the collection of petition signatures and challenging petitions and votes. Electioneering may not be considered "union business" in the case of school, school district, or headquarters staff designated as union representatives.

   a. Campaigning is not considered "personal business" for those personnel who have contractual personal business days. School personnel who absent themselves from duty to participate in such activities, unless otherwise on annual leave, will be deemed to be taking an unauthorized absence from duty and may be subject to disciplinary action.

   b. A personal business day or annual leave day may not be taken to serve in a paid position for the Board of Elections by any school staff member.

   c. A member of a Community or Citywide Council may not (i) use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (ii) directly or indirectly coerce, attempt to coerce, or command a Department of Education employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes, or to participate in any campaign; (iii) use Department of Education facilities, equipment (including telephones, fax machines, postage, office supplies), personnel, letterhead, or other Department of Education resources in connection with any political/campaign activities, except as authorized pursuant to Section II (After School Use) of these rules and regulations; (iv) use his or her Department of Education position or title to obtain any advantage in connection with any political/campaign activities; (v) request political contributions or aid in political activities from the community superintendent in the community school district in which the member serves or the secretary to the council on which the member serves; or (vi) target requests for political contributions or aid in political activities from any Department of Education employee or official serving in the community school district in which the Community or Citywide Council member serves. The following activities are targeted requests and are prohibited when made by a Community or Citywide Council member to an employee or official in the community school district served by that member:

      i. any personal requests for contributions (face to face or by telephone);

      ii. fundraising solicitations (mailings) sent to schools or other Department of Education facilities;

      iii. fundraising solicitations (mailings) that identify a Department of Education employee or official by title;

      iv. fundraising solicitations (mailings) using a Department of Education list(s) not available to the public.

   d. Nominees for Community or Citywide Councils are prohibited from accepting political endorsements and campaign contributions.

4. This regulation does not preclude school personnel from discussing or distributing information about election issues in connection with legitimate instructional programs and activities.

II. AFTER SCHOOL USE

The use of school buildings during non-school hours is governed by State Education Law Section 414 and implementing procedures contained in the Department of Education's Standard Operating Procedures Manual. All requests for permits to use school buildings during non-school hours must be handled in accordance with those procedures and consistent with the following requirements:

A. The use of any Department of Education school after school/business hours by any person, group, organization, committee, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates or political organization/committee is prohibited, except as indicated in paragraphs II.C and D below.

B. No rallies, forums, programs, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates or political organization/committee may be held in a school building after school/business hours, except as indicated in paragraphs II.C and II.D below.

C. Candidate forums are permitted provided all candidates are invited to participate.

D. Permit applications for candidate forums must include a written representation that all candidates have been invited to participate.

E. No candidate for public office, including an elected official seeking re-election may use any Department of Education school building after school business hours during the 60 calendar days prior to a primary and/or election, except if directly related to the elected official's public duties and responsibilities.

III. COMPLIANCE

A. Any officer or employee who violates the provisions of this regulation is subject to disciplinary action.

B. No officer or employee may retaliate in any way against another officer, employee, parent, student or any other person who reports wrongdoing.

C. Violations should be reported to *both* offices listed below:

Special Commissioner of Investigation
25 Broadway, 8th Floor
New York, NY 10004
212-510-1500

Office of Legal Services
52 Chambers Street – Room 308
New York, NY 10007
212-374-6888

IV. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Office of Legal Services* NYC Department of Education 52 Chambers Street – Room 308 New York, NY 10007	Fax:
212-374-6888		212-374-5596

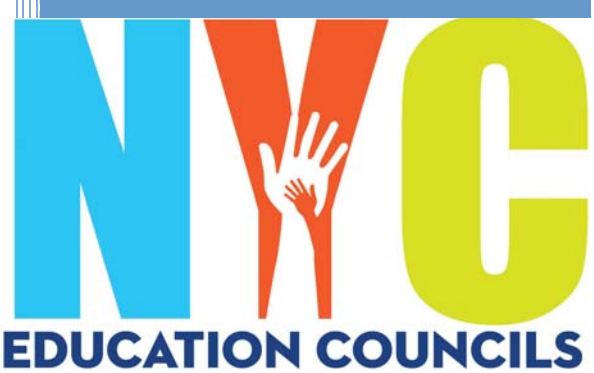
Notes:

Notes:

2015-2017

Translation and Interpretation Services

- T & I Request Forms
- Multilingual Meeting Notice
- CR A-663



Translation and Interpretation Services

CR A-663 establishes the procedures for ensuring language access support for families and parent leaders. The services are provided by the Department of Education's Translation and Interpretation Unit ("T&I")

Interpretation Services

On-site interpretation services are provided for one (1) business meeting and one (1) calendar meeting per month for Community and Citywide Education Councils. Services are available in Arabic, Bengali, Cantonese, Mandarin, French, Haitian Creole, Korean, Russian, Spanish, and Urdu. Councils may also request services for limited-English-proficient Council members who speak one of these languages. Interpretation equipment is also provided but subject to availability.

Services will only be provided if an anticipated need is identified and if the request is made at least seven (7) calendar days in advance of the date of the scheduled meeting. T&I will periodically verify if the requested services are being utilized. If it is deemed that services are not being utilized by limited-English-proficient council members or individuals attending the meetings, services will be suspended. Further, any cancellation of a meeting must be communicated to T&I within 48 hours of the event to avoid the DOE incurring unnecessary costs.

To obtain services, an *Interpretation Request Form* (available on the DOE's Intranet site) must be completed for each event and submitted by the council's Administrative Assistant to interpretations@schools.nyc.gov.

Translation Services

Translation services are provided for meeting notices (flyers) and agendas that are intended to promote Community or Citywide Education Council calendar or business meetings. Services are available in Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish and Urdu.

Multilingual meeting notices (flyers) and agendas in template form may be downloaded from the FACE pages on the DOE website, filled out with the appropriate information and circulated to the community along with the English notice(s). To obtain translation of custom notices and agendas, a *Translation Request Form* (available on the DOE's Intranet site) must be completed and submitted by the council's Administrative Assistant to translations@schools.nyc.gov. Allow at least five (5) business days for the completion of a translation request.
See samples of a meeeting notice, translation request and interpretation request below.

No other types of documents will be processed for translation.

NYC DOE Offices
Translation Request Form

Instructions/Important Information

1. Email a completed form, your final approved document(s) in an editable format, and any images and fonts used to: translations@schools.nyc.gov.
2. Contact us if the files are too large to e-mail.
3. If printing professionally, provide all printing specifications in the additional notes section below or in an e-mail. T&I must approve all print proofs of translated documents before any print run.
4. If you need a language other than those listed below, a cost estimate will be provided.
5. Requests are processed in the order that they are received.
6. Documents are returned in PDF format by e-mail or posted on the T-drive.
7. T&I is not responsible for the quality and accuracy of the translations if they are altered.
8. Files submitted in formats besides Microsoft Word will require additional time.

Contact Information

Requesting Office: _____

Contact: _____

E-mail: _____

Phone Number: _____

Date of Request: _____

Requested Language(s)

☐ All 9 covered languages

☐ Arabic ☐ Korean

☐ Bengali ☐ Russian

☐ Chinese ☐ Spanish

☐ French ☐ Urdu

☐ Haitian Creole

☐ Other (please specify):

_____

Output

☐ High quality PDF
for professional printing

☐ Low quality PDF
for non-professional printing,
e-mail attachments, or posting online

☐ HTML
for posting as web page

Please provide contact information for any printing or web development vendor you will use:

Vendor Name: _____

Contact: _____

Phone: _____

E-mail: _____

Source Files

Number of documents/pages: _____

Document Title(s):

_____

Update to a prior translation: ☐ Yes ☐ No

If yes, indicate T&I project #: _____

Source File Format

☐ Word

☐ InDesign

☐ PowerPoint

☐ Excel

☐ Other _____

Document Type

☐ Letter

☐ Form / Survey

☐ Booklet/Directory/Guide

☐ Folding Brochure

☐ Poster / Flyer / Notice / Handout

☐ Other: _____

Additional Notes

FOR T&I USE ONLY

Project Number	Project Manager
Word Count	Delivery Due Date

Sample

NYC DOE Offices Interpretation Request Form

Instructions/Important Information

1. Email a completed form to: interpretations@schools.nyc.gov. A project manager will reach out to you to confirm your request.
2. A minimum of one week notice is required to process your request. Last minute requests may not be processed.
3. Use separate request forms for events held at different dates and/or different locations.
4. On-site contact is required to sign interpreters with the start time requested and sign them out once their assignment is complete.
5. Interpreters are not provided for school-based events or student reviews.
6. Requests are processed in the order that they are received.
7. Notify us of any changes or cancellations immediately, as the Translation & Interpretation Unit will incur cancellation fees for events not cancelled within 24 hours.
8. If equipment is used, please make sure to place it in a safe location for next day pick-up. E-mail us to confirm pick-up location.

Requestor Information

Date of Request: _____

Requesting Office: _____

Requestor Name: _____

Telephone: _____

E-mail: _____

Event Logistics

Date of Event: _____

Start Time: _____

End Time: _____

Have outreach materials and handouts for your event(s) been sent to our office for translation?

☐ Yes ☐ No ☐ N/A

Requested Language(s)

☐ Arabic
☐ Bengali
☐ Chinese (Cantonese)
☐ Chinese (Mandarin)
☐ French
☐ Haitian Creole
☐ Korean
☐ Russian
☐ Spanish
☐ Urdu
☐ Other (please specify): _____

Attendees

Approx. number of total attendees: _____

Approx. number of limited English proficient attendees who will need interpretation services _____

FOR T&I USE ONLY

T&I Equipment:

Cases: _____

Transmitters: _____

Case name: _____

Vendor Equipment:

Cases: _____

Transmitters: _____

Name(s) of techs: _____

Type of Event

☐ Suspension Hearing

Student Name: _____

☐ Community Education Council

☐ Calendar ☐ Business ☐ Calendar/Business

☐ Panel for Educational Policy

☐ Chancellor's Meeting

☐ DOE Public Hearing

☐ Parent Fair

Event Name: _____

☐ Parent Conference

Event Name: _____

☐ Other (please specify):

_____

Event Site Information

Event Site: _____

Address: _____

Room(s): _____

City: _____ ZIP: _____

At the event site, interpreters **must** report to:

Name: _____

Cellphone #: _____

Email: _____

At the event site, equipment should be delivered to (if applicable):

Name: _____

Cellphone #: _____

Email: _____

Additional Instructions:

Sample

Citywide Council on Special Education

مجلس عموم المدينة للتعليم لذوي الاحتياجات الخاصة

সিটিওয়াইড কাউন্সিল অন স্পেশাল এডুকেশন

Общегородской совет по специальному образованию

全市特殊教育理事會

Consejo de Educación Especial de la Ciudad

شہریبما کونسل برائے خاص تعلیم

뉴욕시 특수교육 위원회

التاريخ তারিখ 日期 Date Dat 날짜 Дата Fecha تاريخ

Date:

التوقيت সময় 時間 Heure Lè 시간 Время Hora وقت

Time:

المكان স্থান 地點 Lieu Adrès 장소 Адрес Lugar مقام

Location:

Meeting Agenda

جدول أعمال الاجتماع

সভার আলোচ্যসূচি

會議日程

Ordre du jour de la réunion

Agenda Reyinyon an

회의 안건

Повестка дня

Orden del día de la asamblea

اجلاس کا لائحہ عمل

SAMPLE

For interpretation services, please contact the Council.
اتصلوا بالمجلس من أجل خدمات الترجمة.
দোভাষী সহায়তার জন্য দয়া করে কাউন্সিলের সঙ্গে যোগাযোগ করুন।
若要獲得口譯服務，請與理事會聯絡。
Prière de contacter le Conseil pour bénéficier des services d'un interprète.

Pou sèvis entèpretasyon, tanpri kontakte konsèy la.
통역 서비스가 필요하시면 위원회로 연락하십시오.
При необходимости переводческих услуг обращайтесь в Совет.
Para obtener servicios de interpretación, por favor comuníquese con el Consejo.
ترجمانی کی خدمات کے لیے، براہِ مہربانی کونسل سے رابطہ کریں۔

Konsèy Vil la sou Edikasyon Espesyal

Conseil de la Ville pour l'Éducation Spécialisée

T&I-17762 Meeting Notice—Special Education

2015-2017

CR A-663
Translations

Regulation of the Chancellor

Category:	STUDENTS	Issued:	6/26/09	Number:	**A-663**
Subject:	TRANSLATIONS			Page:	1 of 1

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-663 dated November 2, 2007.

It establishes the procedures for ensuring that Limited English Speaking parents are provided with a meaningful opportunity to participate in and have access to programs and services critical to their child's education.

Changes:

- Reflects the current NYC Department of Education organization
- Provides that minor students may not provide translation services
- The Translation and Interpretation Unit will provide training to parent coordinators and other key school-based staff on language access requirements.

ABSTRACT

This regulation supersedes Chancellor's Regulation A-663 dated November 2, 2007. It establishes the procedures for ensuring that Limited English Speaking parents[1] are provided with a meaningful opportunity to participate in and have access to programs and services critical to their child's education.

The Translation and Interpretation Unit within the Office for Family Engagement and Advocacy is responsible for providing language access support to families and parent leaders.

I. DEFINITIONS

For purposes of this regulation:

A. Covered languages mean the nine most common primary languages other than English spoken by persons living in New York City as identified by the Department of Education ("The Department").

B. Primary language means the primary language spoken by a student's parent or guardian, as determined by the Department.

C. Interpretation means the act of contemporaneous communication between a speaker of English and a speaker of a covered language wherein the words of one person are communicated to others orally in a different language.

D. Translation means the written communication between a speaker of English and a speaker of a covered language wherein the written words of one person are communicated to others in writing in a different language.

E. Language assistance services means interpretation and/or translation between English and a covered language.

II. DETERMINATION OF PRIMARY LANGUAGE

A. Schools must determine within 30 (thirty) days of a student's enrollment (or, for students already enrolled, by a date and procedure to be determined by the Office of Teaching and Learning) the primary language spoken by the parent of each student enrolled in the school, and if such language is not English, whether the parent requires language assistance in order to communicate effectively with the Department.

B. The school shall maintain an appropriate and current record of the primary language of each parent. Such information must be maintained in ATS and on the student emergency card.

III. OBLIGATION TO PROVIDE LANGUAGE ASSISTANCE SERVICES

A. Each school and office shall, consistent with this regulation, provide translation and interpretation services to all parents who require language assistance in order to communicate effectively with the Department.

B. The Department may provide translation and interpretation services beyond those outlined in this regulation.

C. Parents may choose to rely on an adult friend/companion or relative for language and interpretation services. Students and other children (minors under the age of 18) may not serve as interpreters for school staff and parents during any formal or informal meeting where student achievement and/or student conduct are discussed.

[1] The term "parent", whenever used in this regulation, means the student's parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if he/she is an emancipated minor or has reached 18 years of age.

IV. SCHOOL-BASED LANGUAGE ASSISTANCE ASSESSMENT

A. As part of its Comprehensive Educational Plan, each school must address:

1. its language assistance needs consistent with the requirements of this regulation, including:

   a. regular and timely provision of translated documents through either existing resources or the Translation and Interpretation Unit;

   b. timely provision of interpretation services at group and one-on-one meetings upon request when such services are necessary for parents to communicate with teachers, guidance counselors, school nurse and/or other school staff regarding critical information about their child's education;

   c. how it will provide those needs; and

   d. the budgetary and staffing resources it is devoting to fulfill those needs;

   e compliance with the notification requirements set forth in Section VII below.

V. TRANSLATION REQUIREMENTS

A. Centrally Produced Critical Communications

1. The central offices of the Department of Education shall identify documents which are distributed or electronically communicated to all or substantially all parents within the City containing critical information regarding their child's education, including, but not limited to:

   a. registration, application, and selection;

   b. standards and performance (e.g., standard text on report cards);

   c. conduct, safety, and discipline;

   d. special education and related services; and

   e. transfers and discharges.

2. The Translation and Interpretation Unit shall: (a) translate such critical communication in a timely manner, in each of the covered languages; and (b) work with the office responsible for the critical communication to make such translations available to the schools.

B. Student Specific Critical Documents

1. Schools shall provide parents whose primary language is a covered language with a translation of any document that contains individual, student-specific information regarding, but not limited to, a student's:

   a. health;

   b. safety;

   c. legal or disciplinary matters; and

   d. entitlement to public education or placement in any Special Education, English Language Learner or non-standard academic program.

C. Alternatives to Translation

When the Translation and Interpretation Unit, a school, or office is temporarily unable to provide required translation into one or more covered languages, it must provide, in addition to any other assistance, a cover letter or notice on the face of the English document in the appropriate covered language(s), indicating how a parent can request free translation or interpretation of such document.

VI. INTERPRETATION SERVICES

A. The Department shall provide interpretation services, to the maximum extent practicable within the budget appropriated for such services, during regular business hours, to parents whose primary language is a covered language and who request such services in order to communicate with school staff and school officials regarding critical information about their child's education.

B. Depending upon availability, such interpretation services may be provided either at the location where the parent is seeking to communicate or by telephone.

C. The Department's Translation and Interpretation Unit shall provide interpretation services at the following Citywide meetings:

1. Panel for Educational Policy Meetings;
2. Citywide ELL parent meetings;
3. Citywide/Community Education Council Meetings;
4. Other Citywide parent meetings organized by central offices.

Interpretation services shall be provided in whichever of the covered languages the Department expects will be spoken as the primary language(s) of the persons attending such meeting or event.

VII. NOTIFICATION REQUIREMENTS

A. Schools and offices are responsible for providing each parent whose primary language is a covered language and who require language assistance services with a copy of the Bill of Parent Rights and Responsibilities which includes their rights regarding translation and interpretation services. Translated versions of this document, in the covered languages, are available at http://schools.nyc.gov/RulesPolicies/ParentBillofRights/default.htm.

B. Schools and offices must post in a conspicuous location at or near the primary entrance to such school a sign in each of the covered languages, or most prominent covered languages, indicating the availability of interpretation services. Translated signs, in the covered languages, are available at http://schools.nyc.gov/Offices/Translation/TipsandResources/Default.htm.

C. Each school's safety plan will contain procedures for ensuring that parents in need of language access services are not prevented from reaching the school's administrative offices solely due to language barriers.

D. Each school at which the parents of more than 10% of the children at such school speak a primary language that is neither English nor a covered language, shall obtain from the Translation and Interpretation Unit a translation into such language of the signage and forms required pursuant to this section and shall post and provide such forms in accordance with this section.

E. The Department's website shall provide information in each of the covered languages concerning the rights of parents to translation and interpretation services and how to access such services.

VIII. MECHANISM FOR REQUESTING LANGUAGE ACCESS SERVICES

A. Schools and DOE offices shall follow the procedures outlined on the Translation and Interpretation Unit website in order to meet the translation and interpretation requirements set forth in this regulation.

B. Parents who wish to receive language access services should contact their local school office or the school that their child attends.

C. Questions regarding how interpretation and translation services may be obtained should be addressed to the Translation and Interpretation Unit.

IX. TRAINING

The Translation and Interpretation Unit will provide periodic training to parent coordinators and other key school-based personnel on the language access requirements contained in this regulation and on resources available to support these requirements.

X. REPORTING REQUIREMENTS

The Translation and Interpretation Unit will maintain records of all language access services it provides, including, but not limited to:

- the number of distinct documents that it translates into the covered languages and the general nature of such documents;
- the number of meetings at which it provides interpretation services and the languages for which it provides such services;
- its annual budget for language access services;
- the number of Department employees who provide language access services on a full-time basis;
- the number of times interpretation services are provided by telephone, and the language in which such services are provided.

XI. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Office for Family Engagement and Advocacy* *Translation and Interpretation Unit* N.Y.C. Department of Education 45-18 Court Square - 2nd Floor Long Island City, NY 11101	Fax:
718-752-7373		718-752-7390

E-mail: translations@schools.nyc.gov
http://www.nyc.gov/schools/offices/translation

Notes:

Notes:

TAB #6

District Planning Engagement

2015-2017

District Planning Engagement

- Overview
- CR A-190
- CR A-185

District Planning Engagement Process

Chancellor's Regulation A-190

Chancellor's Regulation A-190 governs the public review process for proposals for significant changes in school utilization. Significant changes in school utilization typically include grade reconfigurations, re- sitings, and co-locations.

For every proposal for a significant change the NYCDOE is required to:

- Publish an Educational Impact Statement (EIS) and Building Utilization Plan (BUP) where applicable;
- Schedule and convene a Joint Public Hearing to discuss the proposal;
- Produce and publish an Analysis of Public Comment;
- Arrange for the Panel for Educational Policy (PEP) to vote on it.

In addition to these required points of engagement, the NYCDOE provides communities with other opportunities to provide feedback and learn more about potential significant changes in school utilization. Typically such engagement takes place in two phases which are detailed below:

Phase I

Scenario Development and Pre-Proposal Engagement Opportunities:

- Pre A-190 District Engagement Forums hosted by individual Community and Citywide Education Councils and open to public;
- Forums with elected officials and Community and Citywide Education Council Presidents;
- Pre A-190 School Engagement Forums with Principals and School Leadership Teams;
- For proposals resulting in a new co-location, Senior Leadership/Deputy Chancellor completes walkthrough of impacted building(s);
- For proposals resulting in a new co-location, Senior Leadership/Deputy Chancellor engages with impacted School Leadership Team(s) and Principal(s) following the walkthrough (PEP and CEC members also invited to participate);
- Additional engagement at School Leadership Team and/or PA-PTA meetings may take place;
- A Joint Public Hearing is scheduled with impacted Principals, School Leadership Teams and Community and Citywide Education Councils (required by A-190);
- Proposals are posted and distributed to impacted Principals, School Leadership Teams and Community and Citywide Education Councils, elected officials, and all PEP members (required by A-190).

Phase II

A-190 or Proposal Specific Engagement Opportunities:

- An optional community meeting may be convened at the discretion of the Principal and School Leadership Team;
- Additional stakeholder engagement both within a school and broader district community may take place;

- A Joint Public Hearing conducted with participation impacted Principals, School Leadership Teams and Community and Citywide Education Councils (required by A-190);
- The DOE responds to public comment and compiles all commentary and responses in the Analysis of Public Comment which is posted prior to the PEP vote (required by A-190);
- The Panel for Educational Policy holds vote on proposal (required by A-190);'
  1. Pending approval, several implementation activities take place:
  2. For proposals resulting in a new co-location, a meet and greet is conducted with the Principals of schools currently co-located in the building and the Principal of the school that will be newly co-located ;
  3. For proposals resulting in a new co-location, a placement meeting, led by the Office of Space Planning's Borough Director is conducted with the Principals of all currently and future co-located schools regarding space sharing plans;
  4. For proposals resulting in a new co-location, the District or High School Superintendent may schedule an implementation meeting with Principals of the current and new school in building to discuss campus governance and allow for further community feedback for Principal and DOE consideration;
  5. Other implementation activities may be held for non-co-location proposals commensurate with implementation planning needs.

2015-2017

CR A-190

Significant changes in school utilization and procedures for the management of school buildings housing more than one school

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-190 dated November 13, 2009.

Changes:

- Clarifies definition of "affected community school district" for purposes of proposed significant changes in school utilization at high schools (p. 1, § I.A).
- Clarifies definition of "affected students" to refer to students attending all of an impacted school's sites (p. 1, § I.C).
- Clarifies definition of "affected community education council ("CEC")" (p. 1, § I.D).
- Clarifies definition of "impacted community boards" (p.1, § I.E).
- Ensures that the definition of "parent" used in the regulation accords with the definition set forth in Chancellor's Regulation A-660 (p. 1, § I.F).
- Revises the term "significant change in school utilization" to include changes to District 75 school organizations, and clarifies that the term applies neither to changes to the placement or siting of programs such as gifted and talented programs in facilities currently utilized by schools or other programs, nor to the co-location of new schools opening in new construction or other facilities not currently utilized by the DOE (p. 1, § I.G).
- Adds a definition of the term "capital improvement or facility upgrade" in order to enable the DOE's compliance with the Amended Charter School Act (p. 1, § I.H).
- Adds new attachments setting forth sample guides for use in the creation of Educational Impact Statements ("EIS") and Building Usage Plans (p. 2, § II.A.1 and Attachment No. 1; pp. 2-3 § II.A.2(a)(ii) and Attachment No. 2).
- Adds new section specifying the information to be included in EISs involving the co-location of one or more charter schools with one or more non-charter schools (pp. 2-3, § II.A.2).
- Establishes new procedures for filing and disseminating copies of EISs to affected or impacted schools, parents, CECs, school leadership teams, and other appropriate bodies (pp. 3-4, § II.A.3).
- Establishes processes for scheduling, setting the agenda for, and providing notice of joint public hearings on proposed significant changes in school utilization (pp. 4-5, § II.B).
- Clarifies that a further joint public hearing is required after the Chancellor substantially revises an EIS (p. 5, § II.B.5).
- Establishes timeline on which significant changes in school utilization approved by the Panel for Education Policy may take effect (p. 6, § II.C.5).
- Establishes building councils in all public school buildings in which two or more schools are co-located, and establishes minimum meeting schedules and procedures for those building councils (pp. 6-7, § III.A).
- Establishes shared space committees in all public school buildings in which one or more charter schools is/are co-located with one or more non-charter schools, and specifies that DOE parent and teacher representatives on that committee shall be selected by the corresponding constituent member of the SLT at that school (p. 7, § III.B.1).

- Specifies, as required by the Amended Charter School Act, that the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building, and creates process by which co-located charter schools seek such authorization (pp. 7-8, § III.B.2).
- Further specifies that for any such capital improvements or facility upgrades authorized by the Chancellor, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each co-located non-charter public school within the public school building within three months of such improvements or upgrades (pp. 7-8, § III.B.2).
- Revises the term “D75 program” to “D75 school organization” throughout the regulation.
- Clarifies which individuals or representatives of organizations are to receive notice of proposals and/or invitations to participate in joint public hearings.
- Updates the name of the contact office designated to receive inquiries regarding this regulation.

ABSTRACT

In 2009, the New York Education Law was amended to require a public review and comment process on all proposals by the Chancellor to close a school or make a significant change in school utilization. The law was also amended to give the New York City Board of Education (hereinafter referred to as the Panel for Educational Policy (PEP)) authority to approve all proposals by the Chancellor to close a school or make a significant change in school utilization. In 2010, the New York State Charter School Act of 1998 was also amended to require additional procedures in connection with the location or co-location of one or more charter schools in an existing public school building (the "Amended Charter School Act"). This revised regulation implements each of these amendments to the law.

I. DEFINITIONS

A. For proposals concerning elementary, intermediate, and middle school grades, "affected community school district" shall refer to the community school district in which the school that is the subject of the proposal is located. For proposals concerning high school grades, the term shall mean the community school district within the geographical boundaries of which the school that is the subject of the proposal is located.

B. The terms "affected school" and "impacted school" refer only to the individual instructional organization identified for direct action in the proposal and any school subject to a new co-location as a result of the proposed action. In the case of a proposal to expand the grade configuration of a school, the term shall also mean any schools co-located with the school being expanded.

C. The terms "affected students" and "affected parents" refer to those students and parents of those students enrolled in any impacted school's sites at the time a proposal for a school closure or significant change in school utilization is made.

D. The term "impacted Community Education Council" or "impacted CEC or Council" shall refer to the Community Education Council (CEC) representing the affected community school district.

E. "Impacted community boards" shall include, for proposals concerning elementary, intermediate, and middle schools, those community boards whose boundaries fall within the geographic confines of the community school district in which the affected school is located. For proposals concerning high schools, the term shall include those community boards that are located within the community school district within the geographical boundaries of which the affected school is located.

F. Consistent with the definitions in Chancellor's Regulation A-660, a "parent" is defined as the student's parent or guardian, or any person in a parental or custodial relationship to the student. The definition of parent includes: birth or adoptive parent, step-parent, legally appointed guardian, foster parent, and "person in parental relation" to a child currently attending a school.

G. A "significant change in school utilization" shall mean the phase-out, grade reconfiguration, re-siting, or co-location of schools or District 75 school organizations in currently utilized school facilities. A "significant change in school utilization" shall not include changes to school-based programs, changes to zoning lines, or the placement/siting of programs such as gifted and talented programs, in facilities currently utilized by schools or other programs, nor shall the term include the co-location of new schools opening in new construction or other facilities not currently utilized by the DOE.

H. A "capital improvement or facility upgrade" shall mean an addition or alteration to an existing building, which is permanent and is intended to increase a building's value, beauty, or utility, or to adapt the building for a new purpose. Such addition or alteration becomes part of the existing building, or is intended to be permanently affixed to the existing building so that removal would cause material damage to the building or article itself. In addition to the foregoing, the following is a non-exhaustive list of additions or alterations that shall constitute facility upgrades: painting; the replacement of floor covering(s); the installation of electrical or computer network wiring; and the addition of window unit air conditioners. The Chancellor retains final authority to determine whether a given proposed project qualifies as a facility upgrade.

II. PROCEDURES FOR PUBLIC REVIEW AND COMMENT ON THE CHANCELLOR'S PROPOSALS FOR SCHOOL CLOSINGS AND CHANGES IN SCHOOL UTILIZATION

A. Educational Impact Statement

1. When the Chancellor proposes to close a school or make any significant change in school utilization (i.e., the phase-out, grade reconfiguration, re-siting, or co-location of schools) he or she shall prepare an educational impact statement ("EIS")[1]. Such EIS shall include, where applicable:

   a. The current and projected student enrollment of the affected school;

   b. The prospective need for such school building;

   c. The ramifications of such school closing or significant change in utilization upon the community;

   d. Initial costs and savings resulting from the school closing or significant change in utilization;

   e. The potential disposability of any closed school;

   f. The impact of the proposal on affected students;

   g. An outline of any proposed or potential use of the school building for other educational programs or administrative services;

   h. The effect of the school closing or change in utilization on personnel needs, the costs of instruction, administration, transportation, and other support services;

   i. The type, age, and physical condition of the school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features;

   j. The ability of other schools in the affected community district to accommodate students following the school closure or change in utilization; and

   k. Information regarding the school's academic performance, including whether such school has been identified as Persistently Lowest Achieving, a School Under Registration Review, and/or under Differentiated Accountability Status (In Need of Improvement, Corrective Action, or Restructuring).

2. EISs Concerning the Location and/or Co-Location of a Charter School in an Existing Public School Building.

   a. For any proposal to locate or co-locate a charter school in an existing public school building, an EIS must also include the following:

      i. The rationale as to why such public school building has been identified for the location or co-location of the charter school; and

[1] Suggested guides for such EIS are appended to this regulation at Attachment No. 1. Because each proposal is unique, EISs will include information as appropriate in light of the particular circumstances surrounding a given proposal.

ii. A building usage plan, which shall include, but need not be limited to, the following information (a suggested guide for a building usage plan is appended to this regulation as Attachment No. 2):

(a) The actual allocation and sharing of classroom and administrative space between the charter and non-charter school(s). The allocation shall specify the number and type of rooms to be assigned to each school in the building pursuant to the DOE's Instructional Footprint (the "Footprint"). The plan shall also specify the number and type of rooms not allocated pursuant to the Footprint. Any space not allocated pursuant to the Footprint shall be allocated in the plan equitably among the co-located schools. In determining an equitable allocation, the DOE may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, the physical location of the excess space within the building;

(b) A proposal for the collaborative usage of shared resources and spaces between the charter school and the non-charter schools, including but not limited to, cafeterias, libraries, gymnasiums and recreational spaces, including playgrounds, which assures equitable access to such facilities in a similar manner and at reasonable times to non-charter school students as provided to charter school students;

(c) Justification of the feasibility of the proposed allocations and schedules set forth in clauses (a) and (b) of this subparagraph and how such proposed allocations and shared usage would result in an equitable and comparable use of such public school building;

(d) Building safety and security;

(e) Communication strategies to be used by the co-located schools; and

(f) Collaborative decision-making strategies to be used by the co-located schools including the establishment of a shared space committee pursuant to § III.B.1. of this regulation.

iii. A revision of the building usage plan shall require PEP approval consistent with the requirements pursuant to subdivision seven of § 2590-g of the New York Education law.

3. At least six months in advance of the first day of the school year in which the closure or change in utilization is to take effect, the Chancellor shall publish the EIS on the DOE's official internet website and make available a hard copy of the EIS in the main office(s) of the impacted school(s). The Chancellor shall also file a hard copy of the EIS with the PEP, the impacted Community Education Council (CEC), the impacted community boards, the community superintendent, the School Leadership Team(s) (SLT) of the impacted school(s), the Citywide Council on English Language Learners ("CCELL"), and the Citywide Council on Special Education ("CCSE"). For proposals concerning high schools, the Chancellor shall also file a hard copy of the EIS with the Citywide Council on High schools ("CCHS"), and for proposals concerning affected students who are enrolled in a District 75 ("D75") school organization, the Chancellor shall also file a copy of the EIS with the D75 Council. For proposals concerning high schools, the Chancellor shall also e-mail a copy of the EIS to all community boards and CECs in the borough in which the high school is located. Proper filing shall

consist of delivery or mailing by First Class Mail a hard copy of the EIS to the Chairperson of the PEP, the administrative assistant(s) of the impacted CEC(s), the president or representative of the impacted community board(s), the impacted community superintendent(s), the principal(s) of the impacted school(s) in his or her capacity as a member of the SLT, representatives of the CCELL and the CCSE, and, as appropriate, the presidents or representatives of the CCHS and the D75 Council.

4. The community superintendent of the community school district shall provide notice of such proposal and any subsequent revised proposal to all impacted parents, directly or via the affected school's administration. Such notice shall include information as to where a copy of the EIS or revised EIS, if applicable, may be obtained and the date and location of any joint public hearing on the proposal or revised proposal (see § II.B). In the case of a proposal concerning a high school, such notice to impacted parents shall be jointly provided by the community superintendent of the affected community school district and the High School Superintendent for the high school that is the subject of the proposal. In the case of a proposal concerning affected students enrolled in a D75 school organization, such notice to impacted parents shall be provided by the superintendent of D75.

B. Joint Public Hearing

1. For all proposals to close a school or to make a significant change in school utilization, the Chancellor[2] shall hold a joint public hearing with the impacted CEC and the SLT at the school that is the subject of the proposal. The CCELL and CCSE shall be invited to participate in the joint public hearing. In the case of proposals concerning high schools, the CCHS shall also be invited to participate in the joint public hearing. In the case of proposals concerning affected students who are enrolled in a D75 school organization, the D75 Council shall also be invited to participate in the joint public hearing.

2. Scheduling the Joint Public Hearing

a. Such joint public hearing shall be held no sooner than thirty (30) days, but no later than forty-five (45) days after the filing of the EIS.

b. Prior to the filing of the EIS, a person or office designated by the Chancellor shall propose potential dates and times for the joint public hearing to a president or representative of the impacted CEC and the principal of the impacted school in his capacity as the member of the SLT, and the presidents or representatives of the CCELL and the CCSE, and, in the case of a proposal concerning a high school or affected students enrolled in a D75 school organization, to the representative of the CCHS and D75 Council, as applicable. Each of these groups may indicate their availability on these dates and propose alternative dates. If no agreement on the date of the hearing can be reached prior to the filing of the EIS, the Chancellor or Chancellor's designee shall select a date on which the hearing may be conducted in a manner consistent with applicable statutory requirements.

3. Agenda for the Joint Public Hearing

a. Prior to the joint public hearing, a person or office designated by the Chancellor shall forward a proposed joint agenda for the joint public hearing to a president or representative of the impacted CEC, the principal(s) of the impacted schools(s) in his or her capacity as a member of the SLT, and the presidents or

[2] For proposed school closings, the public hearing shall be held by the Chancellor or Deputy Chancellor and the impacted CEC and SLT. In the case of a proposed significant change in school utilization, the hearing shall be held by the Chancellor or his or her designee and the impacted CEC and SLT.

representatives of the CCELL and CCSE, and the president or representative of the CCHS and D75 Council, as applicable. The CEC, SLT, CCELL, CCSE and the CCHS and/or D75 Council, as applicable, shall be given an opportunity to comment on the proposed joint agenda and to propose changes to such agenda.

b. Such agenda shall include a brief presentation of the proposal by the Chancellor, the Chancellor's designee, and/or, in the case of a school closing proposal, a Deputy Chancellor. Such agenda shall on request include a brief presentation by the impacted CEC, the SLT of the impacted schools(s), and the CCELL, CCSE, CCHS and/or D75 Council, as applicable. If agreement cannot be reached on the content of the agenda, the impacted CEC, the SLT of the impacted school(s) and the CCELL, CCSE, CCHS and/or D75 Council, as applicable, may utilize their allocation of time as they see fit, after the brief presentation of the proposal by the Chancellor, the Chancellor's designee, and/or, in the case of a school closing proposal, a Deputy Chancellor, and within the time constraints set forth below.

Any presentation by the Chancellor, Chancellor's designee or Deputy Chancellor, the CEC, the SLT, or the CCELL, CCSE, CCHS, or D75 Council, as applicable, shall be limited to a reasonable amount of time and shall not impinge on the public's opportunity to provide comment.

4. The Chancellor shall post notice of the joint public hearing on the DOE's official internet website and provide notice to all affected parents and students. In addition, the Chancellor shall notify the community boards and the elected state and local officials who represent the affected community district. All interested parties shall be given an opportunity to comment on the proposal.

5. After receiving public input, the Chancellor may exercise his or her authority to substantially revise the proposed school closing or change in utilization, provided the revised proposal does not impact any school other than those schools identified in the initial EIS. In the event the Chancellor decides to revise the proposal significantly, he or she shall prepare a revised EIS in the form set forth in § II.A.1 of this regulation. The revised EIS shall be published on DOE's official internet website and a copy shall be filed with the impacted CEC, the impacted community boards, the community superintendent, the SLT of the impacted school, and the CCHS and/or CCSE and D75 Council, as applicable, in the manner set forth in § II.A.3. No sooner than fifteen days following the filing of such revised EIS, the Chancellor or Deputy Chancellor, or in the case of a significant change in school utilization the Chancellor or his or her designee, shall hold a joint public hearing pursuant to § 2590-h(2-a)(d-1) of the New York Education Law.

C. Approval by the PEP

1. The Chancellor shall submit all proposals for school closings or significant changes in school utilization to the PEP for approval.

2. Pursuant to § 2590-g(8)(a) of the New York Education Law, before the PEP can approve any proposal for a school closing or significant change in school utilization, the public shall be given an opportunity to submit comments on the proposal. At least forty-five (45) days in advance of the PEP's vote on such proposal, the PEP shall publish a notice of the proposal on the DOE's official internet website and specifically circulate the notice to all community superintendents, CECs, community boards, and SLTs. Such notice shall include:

a. A description of the subject, purpose, and substance of the proposal;

b. Information as to where the full text of the EIS may be obtained;

c. The name, office, address, e-mail address, and telephone number of a city district representative knowledgeable on the item under consideration from whom any information may be obtained concerning such proposal;

d. The date, time, and place of any hearing on the proposal;

e. The date, time, and place of the PEP meeting at which the PEP will vote on the proposal; and

f. Information as to how to submit oral or written comments regarding the proposal.

3. If the Chancellor's proposal for a school closing or significant change in school utilization is substantially revised at any time following public notice of the proposal by the PEP, the PEP shall issue a revised public notice at least fifteen (15) days in advance of any PEP vote on the proposal. The revised public notice shall include:

a. A description of the subject, purpose, and substance of the revised proposal;

b. Identification of all substantial revisions to the proposal;

c. A summary of all public comments received on the proposal following the initial public notice;

d. Information as to where the full text of the revised EIS may be obtained;

e. The name, office, address, e-mail address, and telephone number of a city district representative knowledgeable on the item under consideration from whom any information may be obtained concerning such proposal;

f. The date, time, and place of any hearing on the revised proposal;

g. The date, time, and place of the PEP meeting at which the PEP will vote on the revised proposal; and

h. Information as to how to submit oral or written comments regarding the revised proposal.

4. After the period for public comment has ended and before the PEP votes on the proposal, the PEP shall publish on the DOE's official internet website an assessment of all public comments concerning the proposal received prior to twenty-four (24) hours before the PEP meeting at which the proposal is subject to a vote. Such assessment shall include:

a. A summary and analysis of the issues raised and significant alternatives suggested;

b. A statement of the reasons why any significant alternatives were not incorporated into the proposal;

c. A description of any changes made to the proposal as a result of public comments received; and

d. Information as to where the full text of the EIS or revised EIS may be obtained.

5. Proposals approved by the PEP pursuant to paragraph (e) of subdivision (2-a) of § 2590-h of the New York Education Law shall not take effect until all applicable provisions of this regulation have been satisfied and the school year in which the PEP granted approval has ended.

III. PROCEDURES FOR THE MANAGEMENT OF PUBLIC SCHOOL BUILDINGS HOUSING MORE THAN ONE SCHOOL OR PROGRAM

A. Building Councils

1. A building council shall be established at each public school building in which two or more schools are co-located, or in which one or more schools is co-located with a D75

school organization. The building council shall be comprised of the principal of each non-charter co-located school or D75 school organization (or the assistant principal of the D75 school organization), and a representative designated by each co-located charter school. They shall meet at least once a month to discuss and resolve issues related to the smooth daily operation of all schools and programs in the building and the safety of the students they serve.

In the event that a building council cannot reach resolution on an issue, the dispute resolution procedures set forth in the Campus Policy Memo and Procedures, available at http://schools.nyc.gov/community/campusgov, shall be applicable.

2. The building council will create and maintain agendas and minutes of their meetings, as well as certain other records related to the management of the school building, in the manner set forth in the Campus Policy Memo and Procedures, available at http://schools.nyc.gov/community/campusgov.

B. Charter Schools Co-Located with One or More Non-Charter Schools or Certain D75 School Organizations

1. Shared Space Committees

a. A shared space committee shall be established in each public school building in which one or more charter schools are co-located with one or more non-charter public schools or a D75 school organization. The shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non-charter school's teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.

b. Such committee shall meet at least four times per school year. With respect to charter schools whose location or co-location in a public school building was approved by the PEP after the effective date of the Amended Charter School Act (i.e., May 28, 2010), the shared space committee shall review implementation of the building usage plan developed by the Chancellor and approved by the PEP. With respect to charter schools that were approved to be located or co-located in a public school building prior to the effective date of the Amended Charter School Act, the shared space committee shall review implementation of the current building space plan in place at those buildings.

2. Capital Improvements and Facility Upgrades

a. The Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. The Chancellor or his/her designee may condition such authorization on the receipt from the requesting entity of funding up to the amount necessary to fund the capital improvements or facility upgrades that must be made to each non-charter school within the public school building to meet the requirement of paragraph d of subdivision 3 of § 2853 of the Education Law. The costs of both labor and supplies shall be included in the calculation of the cost of a proposed capital improvement or facility upgrade. All work undertaken and supplies purchased as part of a single project shall be considered in the calculation of the cost of a proposed capital improvement or facility upgrade. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter

school for each non-charter school within the public school building. For any capital improvements or facility upgrades in excess of five thousand dollars that have been approved by the Chancellor, regardless of the source of funding, made in a charter school that is already co-located within a public school building, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of such improvements or upgrades.

b. Approval Process

i. All proposed capital improvements and facility upgrades must be submitted in writing to the building's building council and shared space committee before submission to the Division of Operations. The written proposal must be submitted to the Division of Operations, or other designated office, at least 15 school days prior to the proposed date of the project's commencement. A charter school's funding for a proposed capital improvement or facility upgrade must be secured at the time of submission.

ii. The Division of Operations, or its designee, shall review the charter school's application for approval of its proposed capital improvement or facility upgrade and make recommendations regarding approval to the Chancellor or his/her designee.

iii. The Chancellor or his designee shall notify the charter school's operator and the co-located non-charter schools of the decision to grant or deny approval of the proposed capital improvement or facility upgrade.

iv. Any changes to the original proposed scope of the charter school's capital improvement or facility upgrade must be approved by the Chancellor or his/her designee in advance of implementing the change in the scope of work.

v. Any charter school which proceeds with a capital improvement or facility upgrade that has not been approved by the Chancellor or his/her designee shall be responsible for funding improvements or upgrades to be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of the charter school's improvements or upgrades. The Chancellor may also choose to exercise any other remedy available by law.

c. Appeals

Once a proposal to locate or co-locate a charter school within a public school building and its accompanying building usage plan have been approved by the PEP, the proposal and/or implementation of and compliance with the building usage plan may be appealed to the Commissioner of Education pursuant to § 2853(3)(a-5) of the New York Education Law.

IV. PROCEDURES FOR EMERGENCY SCHOOL CLOSINGS AND SIGNIFICANT CHANGES IN SCHOOL UTILIZATION

A. The Chancellor may temporarily close a school or adopt a significant change in a school's utilization on an emergency basis if he or she determines such action is immediately necessary to preserve student health, safety, or general welfare.

B. The Chancellor shall provide a written statement setting forth the reasons for the emergency action and shall publish such statement on the DOE's official internet website.

C. An emergency closing or change in utilization shall only remain in effect for up to six months, during which time the Chancellor shall comply with the requirements set forth in this regulation. Before an emergency closing or significant change in utilization can extend beyond the six-month period, all requirements of this regulation must be met.

V. EFFECTIVE DATE

This regulation shall take effect on the day following approval by the PEP.

VI. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Division of Portfolio Planning* N.Y.C. Department of Education 52 Chambers Street – Room 405 New York, NY 10007	Fax:
212-374-5049	Portfolio@schools.nyc.gov	212-374-5581

Department of Education

The Phase-Out and Eventual Closure of School Name (DBN)

I. Summary of Proposal

- Identifying information:
  - School name, code and grades served
  - Community School District, building code and address
  - Currently co-located schools (if applicable)
- Description of the action to be taken as a result of the proposal:
  - Provide information about the implementation of the proposal including the grade(s) that will phase out each year and the year the school will be closed
- Rationale for the proposed action:
  - Description of accountability criteria that informed the phase-out proposal
  - Explanation of Persistently Lowest Achieving designation (if applicable)
  - Where possible, summarize significant steps taken by DOE to improve school performance before decision to seek phase-out was reached
  - Provide school performance information that led to proposal and involvement of community prior to recommendation

II. Proposed or Potential Use of Building

- Information about the building:
  - Capacity
  - Current utilization
- Description of the proposed use of the building
  - If the proposed use of the building includes the siting of an additional school, refer to the EIS for that proposed co-location

III. Impact of the Proposal on the Impacted Students, Schools and Community

a. Students

- The impact on the students currently enrolled in the phase out school:
  - Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - Explain enrollment options available to current students enrolled in the school including if students have an opportunity to transfer out of the school
  - Describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs, and SE & ELL programs

available to current students that are proposed as part of the proposal (if applicable)
    - If applicable, describe any other significant programmatic changes at the school that are proposed as part of the proposal

- The impact on the students that would have enrolled in the phase-out school:
    - Explain the next steps for students who included the phase-out school on their High School Application
    - If the school is zoned, explain the impact on families residing in the zone
    - Describe the alternative options for students. List schools (at relevant grade levels) located in the community in which the phasing out school is located, and provide the following for each of these schools:
        - Name
        - DBN
        - Address
        - Enrollment data
        - Building capacity/utilization
        - Demand data (where applicable)
        - Eligibility criteria of programs offered
        - SE and ELL data
        - Available High School Admissions Programs, CTE Pathways or Middle School Choice programs where applicable
        - Site accessibility
        - Accountability information
    - Impact on available programs:
        - List High School Admissions programs, CTE Pathways and Middle School Choice programs (where applicable) available at the proposed phase-out
        - List schools (at relevant grade levels) that offer similar High School Admissions programs, CTE pathways and Middle School Choice programs, where applicable
    - If the building is fully accessible, explain how students requiring a fully accessible building will be accommodated

b. Schools

- The impact of the proposal on the schools in the building:
    - Number of seats being eliminated in the building as a result of the phase-out
    - Projected utilization of the building
    - Number of projected new seats in the building
    - Description of any proposed new schools in the building (reference the separate EIS which will be created). Include the following information:
        - Name
        - DBN

        - Address
        - Projected entering enrollment
        - Selection criteria (if applicable)
        - Types of High School Admissions programs, CTE Pathways or Middle School Choice programs (if applicable)
    - For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
    - List planned capital improvements or facilities upgrades, if applicable

c. Community

- In the aggregate, describe the impact of the proposal on the community:
    - Impact on available seats and surrounding schools:
        - Enrollment trend
        - Capacity need
        - Estimated number of seats being eliminated in community as a result of phase-outs and truncations.
        - Estimated number of projected new seats being created in the community as a result of new schools, grade expansions, and ongoing phasing in of schools
        - List of proposed new schools (at relevant grade levels) in the community (whichever is applicable) and provide the following information:
            - Name
            - DBN
            - Address
            - Projected entering enrollment
            - Selection criteria (if applicable)
            - Types of High School Admissions programs, CTE Pathways and Middle School Choice programs (if applicable)
    - Describe the alternative options for students. List schools (at relevant grade levels) located in the community in which the phasing out school is located, and provide the following for each of these schools:
        - Name
        - DBN
        - Address
        - Enrollment data
        - Building capacity/utilization
        - Demand data (where applicable)
        - Eligibility criteria of programs offered
        - SE and ELL data

        - Available High School Admissions programs, CTE Pathways and Middle School Choice programs, where applicable
        - Site accessibility
        - Accountability information
    - Impact on availability of programs:
        - List applicable High School Admissions programs, CTE Pathways and Middle School Choice programs available at the proposed phase-out
        - List schools that have offer similar High School Admissions programs, CTE Pathways and Middle School Choice programs
    - History and Community Use
        - State when school opened
        - Describe the likely effect, if any, of proposed phase-out on the ability of community members to obtain school building use permits at the phase-out location pursuant to section 414 of the Education Law

IV. Enrollment, Admissions and School Performance Information

- For each impacted school, provide the following:
    - Enrollment data
        - Current enrollment and grades served
        - Projected enrollment of new schools (if applicable)
        - Admissions and eligibility criteria
        - Demographic information
        - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
    - Performance data:
        - Progress Report grade
        - Graduation rate and/or ELA/Math scores
        - State Accountability Status
        - Average attendance and link to attendance report

V. Initial Costs and Savings

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

a. Personnel Needs

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

b. Costs of Instruction

- State the per capita funding amount and any additional funding the school will receive

c. Administration

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

d. Transportation

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

e. Other Support Services

VII. Building Information

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
    - Labor:
    - Materials:
    - Maintenance and repair contracts:
    - Service contracts:
    - Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
    - Electric
    - Gas
    - Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library

Department of Education

The Co-location of New School Name (DBN) with Existing School Name(s) (DBN)

I. Summary of Proposal

- Identifying information:
  - New school name, code, charter or non-charter status and grades served
  - Projected enrollment of new school for first year of implementation and at scale
  - If a charter school, identify the authorizer
  - Existing school name(s), DBN, and grades served
  - Community School District, building code and address
- Description of the action to be taken as a result of the proposal:
  - Provide information about the implementation of the proposal including the grade(s) and the number of students added each year as the new school phases-in
- Description of the new school
- Rationale for the proposed action
  - Explain the need for the co-location, and how the proposal addresses that need

II. Proposed or Potential Use of Building

- Information about the building:
  - Capacity
  - Current utilization
- Description of the proposed use of the building

III. Impact of the Proposal on the Impacted Students, Schools and Community

a. Students

- The impact on the students currently enrolled in the building:
  - Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - Describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs and SE & ELL programs available to current students that are proposed as part of the proposal (if applicable)

- If applicable, describe any other significant programmatic changes at the school

b. Schools

- The impact of the proposal on the schools in the building:
  - For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
  - Include a description of the proposed space allocation for the existing school(s) and new school each year for the duration of the proposed co-location or until the new school is at scale. If the new school is a charter school, include reference to the proposed Building Utilization Plan.
  - Indicate accessibility of specialty classrooms (i.e. computer labs, science labs) for each respective school
  - Describe the impact on shared spaces such as the gymnasium, cafeteria, library, and playground. Include an example of how such space can be shared between or among the proposed co-located schools
  - Describe the impact on the building's safety and security plan.
  - List planned capital improvements or facilities upgrades, if applicable

c. Community

- In the aggregate, describe the impact of the proposal on the community:
  - Impact on available seats and surrounding schools:
    - Enrollment trend
    - Capacity need
    - Number of projected new seats being created in the community as a result of new schools, grade expansions, and ongoing phasing in of schools
  - Impact on availability of programs:
    - List applicable High School Admissions programs, CTE Pathways and Middle School Choice programs available at the proposed new school
  - Describe the likely effect, if any, of proposed co-location on the ability of community members to obtain school building use permits at the location pursuant to section 414 of the Education Law

IV. Enrollment, Admissions and School Performance Information

- For each impacted school, provide the following:
  - Enrollment data

        - Current enrollment and grades served
        - Projected enrollment of new schools (if applicable)
        - Admissions and eligibility criteria
        - Demographic information
        - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
    - Performance data:
        - Progress Report grade
        - Graduation rate and/or ELA/Math scores
        - State Accountability Status
        - Average attendance and link to attendance report

V. Initial Costs and Savings

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

a. Personnel Needs

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

b. Costs of Instruction

- State the per capita funding amount and any additional funding the school will receive

c. Administration

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

d. Transportation

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

e. Facilities Upgrades (if charter school)

- Per the New York State Charter Schools Act of 1998 (as amended May 2010), any capital improvement or facility upgrade (in excess of $5,000) made to a co-located charter school requires matching capital improvements or facility upgrades to each non-charter public school in the building. For more information on how proposed upgrades are evaluated please refer to Chancellor's Regulation A-190

f. Other Support Services

VII. Building Information

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
    - Labor:
    - Materials:
    - Maintenance and repair contracts:
    - Service contracts:
    - Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
    - Electric
    - Gas
    - Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library

Department of Education

The Re-Siting of School Name (DBN) from Building Name (Code) to Building Name (Code)

I. Summary of Proposal

- Identifying information:
  - Re-locating school name, code, charter or District
  - Projected enrollment for first year of implementation (if school is phasing-in) and at scale, grades currently served (if phasing-in) and grades to be served at scale
  - If a charter school, identify the authorizer
  - Current Community School District, building code and address
  - Proposed new Community School District, building code and address
  - Existing co-located school name(s), code, and grades served
- Description of the action to be taken as a result of the proposal:
  - Provide information about the implementation of the proposal including the grade(s) and the number of students served in the re-locating school. If school is still phasing-in, include the grade(s) and number of students added each year as the school phases-in.
- Rationale for the proposed action:
  - Explain the need for re-siting and how the proposal addresses that need

II. Proposed or Potential Use of Building

- Information about the building:
  - Capacity
  - Current utilization
- Description of the proposed use of the building

III. Impact of the Proposal on the Impacted Students, Schools and Community

a. Students

- The impact on the students currently enrolled in the existing and re-locating school:
  - Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - Describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs and SE & ELL programs available to current students that are proposed as part of the proposal (if applicable)

- If applicable, describe any other significant programmatic changes at the school
- Indicate the distance from the school's current location to the proposed new location
- Provide information about the accessibility of the new location by public transportation and any changes to current students' transportation options (yellow bussing or public transit)
- Provide information about where the majority of the current students enrolled are coming from
- Provide information about the impact on future student populations who would have enrolled at the old site

b. Schools

- The impact of the proposal on the schools in the building:
  - For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
  - Include a description of the proposed space allocation for the existing school(s) and re-locating school. If re-locating school is still phasing-in include a description of the proposed space allocation for each year until that school is at full growth. If a charter school is re-locating, include reference to the proposed Building Utilization Plan
  - Indicate accessibility of specialty classrooms (i.e. computer labs, science labs) for each respective school
  - Describe the impact on shared spaces such as the gymnasium, cafeteria, library, and playground, where applicable. Include an example of how such space might be shared between or among the proposed co-located schools
  - Describe the impact on the building's safety and security plan
  - List planned capital improvements or facilities upgrades, if applicable
  - Indicate what will happen with the available space at the school's current location

c. Community

- In the aggregate, describe the impact of the proposal on the community:
  - Impact on available seats and surrounding schools:
    - Enrollment trend
    - Capacity need
    - Number of projected new seats being created in the community as a result of new schools, grade expansions, and ongoing phasing in of schools
  - Impact on availability of programs:

        - List applicable High School Admissions programs, CTE Pathways and Middle School Choice programs available at the proposed re-siting
    - Describe the likely effect, if any, of proposed re-siting on the ability of community members to obtain school building use permits at the location pursuant to section 414 of the Education Law

IV. Enrollment, Admissions and School Performance Information

- For each impacted school, provide the following:
    - Enrollment data
        - Current enrollment and grades served
        - Projected enrollment of new schools (if applicable)
        - Admissions and eligibility criteria
        - Demographic information
        - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
    - Performance data:
        - Progress Report grade
        - Graduation rate and/or ELA/Math scores
        - State Accountability Status
        - Average attendance and link to attendance report

V. Initial Costs and Savings

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

a. Personnel Needs

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

b. Costs of Instruction

- State the per capita funding amount and any additional funding the school will receive

c. Administration

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

d. Transportation

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

e. Capital Improvements or Facilities Upgrades (if charter school)

- Per the New York State Charter Schools Act of 1998 (as amended May 2010), any capital improvement or facility upgrade (in excess of $5,000) made to a co-located charter school requires matching capital improvements or facility upgrades to each non-charter public school in the building. For more information on how proposed upgrades are evaluated please refer to Chancellor's Regulation A-190

f. Other Support Services

VII. Building Information

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
    - Labor:
    - Materials:
    - Maintenance and repair contracts:
    - Service contracts:
    - Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
    - Electric
    - Gas
    - Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library

Department of Education

The Grade Reconfiguration of School Name(s) (DBN)

I. Summary of Proposal

- Identifying information:
  - School name, code (DBN), grades currently served and grades proposed to be served after reconfiguration is complete
  - Community School District, building code and address
  - Currently co-located schools (if applicable)
- Description of the action to be taken as a result of the proposal
  - Grades to be truncated or phased in each year
- Rationale for the proposed action
  - Explain the need for a grade reconfiguration and how proposed reconfiguration addresses those needs

II. Proposed or Potential Use of Building

- Information about the building:
  - Capacity
  - Current utilization
- Description of the proposed use of the building
  - If the proposed use of the building includes the siting of an additional school, refer to the EIS for that proposed co-location.

III. Impact of the Proposal on the Impacted Students, Schools and Community

a. Students

- The impact on the students currently enrolled in the building.
  - Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - Explain enrollment options available to current students enrolled in the school including if students have an opportunity to transfer out of the school
  - If applicable, describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs and SE & ELL programs available to current students that are proposed as part of the proposal
  - If applicable, describe any other significant programmatic changes at the school

b. Schools

- The impact of the proposal on the schools in the building
    - For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
    - If space will become available as a result of the proposal, describe potential uses

c. Community

- In the aggregate, describe the impact of the proposal on the community.
    - Rationale for overall impact on grade level capacity
    - Net impact (from this proposal and other phase-outs and/or grade reconfigurations) on number of grade level seats in the district
        - Seat increase or decrease at each school, at each grade level
        - Describe the impact of available seats in district
    - Describe the likely effect, if any, of proposed reconfiguration on the ability of community members to obtain school building use permits at the location pursuant to section 414 of the Education Law

IV. Enrollment, Admissions and School Performance Information

- For each impacted school, or school affected by the proposed reconfiguration, provide the following:
    - Enrollment data
        - Current enrollment and grades served
        - Admissions and eligibility criteria
        - Demographic information
        - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
    - Performance data:
        - Progress Report grade
        - Graduation rate and/or ELA/Math scores
        - State Accountability Status
        - Average attendance and link to attendance report

V. Initial Costs and Savings

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

a. Personnel Needs

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

b. Costs of Instruction

- State the per capita funding amount and any additional funding the school will receive

c. Administration

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

d. Transportation

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

e. Other Support Services

- Describe impact of proposed grade reconfiguration on other support services

VII. Building Information

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
    - Labor:
    - Materials:
    - Maintenance and repair contracts:
    - Service contracts:
    - Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
    - Electric
    - Gas
    - Oil

- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library

BUILDING UTILIZATION PLAN

Pursuant to the New York State Charter Schools Act of 1998 (as amended May 2010), the following plan outlines the proposed allocation of classrooms and administrative space between X CHARTER SCHOOL and DOE SCHOOL X. It also includes a proposal for the collaborative usage of shared resources and spaces between X CHARTER SCHOOL and DOE SCHOOL X, including but not limited to, cafeterias, libraries, gymnasiums, and recreational areas which assures equitable access to such facilities. Information about the impact on building safety and security, proposed strategies for communication and collaborative decision making between the co-located schools, and a description of the shared space committee is also included. Please refer to the Educational Impact Statement, if applicable, to which this plan is attached for further information about the proposed co-location.

METHODOLOGY

We have applied the New York City Department of Education's ("DOE") Instructional Footprint ("Footprint")[1] to all schools and/or programs outlined in this plan to allocate rooms in an unbiased manner, and have divided the remaining space equitably based on the proportion of the total students in the building enrolled by each school and/or program, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building.

JUSTIFICATION OF FEASIBILITY AND EQUITABILITY OF CLASSROOM AND ADMINSTRATIVE SPACE ALLOCATION

The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of classes and class size a school has programmed and is confirmed by a walk-through of the building by the Borough Director of Space Planning and the school's principal. For elementary schools serving grades PreK-5 or K-5, the Footprint assumes that classes are self-contained. Therefore, the Footprint allocates one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each self-contained special education section served by the school. In addition to these capacity generating instructional rooms, schools serving grades K-5 receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled. These classes can be used at the principal's discretion for purposes such as art and/or music instruction, among other things.

At the elementary level, cluster classrooms are allocated as follows:

Enrollment	# of Cluster Rooms
1,251 and up	5
750-1,250	4
251-750	3
151-250	2
0-150	1

[1] The Footprint is a tool to be used by all stakeholders in the analysis and assessment of space usage in DOE buildings. Its purpose is to ensure that the space allocation plan for all schools is fair and equitable. In co-location agreements, the parameters outlined in the Footprint should serve as a guideline for making decisions about the allocation of space, while empowering building occupants to make decisions that best meet the needs of all students in the building. The DOE Footprint can be found at: http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/65901/NYCDOE_Instructional_Footprint_revisedMay2009_noco.pdf

For grades 6-12 the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint allocates one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each self-contained special education section served by the school. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day.

All schools receive a baseline of the approximate equivalent of 2 full size classrooms[2] for student support services and resource rooms. Additionally, all schools receive a baseline of the approximate equivalent of 1 full size classroom and 1 half size classroom for administrative services.

Any space not allocated pursuant to the Footprint shall be allocated equitably among the co-located schools. In determining an equitable allocation, the DOE may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building.

While the Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. Where appropriate, school leaders will have an opportunity to draw upon the expertise and guidance of the Office of Special Education, which is dedicated to promoting positive educational outcomes for students with disabilities.

Allocation of Classrooms and Administrative Space

According to a building walkthrough and survey performed on XXX by XXX, Director of Space Planning, building XX [INSERT BUILDING CODE] has a total of XX full size classrooms[3], X science labs (if applicable), XX half size classrooms[4] and XX administrative offices. The XX building also contains a (list all that apply) gymnasium, auditorium, lunchroom, and library.

[IF APPLICABLE NOTE WHETHER THERE IS A COMMUNITY BASED ORGANIZATION OR OTHER ENTITY IN THE BUILDING. DESCRIBE WHETHER THERE WILL BE AN IMPACT ON THE COMMUNITY BASED ORGANIZATION OR OTHER ENTITY AS A RESULT OF THE PROPOSED CO-LOCATION]

[2] Due to the configuration of the various DOE buildings across New York City, schools may be given the equivalent of 2 full size classrooms for student support services or resource rooms which could be equal to 4 half size classrooms or 1 full size classroom and 2 half size classrooms, etc.

[3] Full size classrooms have an area of 500 square feet or more.

[4] Half size classrooms have an area of less than 500 square feet.

2011-2012

Based on current enrollment[5], DOE SCHOOL X serves a total of X students in X classes (including pre-kindergarten students and students with disabilities). According to the Footprint, DOE SCHOOL X requires XX full size classrooms, XX half size classrooms, and XX administrative offices.[6] [EXPLANATION OF PROJECTED ENROLLMENT BASED ON HISTORICAL ENROLLMENT TRENDS]

According to its charter, CHARTER SCHOOL X will serve a total of XXX-XXX students in grade(s) X-X, in X classes (including students with disabilities) in the 2011-2012 school year. CHARTER SCHOOL X requires XX full size classrooms, XX half size classrooms, and XX administrative offices per the Footprint.

After DOE SCHOOL X and CHARTER SCHOOL X have received the baseline allocation of rooms according to the Footprint, X full size rooms, X half size rooms, and X administrative offices will remain in the X building. DOE SCHOOL X will receive X additional full size classrooms, X additional half size classrooms, and X additional administrative offices above its baseline space allocation.[7] CHARTER SCHOOL X will receive X additional full size classrooms, X additional half size classrooms, and X additional administrative offices above its baseline space allocation. [EXPLAIN RATIONALE FOR ALLOCATION (i.e. this allocation is based on relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools (describe), or the physical location of the excess space within the building (describe).]

The 2011-2012 room allocation plan is summarized in the chart below:

	PROJECTED 2011-2012 CLASS[8] COUNT	FULL SIZE ROOMS PER FOOTPRINT	HALF SIZE ROOMS PER FOOTPRINT	ADMIN ROOMS PER FOOTPRINT	ADDITIONAL FULL SIZE ROOMS	ADDITIONAL HALF SIZE ROOMS	ADDITIONAL ADMIN OFFICES
DOE SCHOOL X							
CHARTER SCHOOL X							

2012-(YEAR EACH CO-LOCATED SCHOOL IS AT SCALE)

CHARTER SCHOOL X will continue to add approximately XXX-XXX students in X sections each year through the XXXX-XXXX school year when the school reaches its full X-X grade span. Below is a series of charts that outline the room allocation plan by year based on the projected number of classes.

[5] According to ATS on [DATE]
[6] Enrollment projections will not be finalized before April. Significant changes in enrollment could result in an amendment to this plan.
[7] This number is subject to change pending final enrollment projections.
[8] For elementary, middle and K-8 schools, the class count is the total number of classes or sections in which the school is programming its students. For non-charter elementary, middle and K-8 schools, the class count information is pulled from ATS and includes all pre-kindergarten, Collaborative Team Teaching, self-contained, and general education classes. For high schools the class count is the total number of classes or sections in which the school is programming its students. For non charter high schools, the class count information is pulled from HSST and includes Collaborative Team Teaching, self-contained, and general education classes. For charter schools the class count information is pulled from the school's charter application.

2012-2013

In 2012-2013 after each school has received the baseline allocation of rooms according to the Footprint, X full size, X half size, and X administrative offices will remain in the X building. In 2012-2013, DOE SCHOOL X will receive X additional full size classrooms, X additional half size classrooms, and X additional administrative offices above its baseline space allocation.[9]

CHARTER SCHOOL X will receive X additional full size classrooms, X additional half size classrooms, and X additional administrative offices above its baseline space allocation. [EXPLAIN RATIONALE FOR ALLOCATION (i.e. this allocation is based on relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools (describe), or the physical location of the excess space within the building (describe).]

	PROJECTED 2012-2013 CLASS COUNT	FULL SIZE ROOMS PER FOOTPRINT	HALF SIZE ROOMS PER FOOTPRINT	ADMIN ROOMS PER INSTRUCTIONAL FOOTPRINT	ADDITIONAL FULL SIZE ROOMS	ADDITIONAL HALF SIZE ROOMS	ADDITIONAL ADMIN OFFICES
DOE SCHOOL X							
CHARTER SCHOOL X							

2013-2014

In 2013-2014 after each school has received the baseline allocation of rooms according to the Footprint, X full size, X half size, and X administrative offices will remain in the X building. In 2013-2014, DOE SCHOOL X will receive X additional full size classrooms, X additional half size classrooms, and X additional administrative offices above its baseline space allocation.[10] CHARTER SCHOOL X will receive X additional full size classrooms, X additional half size classrooms, and X additional administrative offices above its baseline space allocation. [EXPLAIN RATIONALE FOR ALLOCATION (i.e. this allocation is based on relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools (describe), or the physical location of the excess space within the building (describe).]

	PROJECTED 2013-2014 CLASS COUNT	TOTAL FULL SIZE ROOMS PER FOOTPRINT	TOTAL HALF SIZE ROOMS PER FOOTPRINT	TOTAL ADMIN ROOMS PER I FOOTPRINT	ADDITIONAL FULL SIZE ROOMS	ADDITIONAL HALF SIZE ROOMS	ADDITIONAL ADMIN OFFICES
DOE SCHOOL X							
CHARTER SCHOOL X							

[9] This number is subject to change pending final enrollment projections.
[10] This number is subject to change pending final enrollment projections.

(INCLUDE CHARTS FOR EACH YEAR UNTIL ALL CO-LOCATED SCHOOLS ARE AT SCALE)

[INDICATE WHETHER DOE SCHOOL X and CHARTER SCHOOL X WILL CONTINUE TO HAVE SUFFICIENT INSTRUCTIONAL SPACE TO SERVE ALL OF IT STUDENTS IN BUILDING CODE X PER THE FOOTPRINT AS CHARTER SCHOOL X EXPANDS. DESCRIBE ANY CHANGES TO PROGRAMS OR SERVICES PROVIDED BY THE DOE SCHOOL X AS A RESULT OF THE CO-LOCATION.]

Shared Space Plan

A proposed shared space plan is below. The following plan is based on the estimated duration of time each of the co-located schools will have in each of the shared spaces in building X. The final shared space schedule will be collaboratively drafted by the Building Council after the proposed co-location has been approved by the Panel for Education Policy.

JUSTIFICATION OF FEASIBILITY AND EQUITABILITY OF PROPOSED SHARED SPACE PLAN

This proposed plan illustrates how the population size of each co-located school will be used to determine a proportional allotment of time in each shared space. Building Councils are free to deviate from the proportional allotment of time to accommodate the specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. If such accommodation results in an alteration to the proportional distribution of space, the Building Council shall explain the basis for such alteration. (NOTE: The Building Council will revisit the shared space plan and its schedules on an annual basis to account for any changes in enrollment or programmatic needs. If conflicts emerge and progress is impaired, the Building Council shall follow the dispute resolution procedures outlined in the Campus Policy Memo which follows).

Based on current enrollment DOE SCHOOL X serves a total of X students. According to its charter, CHARTER SCHOOL X will serve a total of X students.

[THE CHART BELOW WILL BE COMPLETED FOR ALL SHARED SPACES IN THE BUILDING INDICATING THE PROPORTIONAL ALLOTMENT OF TIME EACH SCHOOL HAS IN THE SPACE (i.e. number of 45 minute periods)]

Space	Monday	Tuesday	Wednesday	Thursday	Friday
Cafeteria (capacity of space ___)					

Library					
Gymnasium(include all gymnasiums, dance and fitness rooms)					
Auditorium					
Playground (elementary / middle schools)					
Other_____(science labs if shared)					

Building Safety and Security

Pursuant to Chancellor's Regulation A-414 every school/campus must have a School Safety Committee. The committee plays an essential role in the establishment of safety procedures, the communication of expectations and responsibilities of students and staff, and the design of prevention and intervention strategies and programs specific to the needs of the school. The committee is comprised of various members of the school community, including Principal(s); designee of all other programs operating within the building; U.F.T. Chapter Leader; Custodial Engineer/designee; and In-house School Safety Agent Level III. The committee is responsible for addressing safety matters on an ongoing basis and making appropriate recommendations to the Principal(s) when it identifies the need for additional security measures, intervention, training, etc.

The committee is also responsible for developing a comprehensive School Safety Plan which defines the normal operations of the site and what procedures are in place in the event of an emergency. The plan must be consistent with the citywide prescribed safety plan shell. Each program operating within a school must enter program specific information in the School Safety Plan. Safety plans are updated annually by the School Safety Committee in order to meet changing security needs, changes in organization and building conditions and other factors. In addition, the committee recommends changes in the safety plan at any other time when it is necessary to address security concerns.

Consistent with the process described above, the leader/designee of X Charter School will be part of X School Safety Committee. As a member of the School Safety Committee, the leader/designee of X Charter School will participate in the development of the building's Safety Plan and ensure that any security related issues or needs which may arise with respect to the co-location of X Charter School will be addressed on an ongoing basis. Moreover, the Safety Plan for X DOE school

building will be modified as appropriate to meet any changing security needs associated with the co-location. X Charter School will enter information in the school's overall Safety Plan to ensure the safe operation of the school building.

Each school building must also establish a Building Response Team (BRT) that will consist of trained staff members from each of the campus' schools, and which is activated when emergencies or large building-wide events occur. The members of this team must be identified and listed in the School Safety Plan.

The completed Safety Plan for X DOE school building will be submitted to the Borough Safety Directors of the Office of School and Youth Development for approval. If changes or modifications are necessary, the School Safety Committee will be advised. Once the School's Safety Plan is approved, it will be submitted to the NYPD for final approval and certification by the NYPD.

Proposed Communications Strategy

As per the Campus Policy Memo 2010[1], co-located schools on campuses must actively participate in a Building Council (BC), which is a campus structure for administrative decision-making for issues impacting all schools in the building. Only principals and charter leaders serve on the BC. The BC shall meet at least once a month to discuss and resolve issues related to the smooth daily operation of all schools in the building and the safety of the students they serve. The BC principals and charter school leaders, where applicable, communicate their decisions campus-wide to staff, students and parents, especially for issues of safety, shared space, campus schedules, split staff agreements and extended facility use.

A Shared Space Committee (SSC) shall be established at campuses where charters are co-located in a public school building with one or more non-charter schools or eligible District 75 programs by the principals of the schools and/or eligible programs, as set forth in Chancellor's Regulation A-190. With respect to charter co-locations approved after May 28, 2010, the effective date of the Amended Charter School Act, the SSC is to review the implementation of the Building Utilization Plan (BUP) once it has been approved by the PEP. With respect to charter schools that were approved to be located or co-located in a public school building prior to the effective date of the Amended Charter School Act, the SSC shall review implementation of the current building space plans in place at those buildings. The SSC will meet minimally four times per year.

The SSC will be comprised of the principal, a teacher and a parent of each co-located school. With respect to a non-charter school's teacher and parent members, such SSC members shall be selected by the corresponding constituent member of the SLT of the school. Charter school leaders will work with their constituencies to select the parent and teacher representing that school. SSC agendas and minutes shall be shared with the BC. SSC members may be asked to communicate with their constituencies about the BUP and its campus implementation.

Proposed Collaborative Decision Making Strategy

BC members are equal partners in shaping the educational environment; they share responsibility and accountability for building administration, communication and culture. They must respect each other's unique culture and simultaneously make and communicate shared decisions that are good for all students and schools on the campus. They make decisions by consensus and they work to ensure collaboration on all campus implementation issues. To the extent that the BC cannot reach a resolution on an issue, they shall avail themselves of the dispute resolution procedures set forth in the Campus Policy Memo 2010.

[1]Campus Policy Memo 2010 is available at http://schools.nyc.gov/community/campusgov.

2015-2017

CR A-185

Zoning Lines for Elementary and Middle Schools

NYC EDUCATION COUNCILS

Regulation of the Chancellor

Category:	**STUDENTS**	Number:	**A-185**
Subject:	**ZONING LINES FOR ELEMENTARY AND MIDDLE SCHOOLS**	Page:	1 of 3
		Issued:	**1/14/05**

ABSTRACT

In 2003, the newly-created Community Education Councils (CECs) were given authority under the Education Law to approve zoning lines, as submitted by Community Superintendents, applicable to schools under their jurisdiction, consistent with Chancellor's Regulations. This regulation implements that provision of law.

I. DEFINITION OF ZONED DISTRICT SCHOOL AND ZONING LINE

A zoned district school is a school where eligibility to attend is based solely on residence within a defined geographical area within a district. Zoning lines are the boundaries that define such geographical areas.

II. PROCEDURES FOR OBTAINING APPROVAL OF ZONING LINE CHANGES

A. Community Superintendent Responsibilities

1. Community Superintendents shall be responsible for submitting proposals for new or changed zoning lines to the CECs for approval. (See IIB below).
2. Prior to submitting a proposal for new or changed zoning lines to the CEC, the Community Superintendent shall consult with the Regional Superintendent and the Local Instructional Superintendent, and shall secure approval to proceed from the Office of Student Enrollment Planning and Operations (OSEPO). The Community Superintendent also should consult with appropriate school communities, including the parents of children who will be affected by the proposed change, prior to submitting the proposal to the CEC.
3. When submitting zoning line proposals to OSEPO, Community Superintendents must provide the following information in the manner described in Attachment A of this regulation:
   a. Statement of the proposal's purpose
   b. Schools involved in the proposal
   c. Effective date for initial implementation
   d. Projected date for full implementation (if proposal requires a phase-in period)
   e. Projected numbers of students in each grade to be moved among all affected schools in the first year of implementation

f. Projected grade organizations, projected student registers, building capacity and utilization, and ethnicity of student registers in all affected schools and programs

g. A complete description of all zoning line changes

h. For proposals that will be phased in, a statement of how students will be admitted to the affected schools and programs in each year up to full implementation of the proposed changes, and a statement of any priorities for the selection of students

i. The need for school bus service and public transportation in the first year of implementation

4. Community Superintendents must submit the above information regarding zoning line proposals to OSEPO in writing, in accordance with a timeline published annually by OSEPO.

5. Following approval by OSEPO, the Community Superintendent shall submit the proposed zoning lines in writing to the CEC for approval. Proposals shall be considered submitted to the CEC when the Community Superintendent or his designee delivers the proposed zoning lines in writing to the CEC office or via e-mail to the CEC President.

6. Following approval by the CEC, the Community Superintendent shall forward to OSEPO a copy of the resolution adopted by the CEC. (See IIB3 below).

B. CEC Responsibilities

1. CECs shall be responsible for approving the zoning lines submitted by the Community Superintendent for zoned district schools.

2. For zoned district schools that also serve students through a choice option, CECs shall be responsible for approving only the zoning lines for students who do not attend via the choice option.

3. CECs must vote on zoning lines within 45 days of submission by the Community Superintendent.

4. High schools and, except as specified in IIB2 above, schools and programs housing students from more than one community school district through a choice option are not covered by this Regulation and are not within the jurisdiction of the CECs. The Chancellor is solely responsible for these schools and programs.

III. APPEALS

Parent associations/parent-teacher associations may appeal zoning line decisions made by the Community Education Council to the Chancellor within ten days of the decision. Appeals must be submitted in writing and must state specific grounds for the appeal. Appeals to the Chancellor must be filed c/o Office of Legal Services, 52 Chambers Street, New York, NY 10007.

IV. INQUIRIES AND TECHNICAL ASSISTANCE

A. OSEPO and the School Construction Authority (SCA) shall provide appropriate technical assistance in the preparation of proposals that are submitted in accordance with this regulation.

B. OSEPO shall maintain current maps of district boundary lines and school zoning lines that shall be open to public inspection.

Inquiries pertaining to this regulation should be addressed to:

Telephone	*Office of Student Enrollment Planning and Operations*	Fax
212-374-5426	NYC Department of Education 52 Chambers Street – Room 415 NY, NY 10007	212-374-5568

Zoning Line Proposal Submission

1. Brief statement of the proposal purpose:

2. Schools involved in the proposal:

3. Effective date for initial implementation:

4. Projected date for full implementation (if a phase-in):

5. Projected numbers of students in each grade to be moved between all affected schools in the first year of implementation:

Sending school or program	Receiving school or program	Grade(s)	Number of students to be moved

6. Projected grade organizations, projected student registers, building capacity and utilization, and ethnicity of student registers in all affected schools and programs:

   a. In the year prior to implementation

School or Program	Grade Organization	Building Capacity	October 31 Register	Building Utilization	Percent Minority

b. in the first year of implementation

School or Program	Grade Organization	Building Capacity	October 31 Register	Building Utilization	Percent Minority

c. In the final year of implementation

School or Program	Grade Organization	Building Capacity	October 31 Register	Building Utilization	Percent Minority

7. A complete description of all zone-line changes, using the following standard form: "Beginning at the intersection of…(the point of origin) … and ending at the intersection of…(the point of origin):"

8. For proposals that will be phased in, a statement of how students will be admitted to the affected schools and programs in each year up to full implementation of the proposed changes, i.e., some combination of pre-registration, over-the-counter placement, list notice and voluntary transfers, and a statement of any priorities established for the selection of students, e.g., siblings:

   Year 1:

   Year 2:

   Year 3:

9. The need for school bus service and public transportation in the first year of implementation:

School or Program	Grade	Number Requiring School Bus	Number Using Public Transportation

Notes:

Notes:

TAB #7

Resources

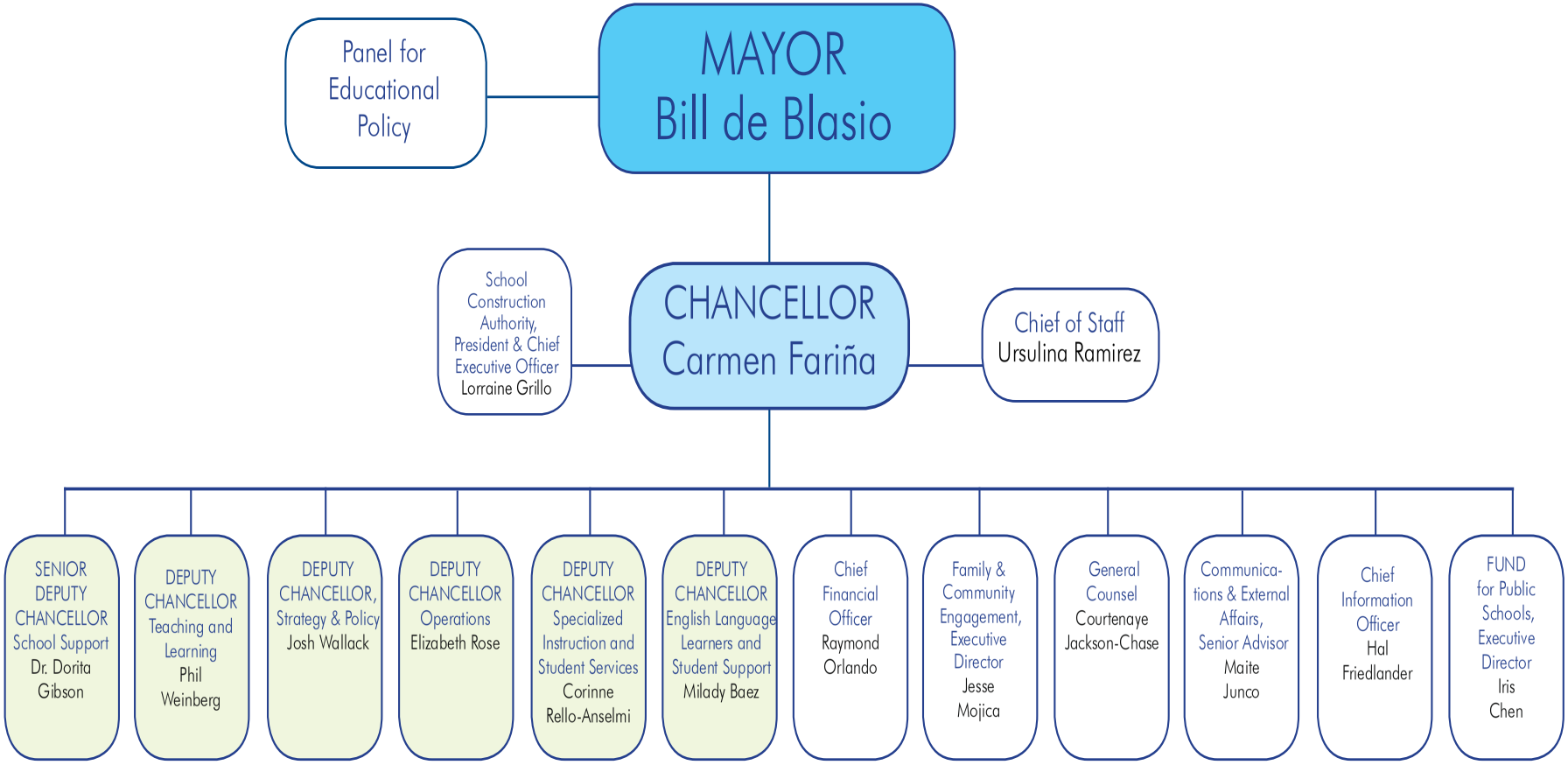
2015-2017

Reference Materials

- DOE Organizational Chart
- DOE Contact List
- NYC Parent Leadership Structures

New York City Department of Education

Organizational Chart



NYC Department of Education
Chancellor Carmen Fariña

Senior Leadership Team – Contact Information

Division/Office	Team Member	E-Mail	Phone
Office of the Chancellor	Chancellor Carmen Farina	NYCChancellor@schools.nyc.gov	(212) 374-0200
Division of School Support	Senior Deputy Chancellor Dorita Gibson	DeputyChancellorGibson@schools.nyc.gov	(212) 374-7858
Division of Operations	Deputy Chancellor Elizabeth Rose	Erose2@schools.nyc.gov	(212) 374-7868
Division of Teaching and Learning	Deputy Chancellor Phil Weinberg	DeputyChancellorWeinberg@schools.nyc.gov	(212) 374-6792
Division of Specialized Instruction and Student Support	Deputy Chancellor Corinne Rello-Anselmi	DeputyChancellorRello@schools.nyc.gov	(212) 374-5766
Department of English Language Learners and Student Support	Deputy Chancellor Milady Baez	MBaez9@schools.nyc.gov	(212) 374-5103
Division of Strategy and Policy	Deputy Chancellor Josh Wallack	JWallack@schools.nyc.gov	(212) 374-5406
Division of Finance	Chief Financial Officer Raymond Orlando	ROrlando3@schools.nyc.gov	(212) 374-1872
Office of the General Counsel	General Counsel Courtenaye Jackson-Chase	CJackson-Chase@schools.nyc.gov	(212) 374-3440
Office of Family and Community Engagement	Executive Director Jesse Mojica	JMojica@schools.nyc.gov	(212) 374-3948
Office of Communications and External Affairs	Senior Advisor Maite Junco	MJunco@schools.nyc.gov	(212) 374-3416
FUND for Public Schools	Executive Director Iris Chen	Ichen9@schools.nyc.gov	(212) 374-7689
Division of Instructional and Information Technology	Chief Information Officer Hal Friedlander	CIO@schools.nyc.gov	(718) 935-4500

Updated May 2015

NEW YORK CITY

PARENT AND COMMUNITY INVOLVEMENT IN PUBLIC SCHOOLS

CITYWIDE LEVEL

- PANEL FOR EDUCATIONAL POLICY
- CHANCELLOR'S PARENT ADVISORY COUNCIL (CPAC)
- CITYWIDE COUNCIL ON SPECIAL EDUCATION (CCSE)
- CITYWIDE COUNCIL ON HIGH SCHOOLS (CCHS)
- CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS (CCELL)
- CITYWIDE DISTRICT 75 COUNCIL

DOE SUPPORT

- DIVISION OF FAMILY AND COMMUNITY ENGAGEMENT
- DISTRICT AND BOROUGH FAMILY ADVOCATES
- SCHOOL PARENT COORDINATORS

DISTRICT LEVEL

- COMMUNITY DISTRICT EDUCATION COUNCILS
- DISTRICT LEADERSHIP TEAMS
- BOROUGH HIGH SCHOOL PRESIDENTS' COUNCILS
- DISTRICT PRESIDENTS' COUNCILS
- DISTRICT TITLE 1 PARENT ADVISORY COUNCIL

SCHOOL LEVEL

- PARENT ASSOCIATION/ PARENT TEACHER ASSOCIATION
- SCHOOL LEADERSHIP TEAM
- TITLE 1 PARENT ADVISORY COUNCIL

MECHANISMS TO ACHIEVE SUCCESSFUL INVOLVEMENT

PRACTICES, PROGRAMS, COMMUNICATIONS

REQUIRED BY STATE LAW

ENGAGEMENT OPPORTUNITIES
CITYWIDE LEVEL

ENTITY (State Ed Law / Chancellor's Regs)	COMPOSITION	POWERS
PANEL FOR EDUCATIONAL POLICY (2590, b,g,q)	• Mayor appoints 8 (2 must be Parents) • Each Borough President appoints 1 parent • 2 non-voting Students	• Approve budgets, contracts, co-locations and Chancellor's Regulations
CITYWIDE COUNCIL ON SPECIAL EDUCATION (CCSE) (2590-b,e / D-150)	• Presidents' Councils select 9 Parents • Public Advocate appoints 2 members • 1 non-voting Student with IEP	• Advise on Instructional Policy • Report on DOE effectiveness • Hold public meetings on issues
CITYWIDE DISTRICT 75 COUNCIL (D-150)	• Presidents' Councils select 9 Parents • Public Advocate appoints 2 members • 1 non-voting Student	• Advise on Instructional Policy • Report on DOE effectiveness • Hold public meetings on issues
CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS (CCELL) (2590-b, e / D-170)	• Presidents' Councils select 9 Parents • Public Advocate appoints 2 members • 1 non-voting bilingual or ELL Student	• Advise on Instructional Policy • Report on DOE effectiveness • Hold public meetings on issues
CITYWIDE COUNCIL ON HIGH SCHOOLS (CCHS) (2590-b, e / D-160)	• HS PA/PTA select 10 parents (2 per borough) • CCSE and CCELL each appoint 1 parent • Public Advocate appoints 1 member • 1 non-voting Student	• Advise on Instructional Policy • Report on DOE effectiveness • Hold public meetings on issues
CHANCELLORS PARENT ADVISORY COUNCIL (CPAC) (A-660)	• President of each Presidents' Council	• Advise Chancellor • Support District and Borough Presidents' Councils

REQUIRED BY STATE LAW

ENGAGEMENT OPPORTUNITIES
DISTRICT LEVEL

ENTITY (State Ed Law / Chancellor's Regs)	COMPOSITION	POWERS
COMMUNITY DISTRICT EDUCATION COUNCILS (2590-e / D-140)	• PA/PTA officers select 9 parents • Borough president appoints 2 members	• Approve school zones • Monthly meeting with superintendent • Evaluate superintendent • Promote achievement of educational standards and objectives • Holds hearings on capital plan • Advise Chancellor and PEP
DISTRICT LEADERSHIP TEAMS (2590-h / A-655 / Commissioner's Reg 100.11)	• Community Superintendent, HS Superintendent • Presidents' Council, Chair of District Title I Parent Advisory Council • UFT, CSA, DC-37 reps	• Develop District Comprehensive Education Plan (CEP) • Support School Leadership Teams
DISTRICT PRESIDENTS' COUNCILS (A-660)	• PA/PTA Presidents from each school in the district	• Review District Comprehensive Education Plan (DCEP) • Support PA/PTAs
BOROUGH HIGH SCHOOL PRESIDENTS' COUNCILS (A-660)	• PA/PTA Presidents from each high school in the borough	• Advise, receive information from superintendent • Obtain District Comprehensive Ed Plan • Provide assistance to high school PA/PTAs
DISTRICT TITLE 1 PARENT ADVISORY COUNCIL (Federal NCLB law requires engagement)	• Title 1 parent representatives from each school in the district	• Helps develop District Parent Involvement Policy • Inform and support School Level Title 1 Parent Advisory Council

REQUIRED BY STATE LAW

ENGAGEMENT OPPORTUNITIES
SCHOOL LEVEL

ENTITY (State Ed Law / Chancellor's Regs)	COMPOSITION	POWERS
SCHOOL LEADERSHIP TEAM (SLT) (2590-h / A-655)	• Principal, PA/PTA President, UFT Chapter Leader • Additional staff, parents or community-based org members (optional) • Equal number of staff and parents required • Students (2 required in high schools) • 10-17 members	• Develop Comprehensive Educational Plan (CEP) • Consult with principal on budget developed in alignment with CEP • Consult on selection of principal or assistant principal per Chancellor's Reg C-30.
PARENT ASSOCIATION/ PARENT TEACHER ASSOCIATION (PA/PTA) (2590-h / A-660)	• All parents (persons in parental relation) • Staff (if voted on by parents)	• Disseminate information to parents • Meet regularly with principal and district or high school superintendent
TITLE 1 PARENT ADVISORY COUNCIL (Federal NCLB law requires engagement)	• Title 1 parents • In a Schoolwide Program School, a subcommittee of the PA/PTA can perform this function	• Jointly develops Parent Involvement Policy and School-Parent Compact with SLT • Advise SLT in use of Title 1 funds to support parent involvement

REQUIRED BY STATE LAW

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