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 11, 2009.

Changes

- There are now two Special Education Councils: The Citywide Council on Special Education (CCSE) and the Citywide District 75 Council (D75 Council).
- The regulation now expressly states that the CCSE and the D75 Council must perform all duties and responsibilities in accordance with the New York Open Meetings Law. (See page 1, Abstract)
- The following changes have been made to the eligibility requirements: (1) parents of students with an IEP are eligible; (2) members of the Panel for Educational Policy are not eligible to serve on the council; and (3) the non-voting student member must be a high school student who will be a senior with an IEP during his or her year of service. Additionally, Presidents and officers of parents' associations ("PA") or parent-teachers' associations ("PTA") are no longer ineligible to serve on a CCSE. (See page 1, Section I.A.). The same eligibility requirements apply to the D75 Council; however, only parents of students receiving citywide special education services in a District 75 program are eligible to serve on the council and the non-voting student member must be a District 75 high school senior. (See page 5, Section II.B.)
- Selectors of the CCSE have changed: 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 to volunteer to serve as a selector. Such 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. (See page 2, Section I.c.)
- 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). (See page 6, Section II.D.).
- Changes have been made to the process for obtaining parent and community input. For the CCSE: (1) the Office for Family Engagement and Advocacy (OFEA), in collaboration with each Presidents' Council, will convene a nominees' forum in each borough; and (2) an online advisory vote will be conducted in each community school district, borough, and in District 75 in which all parents of students with IEPs may vote. (See page2, Section I.D). For the D75 Council: (1) OFEA, in collaboration with the D75 Presidents' Council, will convene a nominees' forum in each borough; and (2) an online advisory vote will be open to all District 75 parents. (See pages 6-7, Section II.E.).
- Two seats on the CCSE will be reserved for parents of students enrolled in a District 75 citywide special education program. Changes have been made to the selection process to ensure representation of at least two District 75 parents. (See page 2-3, Section I.E.b-d.)
- The process for appointing the non-voting student member of each council has changed: The Chief Achievement Officer for Students with Disabilities and English Language Learners will select one high school senior with an IEP to serve on the CCSE and one D75 high school senior to serve on the D75 Council. (See page 4, Section I.E.3.; page 8, Section II.F.3.)

- The selection of CCSE members will take place on the second Tuesday in May 2010, 2011, and every two years thereafter. (See page 4, Section I.G). Once the new CCSE members take office on July 1, 2010, the current CCSE members shall automatically become members of the D75 Council. 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 1 following selection. (See page 8, Section II.H., note 10).
- The process for filling vacancies has been revised. For both the CCSE and the D75 Council: (1) when there is a vacancy in a position filled by a Public Advocate appointee, the Public Advocate shall appoint a member to serve the remainder of the unexpired term; and (2) in the case of a student vacancy, the Chief Achievement Officer for Students with Disabilities and English Language Learners shall appoint another eligible senior. (See pages 4-5, Section I.I.; page 9, Section II.J.).
- The regulation sets forth the powers and duties of the D75 Council. (See page 5, Section II.A.).

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. Only parents[1] of students with an IEP are eligible to self-nominate for the CCSE.

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

iii. Persons who are determined to have a financial conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on the Conflicts of Interest Law of the City of New York.[2]

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

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 and the disclosure form required by statute online at www.powertotheparents.org. Parents may apply to only one community or citywide council. Parents may apply to only one community or citywide council. The Office for Family Engagement and Advocacy (OFEA) will post timeframes for the submission of self-nominations on that site. Parents who do not have internet access may contact OFEA for a list of schools and local organizations that can provide access to a computer with internet access.

2. Portions of each nominee's application (name, program child attends, statement of background and activities, personal statement, and size of school) will be posted on www.powertotheparents.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. Such 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. Parent and Community Input Process

1. Nominees' forum

In each borough, OFEA, in collaboration with each President's Council, 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. Advisory Vote

Following the nominees' forum, an online advisory vote for each district, including District 75 and each borough will take place at www.powertotheparents.org. At the community district level, such advisory votes shall be open to all parents of students with an IEP enrolled in a community district school. At the borough level, such advisory vote shall be open to all parents of high school students in the borough who have an IEP. The District 75 advisory vote shall be open to all District 75 parents. OFEA will post a timeframe for the advisory votes. During this period, eligible parents may vote using their child's OSIS number and the zip code associated with that OSIS number as a password.[3] After logging in, parents will be presented with a ballot containing the names of CCSE candidates. Parents will then cast a non-binding, advisory vote by voting for up to nine candidates. The independent agent managing the advisory vote will provide the results of the vote to the selectors from the district or borough.

E. Selection Process

1. Selection of parent members (voting)

a. Selectors must log on to www.powertotheparents.org to vote. Once logged on, 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

[3] If a family has more than one child in a school, only one vote is permitted.

the nominee's child attends a non-District 75 high school). Each selector shall vote for two nominees. OFEA will provide selectors with more detailed information regarding the submission of ballots.

b. When ballots are tallied:

i. The two nominees who are parents of students enrolled in a District 75 program (hereinafter referred to as "District 75 parents") with the highest number of votes will be deemed conditionally selected.

ii. Of the remaining nominees, the seven nominees receiving 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 inI.E.1.b.iv.

iii. If more than one nominee from the same district is selected, the nominee with the highest number of votes will be deemed selected. Other nominees from that district with fewer votes will be removed from consideration and the person with the next highest number of votes from a district not already represented on the CCSE or from District 75 shall be deemed conditionally selected.

iv. The restriction described in I.E.1.b.ii shall not apply to situations where fewer than nine parents would be selected if the restriction were enforced.

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 a 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 remains unfilled for reasons other than a tie, all nominees who have not been selected already will be eligible to be selected in the runoff.

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. 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 I.E.1.c.i and I.E.1.c.ii, and I.E.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 I.I.1.b and I.I.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 25 of the selection year, the nominee who received the next highest number of votes in the initial selection process shall be deemed conditionally selected.[4] In the case of nominees to fill seats reserved for District 75, the nominee who is the parent of a student attending that district who received the next highest number of votes in the initial selection process shall be deemed conditionally selected. In the case of nominees to fill seats not reserved for District 75, if all remaining nominees who received votes are from districts already represented on the Council, the nominee who received the next highest number of votes in the initial selection process shall be deemed conditionally selected. If advancing nominees as

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

outlined above results in a tie, the independent agent managing the selection process for the Department of Education will determine the winner by lot.

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 and will make significant contribution to improving special education in the NYC schools. Such members serve two-year terms and have no term limits.

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 Office for Family Engagement and Advocacy. Such decision shall include the factual and legal basis for its issuance. When a nominee is deemed ineligible by the Chancellor, the nominee who received the next highest number of votes shall be deemed conditionally selected, as long as the nominee would not be ineligible to serve because he or she is from a district already represented on the CCSE.

G. Timing

The selection of CCSE members shall occur on the second Tuesday in May 2010, 2011, and every two years thereafter, with terms commencing the July 1 following selection. The selection process shall be conducted over a 90-day period. This includes time allocated for publicizing the process, parent nominations, nominees' forum, advisory votes by parents of students with an IEP, and vote by selectors. The Office for Family Engagement and Advocacy will publish 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 to receive resignations on his behalf. Such resignations shall take effect upon delivery to or filing with the Chief Family Engagement Officer, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Chancellor.

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 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 Advocates 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 vacancy occurs on the CCSE, either by resignation or removal of a parent member, the CCSE shall fill the vacancy at a public meeting. For parent vacancies, the CCSE shall consult with parents of students with an IEP before the vacancy is filled. For Public Advocate appointee vacancies, the Public Advocate shall appoint a member to serve the remainder of the unexpired term.

c. If the 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.

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. The Chief Achievement Officer for Students with Disabilities and English Language Learners shall inform the Office for Family Engagement and Advocacy 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

[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.

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

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.

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 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 financial conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on the Conflicts of Interest Law of the City of New York.[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 and the required disclosure form online at www.powertotheparents.org. Parents may apply to only one community or citywide council. Parents may apply to only one community or citywide council. The Office for Family Engagement and Advocacy (OFEA) will post timeframes for the submission of self-nominations on that site. Parents who do not have internet access may contact OFEA for a list of schools and local organizations that can provide access to a computer with internet access.

2. Portions of each nominee's application (name, program child attends, statement of background and activities, personal statement, and size of school) will be posted on www.powertotheparents.org for parents and the public to view them.

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

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. Parent and Community Input Process

1. Nominees' forum

In each borough, OFEA, in collaboration with the District 75 Presidents' Council, will convene a nominees' forum where nominees for the D75 Council will be permitted to make presentations to the selectors and other parents and interested parties.

2. Advisory Vote

Following the nominees' forum, an online advisory vote open to all District 75 parents will take place at www.powertotheparents.org. OFEA will post a timeframe for the advisory vote. During this period, District 75 parents may vote using their child's OSIS number and the zip code associated with that OSIS number as a password.[8] After logging in, parents will be presented with a ballot containing the names of D75 Council candidates. Parents will then cast a non-binding, advisory vote by voting for up to nine candidates. The independent agent managing the advisory vote will provide the results of the vote to the selectors from each school.

F. Selection Process

1. Selection of parent members (voting)

a. Selectors must log on to www.powertotheparents.org to vote. Once logged on, selectors will be provided with a ballot containing the names of all nominees for the D75 Council. Each selector shall vote for two nominees. OFEA 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.iii.

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.

iii. The restriction described in II.F.1.b.i shall not apply to situations where fewer than nine parents would be selected if the restriction were enforced.

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.

[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.
[8] If a family has more than one child in a school, only one vote is permitted.

ii. Where a runoff is necessary because one or more seats remains unfilled for reasons other than a tie, all nominees who have not been selected already will be eligible to be selected in the runoff.

iii. 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 and II.F.1.c.ii 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 25 of the selection year, the nominee who received the next highest number of votes in the initial selection process shall be deemed conditionally selected.[9] If all remaining nominees who received votes are from schools already represented on the Council, the nominee who 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.

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 and will make significant contribution to improving special education in the NYC schools. Such members serve two-year terms and have no term limits.

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 Office for Family Engagement and Advocacy. Such decision shall include the factual and legal basis for its issuance. When a nominee is deemed ineligible by the Chancellor, the nominee who received the next highest number of votes shall be deemed conditionally selected, as long as the nominee would not be ineligible to serve because he or she is 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 1 following selection.[10] The selection process shall be conducted over a 90-day period. This includes

[9] 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.

[10] In May 2010, there shall be no election for the D75 Council. Instead, current members of the Citywide Council on Special Education (CCSE) shall automatically become members of the D75 Council effective July 1, 2010, when the new CCSE members take office.

time allocated for publicizing the process, parent nominations, nominees' forum, advisory vote by District 75 parents, and vote by selectors. The Office for Family Engagement and Advocacy will publish 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 to receive resignations on his behalf. Such resignations shall take effect upon delivery to or filing with the Chief Family Engagement Officer, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Chancellor.

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 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.[11] Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of the Public Advocates 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 vacancy occurs on the D75 Council, either by resignation or removal of a parent member, the Council shall fill the vacancy at a public meeting. For parent vacancies, the Council shall consult with the District 75 Presidents' Council before filling the vacancy. For Public Advocate appointee vacancies, the Public Advocate shall appoint a member to serve the remainder of the unexpired term.

[11] 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.

c. If the 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.

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. The Chief Achievement Officer for Students with Disabilities and English Language Learners shall inform the Office for Family Engagement and Advocacy 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

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