

Category: **STUDENTS**

ISSUED: 6/27/2012

Number: **A-660**

Subject: PARENT ASSOCIATIONS AND THE SCHOOLS

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**SUMMARY OF CHANGES**

A-660 sets forth the governance structure of Parent Associations (PAs), Parent-Teacher Associations (PTAs) and Presidents' Councils to ensure the rights of parents are clearly established. This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation A-660 dated April 21, 2010.

**Changes:**

- References to "PA" have been changed to "PA/PTA."
- References to "PC" have been changed to "Presidents' Council."
- References to the "Office for Family Engagement and Advocacy" (OFEA) have been changed to the "Division of Family and Community Engagement" (FACE).
- Provisions regarding notice of meetings have been updated to remove references to "school days." Requirements for the timing of meeting notices are now framed in terms of "calendar days." (See page 2, Definition 10)
- The principal must notify parents of the meeting to establish a PA/PTA by means that will reach all parents. The principal may contact the appropriate Presidents' Council, District or Borough Family Advocate, or FACE for guidance. (See pages 2-3, Section I.A)
- The procedures for re-establishing a PA/PTA that has ceased to function have been clarified. The principal may contact the appropriate Presidents' Council, District or Borough Family Advocate, or FACE for guidance in conducting the meeting to re-establish the PA/PTA. (See page 3, Section I.B)
- The list of reasons why a PA/PTA ceases to function has been narrowed to include only three scenarios: failure to elect mandatory officers by June 30<sup>th</sup>; failure to hold an expedited election in timely fashion; and failure to conduct business for two consecutive months. (See pages 3-4, Section I.C)
- The principal must notify FACE if the PA/PTA ceases to function. (See pages 3-4, Section I.C)
- A parent of a student who attends a non-citywide school full-time while on the register of a citywide program is eligible to be a member of the PA/PTA in the school that her/his child attends. (See page 4, Section I.D.1)
- The parent members of a PTA may vote to revert back to a PA. (See page 4, Section I.D.2)
- The restriction regarding school employees' involvement with PA/PTAs has been clarified. School employees may not serve as members of the executive board or nominating/election committee for the PA/PTA in the school in which they are employed. (See page 5, Section I.E.3)
- The conflicts of interest provisions applicable to PA/PTAs and Presidents' Councils have been updated. (See pages 5-6, Section I.E.4; page 18, Section II.C.2) Waivers from the conflict of interest provision applicable to PA/PTA officers may be granted by the DOE Ethics Officer in appropriate circumstances. (See page 5, Section I.E.4.b)
- General membership approval is required for PA/PTAs to join any organization. (See page 6, Section I.E.4.e)

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- The requirements for conducting the PA/PTA election process have been updated as follows: (1) the PA/PTA may request guidance in conducting an election from the appropriate Presidents' Council or the school's parent coordinator; (2) the PA/PTA is responsible for determining the most inclusive and appropriate means of conducting elections in a fair and unbiased manner; (3) the PA/PTA bylaws must specify how elections will be conducted; (4) annual PA/PTA elections must be conducted by the last day of the school year; (5) the regulation lists required components of an election meeting notice; (6) if a PA/PTA election involves contested offices, ballots must remain in the meeting room until the election meeting is adjourned, unless the PA/PTA bylaws provide otherwise; (7) if a PA/PTA election involves uncontested offices, a member must make a motion to cast one vote in order to elect an unopposed candidate to office, unless the PA/PTA bylaws provide otherwise; (8) the PA/PTA Election Certification form must be signed by the principal or his/her designee before the election meeting is adjourned; (9) the personal telephone numbers and email addresses of the mandatory PA/PTA officers will be shared with the appropriate Presidents' Councils, unless those officers decline to have their information released by so indicating on the certification form; (10) the original, signed Election Certification form must be retained by the PA/PTA executive board, and a copy must be filed in the principal's office; (11) the principal or his/her designee must update the School-Parent Leader Contact Information System within 5 calendar days of the election. (See pages 6-9, Section I.F.1)
- The PA/PTA executive board must notify the membership in writing of any vacancy within 5 calendar days, and specify whether the vacancy will be filled by succession or expedited election. The PA/PTA executive board may request guidance from the appropriate Presidents' Council or the school's parent coordinator when filling a vacancy. (See page 9, Section I.F.3)
- The regulation lists required components of a PA/PTA expedited election meeting notice. (See page 10, Section I.F.4.a)
- A PA/PTA expedited election meeting may be chaired by a parent member who is not seeking office. (See page 10, Section I.F.4.b)
- An expedited election should be held as expeditiously as possible pursuant to Section I.F.4. Officer vacancies which arise before the start of the school year and which are not the result of resignations (e.g., vacancies resulting from a failure to elect any person to the office from the outset) must be filled by October 15<sup>th</sup>. Officer vacancies which arise after the start of the school year (e.g., vacancies resulting from resignations) should be filled as soon as possible after the vacancy occurs, taking into account the unique circumstances and logistics of the situation. Upon request, FACE will provide guidance regarding what may constitute timely scheduling of an expedited election in a particular situation. (page 4, Section I.C.2, footnote 2)
- A list of PA/PTA officers, including phone numbers and/or email addresses, will be posted in the school at the beginning of the school year and made available to any PA/PTA member upon request. (See page 10, Section I.F.5)
- In the event that a PA/PTA's bylaws contain any provision that conflicts with this regulation, the provisions of this regulation shall be deemed controlling. All remaining provisions of the PA/PTA bylaws that are not in conflict with this regulation shall remain in full force and effect. (See page 11, Section I.G.1)

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- No later than December 15<sup>th</sup> of each year, the principal must provide the PA/PTA executive board with an abridged summary of the school safety plan, discipline code and attendance plan. (See pages 11-12, Section I.G.2.a)
  - Upon request, the principal will provide the PA/PTA executive board with full and factual information pertaining to student testing schedules and student achievement data, as well as copies of the Chancellor's regulations. (See pages 11-12, Section I.G.2.a)
  - The regulation provides an illustrative list of topics for quarterly meetings between the PA/PTA executive board and the principal. (See page 12, Section I.G.2.b)
  - The PA/PTA executive board is responsible for ensuring that notifications of meetings are sent in a manner calculated to reach all parents. Multiple means of communication may be necessary to ensure that all parents are notified. (See pages 13-14, Section I.G.4.a)
  - If an appropriate, handicap-accessible place of assembly exists within the school, meetings should be held in that location. (See pages 13-14, Section I.G.4.a)
  - The PA/PTA executive board may seek assistance from the school's parent coordinator and the appropriate Presidents' Council to improve meeting attendance. (See pages 13-14, Section I.G.4.a)
  - Individuals who are not members of the PA/PTA may only attend executive board meetings with the approval of the executive board. (See page 14, Section I.G.4.b)
  - The regulation discusses the role of PA/PTA officers in selecting members of the Community Education Councils (CECs), the Citywide Council on High Schools (CCHS) and the District 75 Council (D75 Council). (See pages 15-16, Section I.G.7)
  - The regulation specifies that Presidents' Councils are required to provide assistance to PA/PTAs. (See page 16, Section II)
  - The appropriate community or high school superintendent, or their designee, is responsible for establishing and ensuring the continuation of the Presidents' Council. (See pages 16-17, Section II.A)
  - The requirements for conducting the Presidents' Council election process have been updated as follows: (1) Presidents' Councils may seek assistance in conducting their elections from the appropriate superintendent or her/his designee; (2) Presidents' Council officers should consult with the general membership to identify an election meeting date that allows constituent PA/PTAs sufficient opportunity to elect their officers and determine their Presidents' Council representatives; (3) if by June 30<sup>th</sup> a Presidents' Council has not held its election, the superintendent will request a date and time for the annual election meeting to be held; (4) the superintendent or her/his designee will provide the necessary assistance to ensure that the election is completed by September 30<sup>th</sup>; (5) all nominees must be provided an opportunity to address the general membership. (See pages 18-19, Section II.D)
  - In the event that a Presidents' Council's bylaws contain any provision that conflicts with this regulation, the provisions of this regulation shall be deemed controlling. All remaining provisions of the Presidents' Council bylaws that are not in conflict with this regulation shall remain in full force and effect. (See pages 19-20, Section II.E.1)

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- The provisions regarding Presidents' Councils' access to information have been updated. Upon request, the superintendent will provide the Presidents' Council executive board with full and factual information pertaining to student testing schedules and student achievement data, as well as copies of the Chancellor's Regulations. (See page 20, Section II.E.2.a)
- The Presidents' Council executive board is responsible for ensuring that notifications of meetings are sent in a manner that will reach all members. (See page 21, Section II.E.3.a)
- Presidents' Councils shall hold candidate forums for the election of Community and/or Citywide Education Council members pursuant to Chancellor's Regulations D-140, D-150, D-160 and D-170. (See page 22, Section II.E.4)
- The superintendent will assist Presidents' Councils in securing space and resources needed to conduct business. (See page 22, Section II.E.4)
- Provisions have been added to address the Presidents' Councils' roles in convening Nominees' Forums for Community and Citywide Education Council elections. (See page 23, Section II.E.7)
- The proposed Presidents' Council budget must be submitted to the superintendent upon approval by the Presidents' Council membership. (See page 24, Section III.A.2)
- PA/PTAs and Presidents' Councils, as separate entities, may not use the DOE's Employer Identification Number ("EIN"). (See pages 24-25, Section III.B.1.a)
- PA/PTAs and Presidents' Councils are prohibited from using debit cards. (See page 25, Section III.B.3)
- The provision regarding the sale of raffle tickets has been updated to apply to Presidents' Councils as well as PA/PTAs. (See page 26, Section III.C.2.c)
- Joint planning with the superintendent is required for fundraising activities conducted by Presidents' Councils. (See page 27, Section III.C.4.b)
- Parent coordinators may not handle PA/PTA funds. (See page 27, Section III.C.6.b)
- The provisions regarding the hiring of staff have been amended to apply solely to PA/PTAs. (See page 29, Section III.D.4)
- The Presidents' Council must provide copies of treasurer reports to the superintendent. (See page 31, Section III.F.1)
- The principal is responsible for submitting PA/PTA financial information and reports to FACE upon request. (See pages 31-32, Section III.F.2)
- Presidents' Council audit committees must provide their findings to the superintendent. (See pages 32-33, Section III.G.1)
- The provision regarding external audits has been revised to provide that the Chancellor or the Chancellor's designee may conduct audits of PA/PTA or Presidents' Council financial records. (See page 33, Section III.G.2)

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- The section regarding corrective and disciplinary action has been updated to provide that allegations of criminal wrongdoing, financial wrongdoing, and threatening behavior must be reported to the police, the Special Commissioner of Investigation for the New York City School District ("SCI"), and FACE. (See pages 33-34, Section IV)
- The PA/PTA or Presidents' Council bylaws must include a mechanism for the removal of officers for negligence. (See page 34, Section IV.D)
- The section which required PA/PTAs and Presidents' Councils to submit compliance status reports to FACE has been removed. (See page 33)
- The dispute resolution section has been updated. All references to Grievance Review Committees have been removed. PA/PTAs and Presidents' Councils must first attempt to resolve disputes internally. When all avenues of internal dispute resolution have been exhausted, PA/PTAs may request assistance from the appropriate Presidents' Council. Presidents' Councils may request assistance from FACE or the appropriate superintendent. In extraordinary instances where a PA/PTA is unable to resolve a dispute even after receiving assistance from the appropriate Presidents' Council, FACE will issue a final decision. Election disputes are addressed within an expedited timeframe. (See pages 34-36, Section V)

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## **ABSTRACT**

This regulation requires that each school has a parent association (PA) or parent-teacher association (PTA). It supersedes Chancellor's Regulation A-660 issued April 21, 2010.

This regulation also requires each of the 32 community school districts to have a Presidents' Council. There must be a separate Presidents' Council for high schools in each borough and for citywide special education schools (District 75).

This regulation sets forth the basic rights and responsibilities for PA/PTAs and Presidents' Councils.

## **INTRODUCTION**

The Chancellor recognizes that parent leadership is the cornerstone of the public schools. PA/PTAs and Presidents' Councils are autonomous and self-governing. School officials' oversight of PA/PTAs and Presidents' Councils is limited to what is necessary to implement and enforce laws, policies, rules and regulations, and to protect the rights of students, parents and staff.

## **DEFINITIONS**

The following definitions apply for purposes of this regulation and other applicable regulations:

1. A Parent Association (PA) is an organization of the parents of students in a New York City public school created and established by the parents' vote. A PA encourages the meaningful participation of its members. A PA adopts bylaws, elects officers, and holds regular meetings.
2. A Parent-Teacher Association (PTA) is established when the parent members of a PA vote to amend their bylaws to extend membership to staff. In addition to teachers, a PTA may include other categories of staff.
3. A Presidents' Council is an organization of PA/PTA presidents or designated parent members within a given jurisdiction. Each community school district is required to have only one Presidents' Council to represent both elementary and middle schools. Each borough is required to have one Presidents' Council to represent high schools. There must also be one Presidents' Council to represent citywide special education schools (District 75).
4. A school is a self-contained autonomous organization of students under the leadership of a principal. A school has its own staff and uses its own budget to provide a full instructional program.
5. The term district applies to the 32 community school districts and District 75.
6. Bylaws refer to the governing document that establishes the PA/PTA or Presidents' Council and outlines the rules that must be followed. The executive board and the parent members cannot suspend the bylaws.
7. The term office refers to an elected position on the executive board of a PA/PTA or Presidents' Council. The mandatory offices are the following: president, recording secretary and treasurer. PA/PTAs and Presidents' Councils may amend their bylaws to create additional offices.

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8. The term parent, for purposes of this regulation, means 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 adoption parent, step-parent, legally appointed guardian, foster parent, and "person in parental relation" to a child currently attending a school.
9. The term person in parental relation refers to a person who has assumed the care of a child because the child's parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child. Any determinations about who constitutes a person in parental relation must be based on the individual circumstances surrounding guardianship and custodial care of the particular child. A person who provides temporary care for a child (e.g., a babysitter, nanny, or non-custodial relative) does not qualify as a person in parental relation under this regulation. The principal, when necessary, will determine whether an individual is a person in parental relation based on documentation presented at the school.
10. The term calendar days is inclusive of week days and weekends. When counting calendar days for the purposes of written notice sent by backpack or email, count the day the notice is distributed as the first day. For written notice sent by postal mail, the day after the notice is mailed counts as the first day.

## **I. PARENT ASSOCIATIONS**

PA/PTAs are representative of all parents within their schools, including parents of children receiving special education services, children who are English Language Learners, children eligible for Title I, and children participating in gifted and talented or magnet programs. PA/PTAs must have bylaws to establish a formal structure, and must solicit participation and support from the parent community. (See Section I.G.1). PA/PTAs must comply with all laws, policies, rules and regulations in a way that respects the rights of students, parents and staff.

Every public school must establish a PA or PTA. There can only be one officially recognized PA or PTA in each school. When more than one school is located in a single building, each school is required to establish a separate PA or PTA. A school comprised of multiple "small learning communities," "houses," or "academies" reporting to a single principal may establish only one PA or PTA.

### **A. Establishment of PA/PTAs in New Schools**

- The principal is responsible for convening a meeting of parents to establish a PA or PTA in a new school.
- The meeting to establish a PA/PTA must be held no later than September 30<sup>th</sup>.
- The principal must notify parents of the meeting to establish a PA/PTA by means that will reach all parents (e.g., backpack, postal mail, automated call, email). Multiple means of communication may be necessary to ensure that all parents are notified.

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- Notice of the meeting to establish a PA/PTA must be provided at least ten calendar days prior to the meeting. At least 8 parents should be present at the meeting to establish a PA/PTA.<sup>1</sup>
- The principal may contact the appropriate Presidents' Council, District or Borough Family Advocate, or the Division of Family and Community Engagement (FACE) for guidance in conducting the meeting to establish a PA/PTA.

#### B. Re-Establishment of PA/PTAs

- If the PA/PTA has ceased to function for any of the reasons listed in Section I.C., the principal is responsible for notifying FACE, and for convening a meeting of parents to re-establish the PA/PTA.
- If the PA/PTA ceases to function during the school year, the meeting to re-establish the PA/PTA must be held no more than 14 calendar days after the PA/PTA ceases to function. If the PA/PTA ceases to function over the summer, the meeting to re-establish the PA/PTA must be held no later than September 30<sup>th</sup>.
- The principal must notify the parents of the meeting to re-establish a functioning PA/PTA. Notice must be conveyed in writing. (See Section I.F.4.a)
- Notice of the meeting to re-establish the PA/PTA must be provided at least ten calendar days prior to the meeting.
- An expedited election must be conducted in order to re-establish the PA/PTA. (See Section I.F.4).
- At least 8 parents should be present at the meeting to re-establish the PA/PTA.
- The principal may contact the appropriate Presidents' Council, District or Borough Family Advocate, or FACE for guidance in conducting the meeting to re-establish the PA/PTA.

#### C. Reasons PA/PTAs Cease to Function

##### 1. Failure to Elect Mandatory Officers

The PA/PTA ceases to function on July 1<sup>st</sup> if it has not held elections or fails to elect officers in all three mandatory offices – president, recording secretary and treasurer – by June 30<sup>th</sup>. If the PA/PTA ceases to function for this reason, the principal must notify FACE.

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<sup>1</sup> Written notice is required for any PA/PTA meeting during which an election will be conducted. (See Section I.F.1.c)

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2. Failure to Hold an Expedited Election

The PA/PTA ceases to function if it fails to hold a timely<sup>2</sup> expedited election to fill a vacancy in one or more mandatory offices. (See Section I.F.3). If the PA/PTA ceases to function for this reason, the principal must notify FACE.

3. Failure to Conduct Business

The PA/PTA ceases to function if it fails to conduct PA/PTA business for 2 consecutive months. If the PA/PTA ceases to function for this reason, the principal must notify FACE.

D. PA/PTA Membership Eligibility

1. Establishing Parent Eligibility

- A parent of a student on a school's register is automatically eligible for membership in the PA/PTA. A parent of a student who attends a non-citywide school full time while on the register of a citywide program is eligible to be a member of the PA/PTA in the school that her/his child attends.<sup>3</sup>
- A parent with children who attend different schools is a member of the respective schools' PA/PTAs.
- A parent may not designate another individual to serve in her/his place as a member of the PA/PTA.
- A PA/PTA may not extend membership to individuals who are not otherwise qualified for membership such as honorary members, student members, former members or former officers.

2. Establishing Staff Eligibility

- A PA may vote to amend its bylaws to extend membership to school staff. The parent members of a PTA may vote to revert back to a PA.
- A PA that votes to include school staff becomes a PTA. In addition to teachers, a PA may amend its bylaws to extend membership to other categories of staff (e.g., paraprofessionals, school aides, school secretaries, food service workers, etc.).
- School supervisory staff (principals, assistant principals and supervisors) may not be members of the PTA in the school in which they are employed.

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<sup>2</sup> An expedited election should be held as expeditiously as possible pursuant to Section I.F.4. Officer vacancies which arise before the start of the school year and which are not the result of resignations (e.g., vacancies resulting from a failure to elect any person to the office from the outset) must be filled by October 15<sup>th</sup>. (See Section I.F.3.a). Officer vacancies which arise after the start of the school year (e.g., vacancies resulting from resignations) should be filled as soon as possible after the vacancy occurs, taking into account the unique circumstances and logistics of the situation. Upon request, FACE will provide guidance regarding what may constitute timely scheduling of an expedited election in a particular situation.

<sup>3</sup> A parent of a student who attends a non-citywide school full time while on the register of a citywide program must choose whether to be a member of the PA/PTA in the school that her/his child attends or the PA/PTA of the school where the student appears on the register, but not both.

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## E. PA/PTA Membership Participation

### 1. Voting

Every parent member has the right to vote at all PA/PTA meetings. If the organization becomes a PTA, voting rights are extended to eligible staff members. Voting by proxy or absentee ballots is not permitted.

### 2. Dues

While a PA/PTA may choose to solicit dues, the payment of dues cannot be a condition for participation or membership.

### 3. Restrictions

School Employees - School employees may not serve as members of the executive board or nominating/election committee of the PA/PTA in the school in which they are employed. This restriction only applies to employees paid from a DOE funding source (e.g., tax levy, reimbursable, community-based organization contract, gift, grant, etc.). Individuals whose employment is located at the school, but who are paid by a non-DOE funding source for a program that is not part of the regular school day are exempted from this restriction.

### 4. Conflicts of Interest

PA/PTA members must be careful to avoid acting in circumstances in which their personal interests conflict with their interests as PA/PTA members.

- a. Decision Making - PA/PTA decisions must be made by participation and vote of only those members of the association who do not have a conflict of interest.
- b. PA/PTA Officer Conflicts of Interest - PA/PTA officers cannot have any direct or indirect interest in any business transaction, any financial interest, or any business dealing with the school, the community school district, the Panel for Educational Policy ("PEP"), a Community Education Council ("CEC"), Citywide Council on Special Education ("CCSE"), Citywide Council on High Schools ("CCHS"), Citywide Council on English Language Learners ("CELL"), District 75 Council ("D75 Council), or the DOE, including a contract. Waivers may be granted by the DOE Ethics Officer in appropriate circumstances.
- c. Business Dealings – PA/PTA members who have any direct or indirect interest in any business transaction, any financial interest, any business dealing with the school, the community school district, PEP, a CEC, CCSE, CCHS, CELL, D75 Council, or the DOE, including a contract, must refrain from participation in any decision relating to that matter. Such interest, whether direct or indirect, must be disclosed to the membership and placed in the minutes of the meeting at which the disclosure was made. Members who have a conflict of interest must refrain from participation in any decision relating to that matter.

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- d. Education Council Membership - PA/PTA members who are also PEP, CEC, CCSE, CCHS, CCELL or D75 Council members, and who have participated in any way in a vote at the school about an issue that has been escalated to the PEP, CEC, CCSE, CCHS, CCELL or D75 Council are deemed to have a conflict of interest and may not participate in the related PEP or council discussions.
- e. Membership in Organizations - PA/PTAs may join any relevant national, state, or city organizations, provided that the organization's policies or bylaws do not conflict with laws, DOE policies, rules and regulations. General membership approval is required for PA/PTAs to join any organization.

## F. Election of PA/PTA Officers

To ensure that the PA/PTA is the voice of all parents in the school, annual elections must be held in an inclusive manner, providing opportunity for the full and fair participation of all members. The PA/PTA may request guidance in conducting an election from the appropriate Presidents' Council or the school's parent coordinator. Requests for assistance may be made by executive board members after consultation with the PA/PTA membership.

### 1. Conducting PA/PTA Officer Elections

- The PA/PTA is responsible for determining the most inclusive and appropriate means of conducting elections in a fair and unbiased manner.
- The PA/PTA bylaws must specify how elections will be conducted. Specifically, the bylaws must address the processes for candidate solicitation, nominations, and the election of officers. PA/PTA bylaws are subject to review and approval by FACE.
- PA/PTA elections must be held in the spring of every school year to ensure there will be a PA/PTA in place during the summer and for the opening of school in the fall.
- PA/PTA Officers are elected to serve a one-year term beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>.
  - a. Election Time Frame - It is the PA/PTA's responsibility to conduct annual elections by the last day of the school year to ensure that there will be a PA/PTA in place during the summer and for the opening of school in the fall.
  - b. Principal Notification – The principal must be notified of the date and time of the annual PA/PTA election by April 1<sup>st</sup> of each school year. If the principal is not notified by April 1<sup>st</sup>, she/he must request a scheduled date and time for the election meeting from the PA/PTA president. If the PA/PTA president fails to respond within 7 calendar days, the principal must notify all parents and convene a meeting to schedule elections.

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- c. Written Election Meeting Notice – The PA/PTA is responsible for ensuring that written notification of the election meeting is provided to all members. Notice must be sent at least 10 calendar days prior to the election meeting. If nominations have been closed, the election notice may include the names of the candidates listed alphabetically by last name for each position. Election meeting notices must include the following information:
- A list of all available executive board positions (The PA/PTA bylaws may reserve non-mandatory positions to be elected in the fall).
  - An acknowledgement that the only qualification for all offices is that the candidate be a parent of a child in the school.
  - Term limits, if they are included in the bylaws.
  - The mechanism(s) by which parents can become candidates for PA/PTA office.
  - The date nominations close.

d. Candidate Rights

*Addressing Membership* – During the election meeting, candidates must be provided with an opportunity to address the membership prior to voting. If a candidate is not able to be present, another member may read the candidate's statement. The PA/PTA bylaws may include a process for the distribution of candidate statements prior to the elections, but after nominations have been closed. This process may include the hosting of candidate forums. All candidates must be given an equal opportunity to participate.

If the PA/PTA bylaws permit the distribution of candidate statements, all statements must be appropriate. Inappropriate material includes material that is disparaging, defamatory, obscene or is disruptive to the educational process.

*Presence for Vote* – A candidate for office need not be present at the time of the election to be eligible to run. A candidate must make every effort to advise the nominating committee that she/he cannot attend the election.

*Campaigning* – No materials in support of a candidate or slate of candidates may be distributed or posted on school premises or on the school's website by any candidate, supporter, PA/PTA executive board or PA/PTA committee. Any individual who violates this provision jeopardizes the candidate's eligibility to be elected to office. Candidates who violate this provision will be subject to disqualification and may be deemed ineligible for office for that

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election year and prohibited from serving on any PA/PTA or Presidents' Council executive board, school or district leadership team, school or district Title I Parent Advisory Council, CEC, CCSE, CCHS, CCELL, or D75 Council.

- e. Contested Offices – When there is more than one nominated candidate for any office, the procedures outlined in this section must be followed.

*Determining Voter Eligibility* – All members of the PA/PTA at the time of the election are eligible to vote. Individuals who will begin their membership the following school year may not vote (i.e., parents of incoming students). The principal or her/his designee must verify each individual's eligibility to vote by confirming that the individual qualifies as a member of the PA/PTA. This verification must occur prior to the distribution of ballots.

*Use of Ballots* – Voting by proxy or absentee ballots is not permitted. A ballot template is available in the languages covered by Chancellor's Regulation A-663 at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. If a ballot template is needed in a language that is not readily available, the school should contact the DOE's Translation and Interpretation Unit. Unless otherwise addressed in the PA/PTA bylaws (e.g., if the bylaws allow for electronic balloting), ballots must remain in the meeting room until the election meeting has been adjourned. Ballots must be counted immediately following the conclusion of voting and in the presence of any members and observers. In the event that candidates receive an equal number of votes, and no other candidate has a higher number of votes, a run-off election must be conducted. Only the candidates tied for the highest number of votes may participate in the run-off election.

*Retention of Ballots* – Ballots must not be removed from the school. The PA/PTA must retain ballots on school premises for one year following the date of the election or until the determination of any grievance filed concerning the election, whichever is later.

- f. Uncontested Offices – Unless otherwise addressed in the PA/PTA bylaws, a member must make a motion to cast one vote to elect an uncontested candidate to office. A vote of the membership is required for approval of the motion. The result of the motion must be recorded in the minutes.
- g. Certification of Elections – The principal or her/his designee must certify that the nomination and election process was conducted in accordance with this regulation and the bylaws by signing the PA/PTA Election Certification Form before the election meeting is adjourned. The certification form is available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. The parent coordinator cannot be the principal's designee.

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The elected officers of the PA/PTA are encouraged to enter their contact information on the certification form. The personal telephone numbers and email addresses of the mandatory PA/PTA officers will be shared with the appropriate Presidents' Council, unless those officers decline to have their information released by so indicating on the certification form.

The signed certification form must be retained by the PA/PTA executive board with a copy filed in the principal's office. The principal or her/his designee must update the School-Parent Leader Contact Information System, accessible through the Principals' Portal, within 5 calendar days of the election.

## 2. Reserving Offices for Fall Elections

To accommodate parents of incoming students, the PA/PTA bylaws may allow for the election of non-mandatory officer positions (e.g., vice-president) in the fall. The bylaws must identify the reserved positions and the timeframe and process for the election.

## 3. Filling Officer Vacancies

The PA/PTA executive board must notify the membership in writing of any vacancy within 5 calendar days and specify whether the vacancy will be filled by succession or expedited election. The PA/PTA executive board may request guidance from the appropriate Presidents' Council or the parent coordinator. The PA/PTA Election Certification Form must be updated upon the filling of an officer vacancy.

- a. Officer Vacancies Occurring Before the Start of the School Year - If a PA/PTA has one or more officer vacancies prior to the start of the school year that are not the result of resignations, the remaining executive board members must conduct an expedited election to fill all officer vacancies by October 15<sup>th</sup>.
- b. Officer Vacancies Occurring After the Start of the School Year - PA/PTA bylaws must contain a provision for filling officer vacancies that occur after the start of the school year by succession. The bylaws must also indicate the ranking of officers for succession purposes. PA/PTA officers may choose to retain their positions and not succeed to a vacant office.

Upon resignation of a co-officer, the PA/PTA members must vote to determine if the remaining co-officer may fill the unexpired term on her/his own or whether an expedited election must be conducted.

If a mandatory office cannot be filled by succession, the PA/PTA must follow the expedited election process outlined in Section I.F.4.

## 4. Expedited Elections

Expedited elections are required when a PA/PTA has failed to conduct a valid annual election or fill an officer vacancy by succession.

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- a. Written Expedited Election Notice – The PA/PTA is responsible for ensuring that written notification of the expedited election meeting is provided to all members. Notice must be sent at least 10 calendar days prior to the expedited election meeting. Expedited election meeting notices include the following information:
- A list of all available officer positions
  - An acknowledgement that the only qualification for all offices is that the candidate be a parent of a child in the school
  - Term limits, if they are included in the bylaws
  - An indication that all nominations for available positions will be taken from the floor.

b. Conducting Expedited Elections

*Nominations* – All nominations are taken from the floor during the election meeting. A parent member who is not seeking office may chair the expedited election meeting.

*Voting* - When there is more than one candidate for an office, written ballots must be used in the manner specified in Section I.F.1.e. When there is only one candidate for an office, the PA/PTA may follow the procedure outlined in Section I.F.1.f.

5. Officers' Contact Information

The PA/PTA executive board must make a list of elected PA/PTA officers available to the membership. The list must include names and either a phone number or email address where parents may contact officers. The list may not include officers' home addresses. A means of contacting the PA/PTA executive board (e.g., the DOE-issued PA/PTA email address<sup>4</sup> or the PA/PTA's telephone extension at the school) must also be provided. The list must be available in the principal's office and at every PA/PTA meeting. The list will be posted in the school at the beginning of the school year and made available to any PA/PTA member upon request.

G. PA/PTA Rights and Responsibilities

To foster strong and effective parent representation in every school, PA/PTA members must be treated fairly by the PA/PTA executive board and school officials, without fear of penalty or retaliation.

Self-determination must be the rule and not the exception when it comes to the governance of PA/PTAs. PA/PTAs are responsible for their own actions and for the conduct of their own affairs. They are not to be run by the principal or other school officials. Members have the right to file a complaint with FACE to ensure the enforcement of the rights enumerated below.

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<sup>4</sup> To activate or reset the DOE-issued PA email address, a member of the PA executive board should contact the DOE Help Desk at (718) 935-5100.

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### 1. Establishing PA/PTA Bylaws

PA/PTAs must adopt a set of bylaws by a vote of the parent members. Bylaws should be amended as needed. All bylaws must conform to the requirements of this regulation. A PA/PTA Bylaws Template is available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>.

In the event that a PA/PTA's bylaws contain any provision that conflicts with this regulation, the provisions of this regulation shall be deemed controlling. All remaining provisions of the PA/PTA bylaws that are not in conflict with this regulation shall remain in full force and effect. Any PA/PTA member may present a motion at a general membership meeting to amend a provision of the bylaws that is not in compliance with this regulation. Amendments that bring the bylaws into compliance must be voted on immediately after the motion is presented and require approval by two-thirds of the members present.

PA/PTAs must review their bylaws every three years and upon revision of this regulation. *Robert's Rules of Order – Newly Revised* may serve as a reference to assist with interpreting PA/PTA bylaws.

The PA/PTA must give the principal a copy of its bylaws and related amendments. The principal will ensure that the bylaws and amendments are available in her/his office. The PA/PTA must make a copy of its bylaws and related amendments available at every meeting and to members upon reasonable request.

Wherever possible, bylaws should be made available in the languages parents speak other than English. A bylaws template is available in the languages covered by Chancellor's Regulation A-663 at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. If a bylaws template is needed in a language that is not readily available, the principal must contact the Translation and Interpretation Unit.

### 2. Accessing Information and Consulting with School Officials

Whenever possible, principals should consult parents at each stage of planning initiatives for the school. Regular communication between school officials and PA/PTAs is essential for PA/PTAs to achieve their goals. PA/PTAs must receive information in a manner that allows them to be heard on matters that affect their schools except in emergency situations for which immediate action is required.

- a. Information – PA/PTAs have the right to receive full and factual information relating to student achievement and the school operation from the principal. No later than December 15<sup>th</sup> of each year, the principal must provide the PA/PTA executive board with an abridged summary of the school safety plan, discipline code, and attendance plan. No later than October 15<sup>th</sup> of each year, the principal must provide the

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PA/PTA executive board with a written report of all school fundraising activities, including income and expenditures, for each month of the previous year, as well as all anticipated fundraising income for each month of the current school year.

The PA/PTA may request the principal to present information relating to the school-based budget, including the Comprehensive Educational Plan (CEP) and the public view of the budget from the DOE's Galaxy budgeting system available on the school's portal. The PA/PTA president is responsible for the ongoing dissemination of information discussed at School Leadership Team (SLT) meetings to the PA/PTA members.

Upon request, the principal will provide the PA/PTA executive board with full and factual information pertaining to student testing schedules and student achievement data, as well as copies of the Chancellor's Regulations.

PA/PTAs denied any of the above information may submit their complaints to FACE.

b. Consultation

*PA/PTA Consultation with the Principal* - Principals must meet at least quarterly with their PA/PTA executive board. PA/PTAs are encouraged to satisfy this requirement by inviting their principals to attend all or part of their regular executive board meetings. Topics for quarterly meetings may include setting school and PA/PTA goals, planning fundraising activities, and reviewing Interim and Annual Financial Reports.

*PA/PTA Consultation with the Superintendent and CEC* - Each superintendent and CEC is required to meet at least quarterly with the officers of the PA/PTAs within their jurisdiction.

*PA/PTA Consultation in Buildings with More than One School* - The executive boards of all PA/PTAs in a building may hold joint meetings, as needed. The PA/PTA executive boards have the right to consult with the schools' principals on building issues, including matters affecting student health and welfare.

3. Posting and Distributing PA/PTA Literature

PA/PTAs may request assistance from principals to facilitate a mailing to parents. Under the Family Educational Rights and Privacy Act (FERPA), the school may not give the PA/PTA the names, addresses, or any other contact information of students or parents without the parents' written consent. All parent contact information must only be used for legitimate PA/PTA purposes and not for personal communication.

PA/PTAs have the right to post printed material in the school at places designated by the principal. Materials for posting or distribution may include

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printed literature such as special editions, bulletins, flyers, notices, posters and buttons. PA/PTAs have the right to post meeting notices on the school's website. PA/PTAs may also submit a request to principals to post additional information on the school's website, such as the organization's bylaws, flyers and bulletins.

PA/PTAs are expected to exercise reasonable judgment when it comes to the appropriateness of material posted in schools, displayed on the schools' websites, or placed in students' hands. All materials to be posted and distributed must be shown to the principal and the principal must render a decision no more than 24 hours after receiving the material to be posted or distributed. The principal is responsible for reviewing materials only to ensure that unsuitable or inappropriate material is not posted or distributed. Unsuitable or inappropriate material includes material that is defamatory, obscene or age-inappropriate, or is disruptive to the educational process. Principals may not censor or edit the content of PA/PTA meeting notices or other material to be distributed. The principal's name and signature must not be affixed to PA/PTA material.

#### 4. Holding PA/PTA Meetings

- a. General Membership Meetings – PA/PTAs must hold at least 9 monthly general membership meetings per school year.

*Timing of Meetings* - The PA/PTA bylaws must specify the day and time when general membership meetings are to be held (e.g., last Tuesday of the month at 7:00 pm). Upon review of the bylaws or by motion of a member at any general membership meeting, the executive board must survey the parent members to determine whether the day and time of the general membership meeting should be changed.

*Notice* – The notice of the meeting must be sent 10 calendar days prior to the date of the meeting. The PA/PTA executive board is responsible for ensuring that notifications of meetings are sent in a manner calculated to reach all parents (e.g., backpack, postal mail, automated call, email). Multiple means of communication may be necessary to ensure that all parents are notified. The PA/PTA must submit notices to the principal as outlined in Section I.G.3. A meeting notice template is available in the languages covered by Chancellor's Regulation A-663 at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. If a meeting notice template is needed in a language that is not readily available, the principal must contact the Translation and Interpretation Unit.

*Location of Meetings* - All PA/PTA meetings must be held in the PA/PTA's home school. If an appropriate, handicap-accessible place of assembly exists within the school, meetings should be held in that location.

*Conducting Meetings* – Unless otherwise indicated in this regulation or the PA/PTA bylaws, meetings must proceed according to *Robert's Rules of Order – Newly Revised*.

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*Quorum* – The quorum for a general membership meeting must consist of representation by at least 8 PA/PTA members, including a minimum of 2 executive board members and 6 parent members. In the absence of a quorum, a PA/PTA cannot authorize the expenditure of funds or vote on any business, but may have non-binding discussions. The PA/PTA executive board may seek assistance from the school's parent coordinator and the appropriate Presidents' Council to improve meeting attendance when the PA/PTA's attempts at outreach do not yield a quorum at a general membership meeting.

*Attendance and Participation* - PA/PTA meetings must be non-exclusive and open to the general public in accordance with NYS Education Law. PA/PTA members may attend and participate in all general membership meetings. In addition, individuals who are not members of the PA/PTA may attend general membership meetings as observers, but may only participate in discussions with the approval of the executive board.

*Minutes* – Minutes must be recorded at all general membership meetings. A draft of the minutes must be distributed at the next scheduled meeting for review and approval by the general membership. The PA/PTA bylaws may provide further guidance as to permissible recording procedures and equipment.

- b. Executive Board Meetings – Executive board meetings must be open to all PA/PTA members. The membership must be provided with notice at least 10 calendar days prior to the meeting date. Individuals who are not members of the PA/PTA may only attend executive board meetings with the approval of the executive board. The PA/PTA bylaws must indicate the day and time of executive board meetings and the quorum required to conduct business at an executive board meeting.
  - c. Special Membership Meetings – The PA/PTA bylaws may specify the process by which a special membership meeting may be convened. Special membership meetings must only be held to address a matter of importance that cannot be postponed until the next general membership meeting.
5. Using School Facilities
- a. Building Use - PA/PTAs are entitled to free use of school buildings, including school safety or security coverage, for 110 hours per year outside of school hours. These hours apply 12 months a year and are not transferable. Unused hours may be rolled over from one month to the next, but expire at the end of the school year. If there is more than one PA/PTA in the building, each PA/PTA is entitled to the full 110 hours per year. The PA/PTA is responsible for obtaining permits to use the school building outside of school hours. These permits establish the time and place of meetings. The PA/PTA should request necessary permits from the custodian.

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- b. Secured PA/PTA Record Storage - PA/PTAs must be provided with a locked location for the storage of PA/PTA records. Wherever possible, the principal should designate a room or space for PA/PTA use.
  - c. Internet Access - The school must provide the PA/PTA executive board with internet access, if available.
  - d. PA/PTA Postal Mail - PA/PTAs have the right to receive mail at the school. School office staff must identify a secure location for PA/PTA mail to be stored.
  - e. Sponsorship - PA/PTAs may allot a portion of their allocated 110 hours of building use to other organizations, such as community organizations, in accordance with their bylaws and Chancellor's Regulation D-180. The organizations' presence must be tied to the goals of the PA/PTA and not for the organizations' exclusive use.
  - f. Admission Fees – PA/PTAs may charge admission fees or receive donations, contributions or collections for programs or activities they sponsor in school facilities during non-instructional hours in accordance with their bylaws and Chancellor's Regulation D-180.
  - g. Candidate Forums – PA/PTAs are prohibited from holding candidate forums for any political or community-based organization. (See Chancellor's Regulation D-130). PA/PTAs may hold candidate forums only for the election of their officers.
6. Maintaining and Transferring PA/PTA Records
- All PA/PTA records must be maintained for 6 years. Outgoing executive board members must ensure that records are transferred to the newly elected executive board members, including all parent contact information obtained during their term of office. Outgoing executive board members may not retain copies of PA/PTA records, including parent contact information. Transfers must occur on school premises, in the presence of the principal, the next practicable day following the election.
- Recording Secretary* - Prior to the conclusion of a PA/PTA recording secretary's term, she/he must make the necessary arrangements to provide the PA/PTA's bylaws, meeting notices, agendas, and minutes from both general membership and executive board meetings to the newly elected recording secretary.
- Treasurer* – Prior to the conclusion of a PA/PTA treasurer's term, she/he must make the necessary arrangements to provide all financial records, as well as information on the method of record keeping used by the PA/PTA.
7. Community and Citywide Education Council Selectors
- Community Education Councils ("CECs")* – Selectors of the parent members of each CEC shall be the three mandatory PA/PTA officers from every school in the community school district. Presidents and officers of PA/PTAs who are

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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. (See Chancellor's Regulation D-140).

*Citywide Council on High Schools ("CCHS")* – Selectors of the parent members of CCHS shall be the three mandatory PA/PTA officers from every high school in the borough. Presidents and officers of PA/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. (See Chancellor's Regulation D-160).

*District 75 Council ("D75 Council")* – Selectors of the parent members of the D75 Council shall be the three mandatory PA/PTA officers from every District 75 school. Presidents and officers of PA/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. (See Chancellor's Regulation D-150).

8. Service on SLTs

PA/PTAs must elect parent representatives to serve on the school's SLT. PA/PTAs have the right to have their representatives participate as full members of the team. (See Chancellor's Regulation A-655).

9. Fundraising

PA/PTAs are permitted to conduct fundraisers. See Section III.C for more detailed information regarding fundraising and other financial affairs.

## II. **PRESIDENTS' COUNCILS**

Presidents' Councils are independent parent leadership organizations that empower parents and provide assistance to PA/PTAs on a district, borough, or citywide level. Presidents' Councils must comply with all laws, policies, rules and regulations in a way that respects the rights of students, parents and staff.

### A. Establishment and Re-Establishment of Presidents' Councils

The appropriate community or high school superintendent, or her/his designee, is responsible for establishing and ensuring the continuation of the Presidents' Councils in all community school districts for elementary and middle schools, boroughs for high schools, and citywide for District 75 schools. A Presidents' Council must be re-established if it has ceased to function. A Presidents' Council has ceased to function if it fails to hold elections by September 30<sup>th</sup> or fails to conduct business for 2 consecutive months. The superintendent or her/his designee must notify the constituent PA/PTA presidents of the need to hold a

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meeting to re-establish a Presidents' Council. The notice of the meeting must be sent 10 calendar days prior to the date of the meeting and the meeting must be held no later than 14 calendar days after the Presidents' Council has ceased to function.

## B. Presidents' Council Membership Eligibility

Presidents' Councils representing community school districts must include one representative from each PA/PTA in the district. Presidents' Councils representing borough high schools must include one representative from each high school in the borough. The Presidents' Council representing citywide special education must include one representative from each District 75 school. Schools that include middle and high school grades (e.g., grades 6-12) are entitled to send representatives to both their district and borough Presidents' Councils.<sup>5</sup> Presidents' Councils must notify newly established PA/PTAs of their membership in the council and send notice of the next Presidents' Council meeting.

### 1. PA/PTA Representatives Eligible for Presidents' Council Membership

- a. Permanent Designees - The PA/PTA representatives eligible for Presidents' Council membership are the PA/PTA president, co-president, or a parent member designated by the president. If the PA/PTA president is unable to attend Presidents' Council meetings, the president must transfer all voting rights to a designee of her/his choosing. Designees must be approved by vote of the PA/PTA's general membership. The results of the vote must be recorded in the minutes of the meeting.
- b. Co-Presidents - Only one co-president may serve as a Presidents' Council member. Co-presidents must decide who will serve as the Presidents' Council member and inform the PA/PTA membership.
- c. Alternates - The PA/PTA may approve an alternate to serve in the absence of the officially designated school representative. The alternate's role and duties will be defined in the Presidents' Council bylaws.

### 2. Presidents' Council Membership Restrictions

DOE employees may not serve on the district Presidents' Council in the district in which they are employed. DOE employees may not serve on the high school Presidents' Council in the borough in which they are employed.

## C. Presidents' Council Membership Participation

### 1. Dues

While Presidents' Councils may choose to solicit membership dues, the payment of dues cannot be a condition for participation or membership.

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<sup>5</sup> The PA/PTA President is entitled to be the representative to the borough or district Presidents' Council, depending on her/his child's grade. PA/PTAs of schools with both middle and high school grades must ensure that their representative to the district Presidents' Council is a parent of a child in a middle school grade and their representative to the borough Presidents' Council is a parent of a child in a high school grade.

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## 2. Conflicts of Interest

The conflicts of interest provisions established for PA/PTAs and PA/PTA officers in Section I.E.4 apply equally to Presidents' Councils and Presidents' Council officers.

## D. Nomination and Election of Presidents' Council Officers

Presidents' Councils must hold a single meeting to nominate and elect officers. Officers are elected to serve a one-year term beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>. Presidents' Councils may seek assistance in conducting their elections from the appropriate superintendent or her/his designee. Presidents' Council officers should consult with the general membership to identify an election meeting date that allows constituent PA/PTAs sufficient opportunity to elect their officers and determine their Presidents' Council representatives. Presidents' Council elections should be held by June 30<sup>th</sup>, but no later than September 30<sup>th</sup>. If elections are not held by September 30<sup>th</sup>, the Presidents' Council has ceased to function and the re-establishment procedures outlined in Section II.A will apply.

### 1. Conducting a Nomination and Election Meeting

- a. Written Election Notice – The Presidents' Council executive board is responsible for ensuring that written notification of the election meeting is provided to all members. Notice must be sent at least 10 calendar days prior to the election meeting. Election meeting notices include the following information:
  - A list of all available executive board positions (the Presidents' Council bylaws may reserve non-mandatory positions to be elected in the fall).
  - Term limits, if they are included in the bylaws.
  - An indication that all nominations for available positions will be taken from the floor.
- b. Superintendent Notification of Presidents' Council Elections – Presidents' Councils must notify the superintendent of the date and time of their elections by June 1<sup>st</sup>. If by June 30<sup>th</sup> a Presidents' Council has not held its election, the superintendent will request a date and time for the annual election meeting to be held. The superintendent or her/his designee will provide the necessary assistance to ensure that the election is completed by September 30<sup>th</sup>.
- c. Nominations from the Floor – Nominations for all offices will be taken from the floor. All nominees must be provided an opportunity to address the general membership.
- d. Determining Candidate Eligibility – Constituent PA/PTA presidents or co-presidents who have been elected, and presidents' designees who have been selected, to serve for the following school year may run for office.

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- e. Determining Voter Eligibility – All members of the Presidents' Council at the time of the election are eligible to vote. Individuals who will begin their membership the following school year may not vote.
  - f. Voting - When there is more than one candidate for an office, written ballots must be used in the manner specified in Section I.F.1.e. When there is only one candidate for an office, the Presidents' Council may follow the procedure outlined in Section I.F.1.f.
2. Certification of Presidents' Council Elections

The appropriate superintendent or her/his designee must certify that the nomination and election process was conducted in accordance with this regulation and the bylaws. A Presidents' Council Election Certification Form is available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>.

The Presidents' Council Election Certification Form must be completed by the elected officers and signed by the appropriate superintendent or her/his designee. The superintendent must forward a copy to FACE. At the time of certification, the executive board members may elect to permit FACE to forward their personal phone number and/or email address to the appropriate education council.
  3. Filling Vacancies

Presidents' Council bylaws must contain a provision for filling officer vacancies.
  4. Officers' Contact Information

The Presidents' Council must make available to the membership a list of elected Presidents' Council officers. The list may include personal phone numbers and email addresses of officers who agree to have such information distributed, but may not include officers' home addresses. A means of contacting the Presidents' Council (e.g., the DOE-issued email address) must also be provided. The list must be updated regularly, and shall be available in the superintendent's office and at every Presidents' Council meeting.
- E. Presidents' Council Rights and Responsibilities
- As a vital source of parental involvement on the district and borough level, Presidents' Council members must be treated fairly by the Presidents' Council executive board and school officials, without fear of penalty or retaliation. Presidents' Councils must operate free from interference or supervision by CECs, CCSE, CCHS, CCELL, D75 Council, community and high school superintendents and other school officials.
1. Establishing Presidents' Council Bylaws

Presidents' Councils must adopt a set of bylaws by a vote of the membership. Bylaws should be amended as needed. All bylaws must conform to the requirements of this regulation. A Presidents' Council Bylaws Template is available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>.

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In the event that a Presidents' Council's bylaws contain any provision that conflicts with this regulation, the provisions of this regulation shall be deemed controlling. All remaining provisions of the Presidents' Council bylaws that are not in conflict with this regulation shall remain in full force and effect. Any Presidents' Council member may present a motion at a general membership meeting to amend a provision of the bylaws that is not in compliance with this regulation. Amendments that bring the bylaws into compliance must be voted on immediately after the motion is presented and require approval by two-thirds of the members present.

Presidents' Councils must review their bylaws every three years and upon revision of this regulation. *Robert's Rules of Order – Newly Revised* may serve as a reference to assist with interpreting bylaws.

The Presidents' Council must give the superintendent a copy of their bylaws and related amendments. The Presidents' Council must make a copy of its bylaws and related amendments available at every meeting and to members upon reasonable request.

Wherever possible, bylaws should be made available in the languages parents speak other than English. A bylaws template is available in the languages covered by Chancellor's Regulation A-663 at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. If a bylaws template is needed in a language that is not readily available, the superintendent must contact the Translation and Interpretation Unit.

## 2. Accessing Information and Consulting with School Officials

Regular communication between school officials and the Presidents' Councils is essential for the Presidents' Council to achieve its goals. The Presidents' Council must receive information in a manner that allows them to be heard on matters that affect the district or borough, except in emergency situations for which immediate action is required.

- a. Information – Presidents' Councils have the right to request and receive full and factual information relating to student achievement from the superintendent.

As a mandatory member of the District Leadership Team (DLT), the Presidents' Council president has the right to obtain the district's Comprehensive Educational Plan (DCEP) and district or borough budget information. The Presidents' Council president is responsible for disseminating these documents, as well as all other pertinent information discussed at DLT meetings, to the Presidents' Council members.

Upon request, the superintendent will provide the Presidents' Council executive board with full and factual information pertaining to student testing schedules and student achievement data, as well as copies of the Chancellor's Regulations.

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## b. Consultation

*Presidents' Council Consultation with the Superintendent and CEC* – Presidents' Council consultation with the superintendent and CEC is achieved through the quarterly meetings held with PA/PTA officers described in Section I.G.2.b.

## 3. Holding Presidents' Council Meetings

## a. General Membership Meetings – Presidents' Councils must hold at least 9 monthly general membership meetings per school year.

*Timing of Meetings* - The Presidents' Council bylaws must specify the day and time when monthly meetings are to be held (e.g., last Tuesday of the month at 7:00 pm).

*Notice* – The notice of the meeting must be sent 10 calendar days prior to the date of the meeting. The Presidents' Council executive board is responsible for ensuring that notifications of meetings are sent in a manner that will reach all members (e.g., backpack, postal mail, automated call, email).

*Location of Meetings* - All Presidents' Council meetings must be held on DOE premises (e.g., a school, district or borough office, or administrative office).

*Conducting Meetings* – Unless otherwise indicated in this regulation or the Presidents' Council's bylaws, meetings must proceed according to *Robert's Rules of Order – Newly Revised*.

*Quorum* – The quorum for a general membership Presidents' Council meeting must be specified in the bylaws. In the absence of a quorum, a Presidents' Council cannot authorize the expenditure of funds or vote on any business, but may have non-binding discussions. The Presidents' Council executive board is required to seek assistance from FACE to improve meeting attendance when the Presidents' Council's attempts at outreach do not yield a quorum at a general membership meeting.

*Attendance and Participation* - Presidents' Council meetings must be non-exclusive and open to the general public. Presidents' Council members may attend and participate in all general membership meetings. In addition, individuals who are not members of the Presidents' Council may attend general membership meetings as observers, but may only participate in discussions with the approval of the executive board.

*Minutes* – Minutes must be recorded at all general membership meetings. A draft of the minutes must be distributed at the next scheduled meeting for review and approval by the general membership. The Presidents' Council bylaws may provide further guidance as to permissible recording procedures and equipment.

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- b. Executive Board Meetings – Executive board meetings must be open to all Presidents’ Council members. The membership must be provided with written notice at least 10 calendar days prior to the meeting date. Individuals who are not members of the Presidents’ Council may only attend executive board meetings with the approval of the executive board. The Presidents’ Council bylaws must indicate the day and time of executive board meetings and the quorum required to conduct business at an executive board meeting.
- c. Special Membership Meetings – The bylaws may specify the process by which a special membership meeting may be convened. Special membership meetings must only be held to address a matter of importance that cannot be postponed until the next general membership meeting.
4. Using School Facilities
- Presidents’ Councils must be allocated space in the district, borough, or central office, as appropriate. Presidents’ Councils must be provided with reasonable access to typing, duplicating and mail services. Presidents’ Councils are prohibited from holding candidate forums for any political or community-based organization. (See Chancellor’s Regulation D-130). Presidents’ Councils shall hold candidate forums only for the election of Community and/or Citywide Education Council members, pursuant to Chancellor’s Regulations D-140, D-150, D-160 and D-170. The superintendent or her/his designee will assist Presidents’ Councils in securing space and resources needed to conduct business.
5. Maintaining and Transferring Presidents’ Council Records
- All Presidents’ Council records must be maintained for 6 years. Outgoing executive board members must ensure that records are transferred to the newly elected executive board members, including all parent contact information obtained during their term of office. Outgoing executive board members may not retain copies of Presidents’ Council records, including parent contact information. Transfers must occur on DOE premises, in the presence of the Presidents’ Council president.
- Recording Secretary* - Prior to the conclusion of a Presidents’ Council recording secretary’s term, she/he must make the necessary arrangements to provide the Presidents’ Council’s bylaws, meeting notices, agendas, and minutes from both general membership and executive board meetings to the newly elected recording secretary.
- Treasurer* – Prior to the conclusion of a Presidents’ Council treasurer’s term, she/he must make the necessary arrangements to provide all financial records, as well as information on the method of record keeping used by the Presidents’ Council.

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**6. Citywide Council Selectors**

*CCSE* – Each Presidents’ Council must 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 executive board must solicit parents of students with an IEP from among its constituent PA/PTAs to volunteer to serve as a selector, and must select one such parent volunteer to serve as a selector of CCSE members. Parents who are candidates for the CCSE are not eligible to serve as selectors. (See Chancellor’s Regulation D-150).

*CCELL* – Each Presidents’ Council must 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 executive board must solicit parents of ELL students from among its constituent PA/PTAs to volunteer to serve as a selector, and must select one such parent volunteer to serve as a selector of CCELL members. Parents who are candidates for the CCELL are not eligible to serve as selectors. (See Chancellor’s Regulation D-170).

**7. Community and Citywide Education Council Nominees’ Forums**

*CEC Nominees’ Forums* - 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. (See Chancellor’s Regulation D-140).

*D75 Council Nominees’ Forum* – 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. (See Chancellor’s Regulation D-150).

*CCHS Nominees’ Forums* - 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. (See Chancellor’s Regulation D-160).

**8. Presidents’ Council Fundraising**

Presidents’ Councils are permitted to conduct fundraisers. See Section III.C for more detailed information regarding fundraising and other financial affairs.

**F. Chancellor’s Parent Advisory Council**

The Chancellor’s Parent Advisory Council (CPAC) is a citywide organization that advises the Chancellor on issues of importance to parents that affect New York City public school students. CPAC also supports Presidents’ Councils by providing information on important issues affecting the schools and guidance in the development of local parent leadership. The president of each Presidents’ Council, or her/his designee, is a member of CPAC.

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1. Accessing Information

In order to effectively advise the Chancellor, the DOE will share information regarding school programs and student achievement with CPAC. Such information will include, but not be limited to, student achievement data in English language arts and math, and comparisons of student achievement in comparable grades and schools.

### III. **FINANCIAL AFFAIRS OF PARENT ASSOCIATIONS AND PRESIDENTS' COUNCILS**

PA/PTAs and Presidents' Councils must be responsible for their own financial affairs. PA/PTA and Presidents' Council funds are separate and independent from school, district, borough, or personal funds. PA/PTA and Presidents' Council funds are not included in determining school, district, or borough budgets. To ensure that an organization's financial affairs are aligned with their goals, the general membership of a PA/PTA or Presidents' Council must be involved in the planning of all fundraisers and the expenditure of all funds.

*PA/PTA and Presidents' Council Debts* – Debts incurred by a PA/PTA or Presidents' Council are the responsibility of the PA/PTA or Presidents' Council and are not the responsibility of the school, district or the DOE.

#### A. PA/PTA and Presidents' Council Budgets

1. Bylaws Budget Process

PA/PTAs and Presidents' Councils must set forth a budget process in their bylaws. This process must meet the minimum requirements set forth in the FACE Bylaws Templates available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>.

2. Proposed PA/PTA and Presidents' Council Budgets

PA/PTA and Presidents' Council executive boards must prepare a proposed budget each year to submit for approval by the membership no later than the June general meeting. A Proposed Budget Form is available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. The proposed PA/PTA budget must be submitted to the principal upon approval by the PA/PTA membership. The proposed Presidents' Council budget must be submitted to the superintendent upon approval by the Presidents' Council membership.

#### B. PA/PTA and Presidents' Council Bank Accounts

1. PA/PTA and Presidents' Council Checking Accounts

A checking account must be maintained in the name of the PA/PTA or Presidents' Council. All PA/PTA and Presidents' Council funds must be deposited into the checking account. A checkbook that provides a stub or carbon copy of each check must be used. PA/PTAs or Presidents' Councils that wish to use an alternate form of checks (e.g., checks printed from financial software) must obtain permission from FACE. If a PA/PTA or Presidents' Council has difficulty opening a checking account, it must contact FACE for assistance.

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- a. Employer Identification Number (EIN) – PA/PTAs and Presidents’ Councils, as separate entities, may not use the DOE’s EIN. PA/PTAs and Presidents’ Councils must obtain their own EIN from the Internal Revenue Service for bank account applications.<sup>6</sup> A PA/PTA’s EIN must be on file with the principal. A Presidents’ Council’s EIN must be on file with the superintendent.
- b. Signatories – PA/PTA or Presidents’ Council checks must be signed by 2 officers. The PA/PTA and Presidents’ Council bylaws must indicate at least 3 officers to be eligible signatories. The 2 signatories of a check may not be related by blood or marriage. Under no circumstances may spouses, siblings, in-laws or other relatives or members of the same household sign the same PA/PTA or Presidents’ Council check. A PA/PTA or Presidents’ Council member may not sign a check if she/he has any direct or indirect interest in the expenditure.
- c. Payees – No checks may be written payable to “petty cash” or “cash”. Signatories may not approve such checks.

## 2. Other Bank Accounts

Any accounts other than the mandatory checking account must be authorized by a vote of the membership and must be in the name of the PA/PTA or Presidents’ Council. However, the primary checking account must be used for all transactions, including deposits and withdrawals (e.g., if a PA/PTA or Presidents’ Council has a savings account, funds must be transferred from the checking account to the savings account. Funds can only be withdrawn by transferring the funds from the savings account to the checking account).

## 3. ATM Cards and Withdrawal Slips

PA/PTAs and Presidents’ Councils may not possess or use automated teller machine (ATM) cards, debit cards, or withdrawal slips. ATM cards, debit cards, and withdrawal slips obtained in connection with the opening of a PA/PTA or Presidents’ Council bank account must be immediately destroyed. The Chancellor or designee may immediately remove any officer complicit in the violation of this provision.

## C. PA/PTA and Presidents’ Council Fundraising

PA/PTA and Presidents’ Council fundraisers are not ends in themselves. They must be tied to the goals of the organization, including parent education, workshops, and school, district, or borough initiatives. Proceeds from fundraisers must be used to supplement or complement the educational, social and cultural programs of schools, districts, or boroughs. On a case-by-case basis, the Chancellor may permit PA/PTAs and Presidents’ Councils to raise funds for humanitarian causes.

<sup>6</sup> Contact the Internal Revenue Service to obtain an EIN: 1-800-829-4933.

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1. PA/PTA and Presidents' Council Fundraising Activities Compliance

All fundraising activities must comply with the Chancellor's Regulations on Flea Markets (A-650), Fundraising Activities and Collection of Money from Students (A-610), and Sale of Nutritious and Non-Nutritious Foods (A-812), as appropriate.

- a. Employee Identification Number (EIN) – PA/PTAs and Presidents' Councils may not conduct any fundraising activities until they have obtained an EIN. (See Section III.B.1.a.).

2. Prohibited Fundraising Activities for PA/PTAs and Presidents' Councils

- a. Sale of Movie and Theater Tickets – The sale of tickets to movies and theaters for children's attendance is prohibited, unless the project is coordinated with teachers and/or instructional coaches and is directly connected to the curriculum.

- b. Door-to-Door Solicitation - Door-to-door solicitation of funds by children is prohibited unless the children are accompanied by a parent.

- c. Raffle Tickets – The sale of raffle tickets to or by children is prohibited. Any sale of raffle tickets must be done in compliance with the provisions of the New York State General Municipal Law and applicable regulations of the New York State Racing and Wagering Board.<sup>7</sup> The law and regulations prescribe the application and licensing requirements and the conditions regarding when a raffle may be conducted and how the proceeds of a raffle may be used. Only PA/PTAs and Presidents' Councils in existence for 3 years qualify to hold any raffle events. A PA/PTA or Presidents' Council in existence for at least 3 years immediately preceding the raffle may be exempt from the application and licensing requirements if a single raffle event has net proceeds of less than \$5,000 and cumulative raffle events in a calendar year have net proceeds of less than \$20,000. All PA/PTAs and Presidents' Councils must comply with the rules setting forth the conditions under which a raffle may be conducted and the proceeds used. These requirements do not apply to free raffle ticket drawings (e.g., door prizes).

- d. Gambling – All forms of gambling, including bingo, are prohibited.

3. PA/PTA Fundraiser Planning

- a. Fundraising Activities Involving Students During Instructional Hours - PA/PTA fundraising activities involving students during instructional hours are restricted to 2 per year. There are no restrictions on the number of fundraising activities during non-instructional hours. Non-instructional hours are defined as time during the school day when students are not engaged in the instructional process (e.g., lunch time).

<sup>7</sup> See the "Parent Association Guide to Raffles" available at: <http://schools.nyc.gov/Offices/FACE/filesandresources.htm> and [www.racing.state.ny.us/charitable/Raffle\\_Information.htm](http://www.racing.state.ny.us/charitable/Raffle_Information.htm) for additional information.

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Distribution of information (e.g., bulletins, newsletters, notices, order forms or envelopes) related to PA/PTA fundraising activities during instructional hours does not constitute a violation of this provision of the regulation.

- b. Principal Approval - The principal's written consent is only required when the fundraising activity is held during school hours or on school property. (See Chancellor's Regulation A-610).
4. Presidents' Council Fundraiser Planning
    - a. Fundraising Activities Involving Students - Presidents' Council fundraising activities may not involve students.
    - b. Joint Planning with the Superintendent - Joint planning with the superintendent is required for fundraising activities conducted by Presidents' Councils.
  5. PA/PTA and Presidents' Council Fundraising Approval

Plans for all fundraising activities conducted by PA/PTAs and Presidents' Councils must be approved by their membership during a regularly scheduled meeting where a quorum is achieved. Membership approval must be reflected in the minutes of the meeting. Failure to obtain membership approval before initiating a fundraising activity is a violation of this regulation.
  6. PA/PTA and Presidents' Council Fundraising Outreach
    - a. Contacting Parents and Students – As stated in Section I.G.3., PA/PTAs and Presidents' Councils may not obtain a list of students' or parents' names, addresses or any other contact information from the school, district, or borough for any purpose, including fundraising.
    - b. Outreach Assistance – PA/PTAs and Presidents' Councils are responsible for fundraisers and any resulting funds. PA/PTAs may request assistance from the parent coordinator in publicizing fundraising activities. Parent coordinators may not handle PA/PTA funds.
  7. PA/PTA and Presidents' Council Fundraiser Proceeds
    - a. Deposit of Funds – PA/PTAs and Presidents' Councils must make every effort to deposit all cash received from a fundraising activity within one business day, but in any event, no longer than three business days.<sup>8</sup> If the deposit will not be made immediately on the same day as the fundraising activity, the PA/PTA or Presidents' Council must ensure that all funds are secured in a locked location on school or DOE premises (e.g., the school safe). The PA/PTA must obtain a written acknowledgement from the principal when PA/PTA funds are secured in the school, while the Presidents' Council must obtain a written acknowledgement from the superintendent when Presidents' Council

<sup>8</sup> All raffle proceeds must be deposited consistent with these requirements but no later than Wednesday of each week. See 9 NYCRR § 5624.8 (2009).

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funds are secured on DOE premises. These acknowledgements must include the dollar amount being secured. Under no circumstances may fundraiser proceeds be stored in a PA/PTA or Presidents' Council member's place of work or residence.

- b. Fundraising Activity Report – PA/PTA and Presidents' Council executive boards must prepare a Fundraising Activity Report, available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm> following the completion of each fundraising activity. The report must include the total amount of funds raised and related expenses and must be distributed to members at the next scheduled general membership meeting. PA/PTA and Presidents' Council executive boards must report which program goals the funds will be used to support. A copy of the PA/PTA Fundraising Activity Report must be provided to the principal no more than 5 calendar days after the fundraising activity. A copy of the Presidents' Council Fundraising Activity Report must be provided to the superintendent no more than 5 calendar days after the fundraising activity.

D. PA/PTA and Presidents' Council Financial Transactions

1. PA/PTA and Presidents' Council Membership Approval

All expenditures of funds by PA/PTAs and Presidents' Councils must be approved by their membership during a regularly scheduled meeting where a quorum is achieved. Membership approval must be reflected in the minutes of the meeting. Failure to obtain membership approval before initiating an expenditure is a violation of this regulation. Members must abide by Section I.E.4 concerning conflicts of interest that may arise during the approval of a PA/PTA or Presidents' Council expenditure.

2. Emergency PA/PTA and Presidents' Council Executive Board Expenditures

PA/PTA and Presidents' Council bylaws must contain a process for executive boards to authorize emergency expenditures. The bylaws must outline the circumstances that warrant an emergency expenditure, a maximum dollar amount that may be allocated, and a timeline for reporting emergency expenditures to the membership. At the next general membership meeting following the emergency expenditure, members must have the opportunity to vote on whether the emergency expenditure was an appropriate use of the funds.

3. Out-of-Pocket Expenditures

A PA/PTA or Presidents' Council member may be reimbursed for out-of-pocket expenses if she/he submits receipts. Such expenses must be approved by the membership. Whenever possible, membership approval should be obtained prior to making an out-of-pocket expenditure. The bylaws must define permissible out-of-pocket expenditures and the maximum dollar amount for which a member may be reimbursed. Reimbursement must be made by check payable to the member, and not in cash.

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#### 4. Hiring Staff

- a. Donating Funds for the School to Hire Staff – Subject to the restrictions outlined in Section III.D.5, PA/PTAs may donate funds for a school to hire supplemental staff (e.g., cluster teachers) to work during school hours. PA/PTAs may also donate funds for the school to hire staff to conduct after-school or weekend activities. PA/PTAs must obtain the approval of the school's principal. After obtaining the approval of the principal, PA/PTAs must submit a check endorsed to the school to the appropriate Senior Grants Officer (SGO). The funds are made available to the school's budget after the SGO approves the hiring of supplemental staff.
- b. Directly Hiring Staff – Subject to the restrictions outlined in Section III.D.5., PA/PTAs may only directly hire school staff to conduct after-school or weekend activities. Staff may be hired only to work directly with students. PA/PTAs must obtain the approval of the school's principal to hire staff to conduct after-school or weekend activities. After obtaining the approval of the principal, PA/PTAs must obtain the approval of their general membership.
- c. Liability for Directly Hiring Staff – PA/PTAs must abide by all state and federal requirements, such as the filing and reporting requirements established by the Internal Revenue Service. PA/PTAs are required to withhold all federal, state and local employment taxes and properly report such taxes to the appropriate governmental bodies. PA/PTAs that choose to directly hire staff are solely liable for the claims of any party, including personal injuries, property damage or any other tort resulting from any act or omission on an employee's part. PA/PTAs must provide a comprehensive liability insurance policy which lists the school, the DOE, and the City of New York as additional insureds. PA/PTAs must use the DOE facilities in accordance with all applicable laws and DOE policies. PA/PTAs must also obtain a building permit for weekend or after-school use of the school.<sup>9</sup> (See Chancellor's Regulation D-180).

Rather than directly hiring staff, it is recommended that PA/PTAs donate funds to the school for after-school and weekend activities by following the procedure outlined above, allowing the principal to administer the programs.

#### 5. Restrictions on PA/PTA and Presidents' Council Expenditures

- a. Funds Raised for a Particular Purpose – PA/PTAs and Presidents' Councils are required to allocate funds raised for a particular purpose solely for the designated purpose (e.g., funds raised for senior dues may only be used to fund payment of activities for students in that grade for

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<sup>9</sup> On September 2, 2009, the DOE and UFT entered into an agreement regarding coverage of individuals hired by PA/PTAs. Hiring of all parent association teacher aides through the use of PA/PTA funds must comply with the terms of this agreement.

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that school year). Should there be any funds remaining, the future use of these funds is subject to approval of the membership by majority vote.

- b. Political Contributions – PA/PTA and Presidents’ Council contributions to candidates for CEC, CCSE, CCHS, CCELL, or D75 Council membership, political parties, political groups or sectarian groups are strictly forbidden.
- c. Hiring Staff to Work during School Hours – PA/PTAs and Presidents’ Councils may not directly hire or donate funds for the school to hire core instructional teachers (e.g., teachers who teach core subjects such as Math, Science, English and History) to work during school hours. PA/PTAs and Presidents’ Councils may not directly hire, but may donate funds for the school to hire supplemental staff (e.g., cluster teachers) to work during school hours.
- d. Hiring Administrative Staff – PA/PTAs and Presidents’ Councils may not hire staff to complete administrative tasks of the association or manage PA/PTA or Presidents’ Council programs.

#### 6. Tax Exempt Expenditures

- a. New York State Tax Exemption Number – PA/PTAs and Presidents’ Councils must obtain their own New York State Tax Exemption Number for the purpose of purchasing items on a tax-exempt basis. PA/PTAs and Presidents’ Councils may not use any DOE or school tax exemption number. Tax-exempt status is to be used only for the associations’ benefit and not for the benefit of individual members.<sup>10</sup>
- b. 501(c)(3) Status – PA/PTAs and Presidents’ Councils wishing to incorporate as 501(c)(3) organizations must retain their own counsel and must continue to function in full compliance with all relevant laws, policies, rules, regulations, bylaws and other requirements. PA/PTAs and Presidents’ Councils that have incorporated as 501(c)(3) organizations must seek advice from their own counsel concerning additional applicable requirements related to financial matters, record retention and other legal issues.<sup>11</sup>

#### E. PA/PTA and Presidents’ Council Financial Record Keeping

To promote transparency in attaining their goals, PA/PTAs and Presidents’ Councils must maintain comprehensive and organized financial records.

##### 1. Financial Record Retention

Financial records are all records reflecting income, expenditures, refunds and any other financial transactions. Financial records must be maintained on school premises for PA/PTAs, and on district or borough office premises for Presidents’ Councils. PA/PTAs and Presidents’ Councils must keep all financial records for a period of 6 years. Financial records must include

<sup>10</sup> Contact the New York State Department of Taxation and Finance for assistance: 518-485-2889.

<sup>11</sup> Contact the Internal Revenue Service for assistance: 1-800-829-4933.

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interim and annual financial reports, bank statements, checkbook ledgers, deposit slips, minutes approving financial actions, and invoices. If applicable, cancelled or voided checks, vendor contracts, inventory lists of purchased or donated items, copies or records of tax exempt forms submitted for purchases, and any other record reflecting income, expenditures or any financial transactions must also be maintained.

2. Bylaws Record Keeping Protocols

PA/PTA and Presidents' Council bylaws must establish a process for counting, securing and depositing funds received. The bylaws must also establish the procedure that the PA/PTA or Presidents' Council will use to document all financial transactions.

3. Cash Receipts and Disbursements

Receipts must be provided to parents who pay or offer cash donations to PA/PTAs and Presidents' Councils. However PA/PTAs and Presidents' Councils may not offer cash reimbursements or refunds after funds have been collected and deposited.

4. Access to PA/PTA and Presidents' Council Records

PA/PTA and Presidents' Council financial records must be available for inspection by members upon request and reasonable notice, and at a mutually agreeable time. All requests to review financial records must be made in writing and identify the records to be reviewed. PA/PTAs and Presidents' Councils must provide an opportunity for members to review requested documents within a reasonable period of time. Reviews of financial records must be conducted in the presence of the executive board and 2 general members not affiliated with the request. A review sheet identifying the reviewed documents must be signed by all members present. Upon request, PA/PTAs and Presidents' Councils must make every effort to provide members with copies of the documents reviewed.

F. PA/PTA and Presidents' Council Financial Reports

1. Treasurer's Report

A written treasurer's report must be given at every executive board and general membership meeting. This report must include a statement of all transactions, including income, refunds, reimbursements and other expenditures, and opening and closing balances for the reporting period. Copies of the PA/PTA treasurer's reports must be given to the principal and posted at the school, while copies of the Presidents' Council treasurer's reports must be given to the superintendent and made available to the membership.

2. PA/PTA Interim and Annual Financial Reports

An Interim PA/PTA Financial Report must be prepared by the PA/PTA and submitted to the principal by January 31<sup>st</sup> of each school year. An Annual PA/PTA Financial Report must be prepared by the PA/PTA and submitted to the principal by June 30<sup>th</sup> of each school year. Interim and Annual

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PA/PTA Financial Report templates are available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. The principal is responsible for submitting PA/PTA financial information and reports to FACE upon request. PA/PTAs are responsible for distributing copies of the Interim and Annual PA/PTA Financial Reports to all members.

### 3. Presidents' Council Annual Reports

An Annual Presidents' Council Financial Report must be prepared by the Presidents' Council and submitted to FACE by June 30<sup>th</sup> of each school year. The Annual Presidents' Council Financial Report template is available at <http://schools.nyc.gov/Offices/FACE/filesandresources.htm>. The Presidents' Council is responsible for distributing copies of the Annual Presidents' Council Financial Reports to all members.

## G. PA/PTA and Presidents' Council Audits

Audits are reviews of financial records conducted to reconcile revenue and expenditures and determine compliance with applicable laws, policies, rules and regulations. Audits are tools that can help PA/PTAs and Presidents' Councils to analyze their financial activities and assess the quality of their record keeping. Audits may be conducted internally by the PA/PTA and Presidents' Council. External audits may be conducted when a grievance is filed, when serious allegations are raised, or when requested by the Chancellor or the Chancellor's designee.

### 1. Internal Audit by PA/PTA or Presidents' Council Committee

When a PA/PTA or Presidents' Council decides to conduct an internal audit, an audit committee must be formed. The audit committee must be selected by the general membership and be comprised of a majority of general members. Signatories of PA/PTA or Presidents' Council checks may not serve on or guide the work of an audit committee. The audit must include a review of PA/PTA or Presidents' Council financial records, as defined in Section III.E.1.

It is recommended that an internal audit be conducted once every year, preferably before submitting the PA/PTA or Presidents' Council Annual Financial Report. However, failure to conduct an internal audit is not a reason to delay the filing of the Annual Financial Report. An internal audit should also be conducted whenever there is a change in the person holding the office of treasurer.

The audit committee's findings must be reported to the membership at the next general membership meeting and recorded in the meeting minutes. PA/PTA audit committees must provide a copy of their findings to the principal, while Presidents' Council audit committees must provide their findings to the superintendent.

- a. PA/PTAs and Presidents' Councils with more than \$50,000 in Net Annual Income – It is recommended that PA/PTAs and Presidents' Councils with more than \$50,000 in net annual income hire a CPA or a person with professional expertise in accounting, business, or a related field to

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conduct their internal audit. The individual selected should be knowledgeable of the laws, policies, rules and regulations applicable to PA/PTAs and Presidents' Councils. This individual must not be a member of the PA/PTA or Presidents' Council, a relative of any PA/PTA or Presidents' Council member, or have any direct or indirect interest in the funds.

2. External Audit of PA/PTA or Presidents' Council Accounts

The Chancellor or the Chancellor's designee may conduct an audit when serious allegations of financial impropriety are raised, or a grievance or complaint is filed relating to the financial practices of the PA/PTA or Presidents' Council. The Chancellor and/or the Chancellor's designee shall have access to all PA/PTA and Presidents' Council financial records.

3. Findings of Financial Discrepancies or Wrongdoing

If a PA/PTA or Presidents' Council audit reveals financial discrepancies or wrongdoing, a written statement by the audit committee or auditor must be forwarded to FACE. Copies of the statement must be provided to the PA/PTA or Presidents' Council membership. PA/PTAs must also send copies to the principal and appropriate Presidents' Council. Presidents' Councils must also send copies to the appropriate superintendent. The Chancellor and/or the Chancellor's designee may order corrective or disciplinary action pursuant to Section IV.

#### **IV. CORRECTIVE AND DISCIPLINARY ACTION**

While self-determination is essential to the functioning of PA/PTAs and Presidents' Councils, there are circumstances that require corrective or disciplinary action for their protection. Corrective or disciplinary action is appropriate when a PA/PTA or Presidents' Council member's conduct violates laws, policies, rules, and regulations or threatens the rights of students, parents and staff. This conduct may include:

A. Criminal Wrongdoing or Misconduct

Complaints or allegations of criminal wrongdoing must be reported to the police, the Special Commissioner of Investigation for the New York City School District (SCI)<sup>12</sup> and FACE. Allegations of misconduct which do not involve penal law must be reported to SCI and FACE. PA/PTA or Presidents' Council members under investigation by officers of the law may be removed from PA/PTA or Presidents' Council office and prohibited from subsequently serving on any PA/PTA or Presidents' Council executive board, school or district leadership team, school or district Title I Parent Advisory Council, CEC, CCSE, CCHS, CCELL, or D75 Council. Decisions to remove officers and restrict future service will be determined on a case-by-case basis by the Chancellor or the Chancellor's designee.

<sup>12</sup> Allegations of criminal wrongdoing and misconduct must be reported to SCI for that office's review, and for whatever action it deems appropriate, including possible referral to the DOE's Office of Special Investigations. Contact SCI at (212) 510-1500.

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**B. Financial Discrepancies or Wrongdoing**

Complaints or allegations of financial wrongdoing must be reported to the police, SCI and FACE. FACE may recommend specific action and suspend fundraising activities of PA/PTAs and Presidents' Councils where members are found responsible for financial discrepancies, financial wrongdoing, inappropriate financial practices, recklessness or failure to safeguard PA/PTA or Presidents' Council funds. PA/PTA or Presidents' Council members engaging in such conduct may be removed from PA/PTA or Presidents' Council office and prohibited from subsequently serving on any PA/PTA or Presidents' Council executive board, school or district leadership team, school or district Title I Parent Advisory Council, CEC, CCSE, CCHS, CCELL, or D75 Council. Decisions to remove officers and restrict future service will be determined on a case-by-case basis by the Chancellor or the Chancellor's designee.

**C. Threat or Risk to Others**

Complaints or allegations of threatening behavior by a PA/PTA or Presidents' Council officer must be reported to the police, SCI and FACE. PA/PTA or Presidents' Council members whose conduct presents a threat or risk to members of the school, district or borough community may be removed from PA/PTA or Presidents' Council office. This includes frequent verbal abuse and unnecessary aggressive speech during meetings, which serves to intimidate and causes others to have concern for their personal safety. PA/PTA or Presidents' Council members who have been removed from office for their conduct may be prohibited from subsequently serving on any PA/PTA or Presidents' Council executive board, school or district leadership team, school or district Title I Parent Advisory Council, CEC, CCSE, CCHS, CCELL, or D75 Council by decision of the Chancellor or the Chancellor's designee on a case-by-case basis.

**D. Officer Negligence**

PA/PTA or Presidents' Council officers found to be negligent in their duties and responsibilities as outlined in the bylaws or this regulation are subject to removal. The PA/PTA or Presidents' Council bylaws must include a mechanism for the removal of officers for negligence.

**V. DISPUTE RESOLUTION PROCESS****A. PA/PTA and Presidents' Council Disputes**

PA/PTAs and Presidents' Councils may agree to alternative dispute resolution processes, provided that all agreements reached are in accordance with applicable laws, policies, rules and regulations. As autonomous and self-governing organizations, PA/PTAs and Presidents' Councils are responsible for resolving their own disputes.

**1. Disputes between PA/PTA Members**

PA/PTAs must attempt to resolve disputes internally. PA/PTA disputes include differences of opinion or disagreements that have bearing on PA/PTA affairs or functioning. A PA/PTA member alleging a violation of this regulation or the bylaws must do so during a general membership or special membership

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meeting. (See Section I.G.4.c). The PA/PTA general membership must discuss the alleged violation and vote on an appropriate resolution. If the matter cannot be resolved internally, the PA/PTA must request assistance in writing from the appropriate Presidents' Council. (See Section V.B).

2. Disputes between Presidents' Council Members

Presidents' Councils must attempt to resolve disputes internally. Presidents' Council disputes include differences of opinion or disagreements that have bearing on Presidents' Council affairs or functioning. A Presidents' Council member alleging a violation of this regulation or the bylaws must do so during a general membership or special membership meeting. The Presidents' Council general membership must discuss the alleged violation and vote on an appropriate resolution. If the matter cannot be resolved internally, the Presidents' Council must request assistance in writing from FACE or the appropriate superintendent. (See Section V.B).

3. Disputes between PA/PTA or Presidents' Council Members and DOE Employees

To file a complaint against a DOE employee, PA/PTA or Presidents' Council members must follow the process outlined in the NYC DOE Parent Complaint and Resolution Procedures.<sup>13</sup> Allegations of criminal wrongdoing or misconduct against a DOE employee must be reported to SCI at (212) 510-1500.

B. PA/PTA and Presidents' Council Requests for Assistance

When all avenues of internal dispute resolution have been exhausted, a member may submit a request for assistance to address a perceived violation of the bylaws or other applicable law, policies or regulations. PA/PTA requests for assistance must be submitted to the appropriate Presidents' Council. Presidents' Council requests for assistance must be submitted to FACE or the appropriate superintendent.

1. Timeliness

A written request for assistance must be submitted no more than 30 calendar days after the event occurs or reasonably should have been discovered, and only after an attempt has been made to resolve the dispute at a general membership or special meeting.

2. Response

Upon receipt of a request for assistance from a PA/PTA, the Presidents' Council must make arrangements to gather information about the dispute. The Presidents' Council will review the dispute and shall, within 30 calendar days, provide guidance to the PA/PTA that conforms to the PA/PTA's bylaws and this regulation.

<sup>13</sup> The NYC DOE Parent Complaint and Resolution Procedures are available at:  
<http://schools.nyc.gov/Offices/FACE/KeyDocuments/Parent+Complaint+Procedures.htm>.

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Upon receipt of a request for assistance from a Presidents' Council, FACE or the appropriate superintendent must make arrangements to gather information about the dispute. FACE or the appropriate superintendent will review the dispute and shall, within 30 calendar days, provide guidance to the Presidents' Council that conforms to the Presidents' Council bylaws and this regulation.

### 3. Final PA/PTA Dispute Resolution

In extraordinary instances where a PA/PTA is unable to resolve a dispute, even after receiving assistance from the appropriate Presidents' Council, a member may submit a written summary of the dispute to FACE. FACE will review the dispute, gather necessary information, and issue a final and binding decision.

- a. Timeliness - The appeal to FACE must be submitted no later than 15 calendar days after the Presidents' Council provides a final recommendation.
- b. Decisions - FACE will issue a written decision no more than 30 calendar days after receipt of an appeal.

The decision of FACE is final and binding. The decisions will be available to the public upon request. Students' names or other personally identifiable student data must be deleted from issued decisions.

### 4. PA/PTA or Presidents' Council Election Disputes

To ensure that PA/PTAs and Presidents' Councils function and operate effectively, without unnecessary disruption, disputes involving the election process must be addressed at a general membership or special membership meeting (see Section I.G.4.c) no more than 15 calendar days after the election.

In extraordinary instances where a PA/PTA or Presidents' Council is unable to resolve an election dispute a member may submit a written summary of the election dispute to FACE. FACE will review the election dispute, gather necessary information, and issue a final and binding decision.

- a. Timeliness - The appeal to FACE must be submitted no later than 3 calendar days after the election dispute is discussed at a general or special membership meeting.
- b. Decisions - FACE will issue a written decision no more than 7 calendar days after receipt of an election dispute. The decision of FACE is final and binding.

## VI. **INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

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