



Date: April 19, 2010

Topic: Proposed Chancellor’s Regulation A-660

Date of PEP Vote: April 20, 2010

Summary of Proposed Regulation

Chancellor’s Regulation A-660, Parent Associations and the Schools, is a revised regulation. It sets forth the governance structure of parent associations and presidents’ councils. The proposed regulation was posted for public comment on December 11, 2009, and was amended on December 30, 2009, March 30, 2010, and April 5, 2010.

Summary of Issues Raised and Significant Alternatives Suggested

The comments received are summarized as follows:

Raffles: Parent associations (“PAs”) should be permitted to conduct raffles.

PA Eligibility: (1) Department of Education (“DOE”) employees should be eligible to serve as mandatory officers (e.g. president, secretary, and treasurer) of a PA; and (2) Members of the Community and Citywide Education Councils should be allowed to serve on the executive board of a PA. One commenter opposed allowing DOE employees to serve as mandatory officers on a PA. Another commenter suggested that members of the Community and Citywide Education Councils should not be allowed to serve on the executive board of a PA to avoid any conflict-of-interest.

CPAC: (1) The Chancellor’s Parent Advisory Council (“CPAC”) should be included in the regulation, and (2) The language “in order to effectively advise the Chancellor,” the DOE will share information regarding school programs and student achievement with CPAC should be removed.

Fundraising and Financial Affairs: (1) The regulation should allow fundraising activity for humanitarian causes; (2) The regulation should indicate that the treasurer may be one of the three signatories of checks; (3) There should be no restrictions on PA fundraising activities (4) PAs should be permitted to hold fundraisers at schools; (5) PAs should not be required to obtain the

approval of their general membership prior to initiating fundraising activities; (6) The general membership should vote on expenditures only as part of reviewing the PA's annual budget; (7) The interim and annual financial activity reports should be optional and PAs should be permitted to submit forms that are generated by financial management software; (8) The annual report should not be due before July 15 of each school year; (9) PA financial activity reports should not be posted in a school that shares space with another school; (10) PAs should not have to submit a check endorsed to the school to the Senior Grants Officer at the Integrated Service Center/Children First Network; and (11) PAs should not have to use checks when reimbursing members.

PA Elections: (1) When a co-officer resigns, the remaining officer should decide whether she/he wants to serve with an additional person and an expedited election should be held; (2) The provisions limiting the distribution of campaign materials should be removed; and (3) There is a lack of clarity as to when an expedited election must be held.

PA and PC Membership Meetings: (1) The bylaws should not specify the day and time of meetings because the 10 day written notice requirement is sufficient; (2) PAs should be required to survey the parent members to determine the date and time for general membership meetings to be held; (3) PAs should determine quorum requirements; (4) PAs and Presidents' Counsels ("PCs") should meet with the general membership a minimum of four times per school year; (5) Written notice should only be sent via postal mail; and (6) The regulation should indicate which individual in the school will assist with sending written notice via backpack.

Additional Comments: (1) PAs should not need to ensure that the officers' contact information is destroyed at the conclusion of a PA's officer term; (2) Language pertaining to approval of bylaw amendments during a general membership meeting should be clarified to indicate that a bylaws committee does not need to be formed; (3) The term "permanent" should be added before "designees" to clarify the difference between designees and alternates; (4) Alternates should be approved, not elected by the membership; (5) The resignation of two mandatory officers should not cause a PA to cease to function; (6) The Grievance Review Committee, rather than the Chief Family Engagement Officer, should decide grievances concerning aggressive speech; (7) The provision prohibiting the use of aggressive speech should be removed from the proposed regulation; (8) The regulation should address representation on the district and borough level for schools (grades 6-12); (9) PA designees and alternates for PC membership should be determined by vote of the PA Executive Board; (10) The term "officer" in the regulation should refer to mandatory officers (i.e. president, secretary, and treasurer), not the executive board; (11) The regulation should use the term "calendar days" instead of "school days;" (12) E-mail should be sufficient notice of meetings; (13) PC elections should be held prior to the third Friday in June; (14) The regulation's summary of changes should reflect changes made to the February 2006 version of the regulation; (15) The changes to the regulation should not be effective until the 2010-2011 school year; (16) Eligibility to vote for PC in June should be clarified; (17) Expedited elections, not succession should be used to fill vacancies; (18) The regulation violates the rights of Title I parents; (19) The regulation should be voted on during the May PEP meeting, not during the April meeting as presently scheduled; (20) Principals should not be responsible for scheduling a meeting of the general membership when a PA has ceased to function; (21) The following language should be included in the regulation: "any bylaw provision that is in conflict

with the requirements of this regulation shall be deemed null and void. However, the remainder of the bylaws shall be unaffected;” (22) The regulation should clarify what PAs should do when a translated version of the bylaws is needed in a language that is not covered by Chancellor’s Regulation A-663; (23) The regulation should provide more information about how a PA is established in a new school, including how to draft and adopt bylaws; (24) The regulation should indicate that it is not applicable to charter schools; and (25) The regulation should provide that at the time of certification, the executive board members must forward their contact information to the appropriate PC.

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

The DOE accepted several suggestions and included them in the revised regulation. These changes were:

Raffles: After a review of the public comments, changes were made to the language of the proposed regulation pertaining to raffles and posted on December 30, 2009. PAs may conduct raffles in accordance the provisions of the New York State General Municipal Law and applicable regulations of the New York State Racing and Wagering Board. In response to the new language, one commenter requested clarification as to whether the law permits a PA for a new school to conduct raffles, and another requested more information about the DOE’s raffle policy. In response to the commenter’s request for clarification as to whether the law permits a PA for a new school to conduct a raffle, the DOE added the following language to the regulation: only PAs in existence for 3 years qualify to hold any raffling events. This revision is necessary to clarify the definition of permissible organizations that are authorized to conduct raffles according to the New York State General Municipal Law and the New York State Racing and Wagering Board regulations. Additionally, to assist PAs in understanding the rules relating to raffles a Parent Association Guide to Raffles will be made available online at <http://schools.nyc.gov/parentleadership>.

PA Eligibility: (1) DOE employees who are not employed at the school their children attend may serve as mandatory officers of the executive board. The restriction on DOE employees serving as PA representatives to the PC has also been modified. To prevent any conflict of interest, the DOE prohibits DOE employees who are employed at the school their children attend from serving as mandatory officers. Similarly, DOE employees may not serve on the district PC in the district in which they are employed. DOE employees may not serve on the high school PC in the borough in which they are employed; and (2) Members of the Panel for Educational Policy and Community and Citywide Education Councils may serve on a PA’s executive board. To avoid any conflict-of-interest, PA or PC members who are also members of the Panel for Educational Policy, Community and Citywide Education Councils may not participate in a vote at the school level about an issue that has escalated to Panel or Council discussions.

CPAC: (1) Provisions pertaining to CPAC were added to the regulation.

Fundraising and Financial Affairs: (1) On a case-by-case basis, the Chancellor may permit PAs to raise monies for humanitarian causes; and (2) The regulation was amended to indicate that the PA treasurer may be one of the three signatories of checks.

Additional Comments: (1) The provision providing that PAs need to ensure that the officers' contact information is destroyed at the conclusion of a PA officers term has been removed from the regulation; (2) The language pertaining to approval of bylaw amendments during a membership meeting was clarified to indicate that a bylaws committee does not need to be formed; (3) The term "permanent" was added before "designees" to clarify the difference between designees and alternates; and (4) Alternates are approved, not elected by the membership.

The DOE declined to incorporate other suggestions for the reasons explained below.

CPAC: (2)¹ The language should remain in the regulation because the DOE will provide CPAC with information pertaining to school programs and student achievement for the purpose of CPAC effectively advising the Chancellor on such matters.

Fundraising and Financial Affairs: (3)² Current restrictions on PA fundraising activities are reasonable and serve to maintain the integrity of these activities; (4) PAs are permitted to hold fundraisers on schools ground consistent with Chancellor's Regulation A-610; (5) PAs should be required to obtain the approval of their general membership prior to initiating fundraising activities and the general membership should vote on all expenditures as they occur, not only as part of reviewing the PA's annual budget. Because fundraising activities are aligned with the goals of the PA, the general membership must be involved in all stages of the planning and expenditure of funds; (6) The interim and annual financial activity reports must be mandatory so the DOE may review PA's financial management; (7) PAs should be permitted to submit forms generated by financial management software. It is best practice that all PAs fill-out the same financial activity reports to maintain consistency in the financial reporting; (8) The annual report must be due before the new PA is elected into office, which is June 30th of the school year; (9) PA financial activity reports should be posted in a school that shares space with another school. These financial activity reports should be posted even in a school that shares space with another school because these reports must be available to the membership at all times; (10) PAs should be required to submit a check endorsed to the school to the Senior Grants Officer (SGO) at the Integrated Service Center/Children First Network. According to the regulation, after the PA submits a check endorsed to the school to the SGO, the funds are made available to the school's budget after the SGO approves the hiring of supplemental staff. Due to the fact that hiring supplemental staff directly impacts the PA's monies, this procedure is necessary to maintain proper accounts; and (11) Checks must be used to reimburse members to account for the funds that are being distributed to a member for approved out-of-pocket expenses.

PA Elections: (1) When a co-officer resigns, the PA membership should determine whether to fill the vacancy or allow the remaining co-officer to serve alone because the membership voted for both co-officers to serve together and should have discretion to determine what to do when a

¹ These numbers correlate to the comments pertaining to CPAC listed on page 1.

² These numbers correlate to the comments pertaining to fundraising and financial affairs listed on pages 1 and 2.

co-officer resigns; (2) The provisions limiting the distribution of campaign materials will remain as they are necessary to prevent disruption to the schools' learning environment during a PA election period; and (3) The regulation specifies that the PA must conduct an expedited election when a PA has failed to conduct a valid election or was unable to fill an officer vacancy by succession.

PA and PC Membership Meetings: (1) Bylaws should specify the day and time of meetings so parents are provided with a consistent schedule for these meetings, supplemented by a written notice sent 10 days prior to the meeting; (2) PAs need not be required to survey parent members to determine the day and time for general membership. The regulation provides that only 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 should be changed; (3) PAs should not determine quorum requirements. The regulation provides that the quorum for a general membership meeting must consist of representation by at least 8 PA members, including a minimum of 2 executive board members and 6 parent members. This minimum quorum requirement is reasonable and necessary to ensure that the PA business is conducted with adequate parent involvement; and (4) PAs and PCs should meet with the general membership more than four times per school year. The regulation requires PAs and PCs to hold at least nine general membership meetings per school year. This minimum number of meetings amount to approximately one monthly meeting per school year, this is necessary to maintain parent involvement; (5) PAs should have the option of sending written notice via backpack, which does not cost the PA any postal fees; and (6) The regulation indicates under the section entitled "Posting and Distributing PA Literature" that PAs may request assistance from principals to facilitate a mailing to parents.

Additional Comments: (5)³ The PA should cease to function when two of the three mandatory offices become vacant due to resignations. Historically, PAs have not been able to function with one executive board member. The proposed regulation now establishes a process to expedite the re-establishment of the PA should this circumstance arise; (6) The regulation has a prohibition against any conduct that presents a threat or risk to the members of the school, district, or borough community. The Chancellor, Chancellor's Designee, or the Chief Family Engagement Officer is responsible for determining whether corrective or disciplinary action is required to protect the functioning of PAs and PCs. Because aggressive speech may intimidate and causes others to have concern for their personal safety, it is necessary that the DOE exercise its authority in such instances; (7) The regulation should maintain the prohibition against aggressive speech to protect that the rights of students, parents, and staff; (8) The regulation does not need to be revised to address the representation on the district and borough level for schools (grades 6-12). The regulation provides that schools that include middle and high school grades are entitled to send representatives to both district and borough PCs. The PA president is entitled to be the representative to the borough or district PC, depending on his/her child's grade. PAs of schools with both middle and high school grades must ensure that their representative to the district PC is a parent of a child in a middle school grade and their representative to the borough PC is a parent of a child in a high school grade; (9) The PA designees for PC membership should not be determined by vote of PA Executive Board. According to the regulation, the designees and alternates must be approved by the membership. The regulation ensures that the PA general

³ These numbers correlate to the additional comments listed on page 2.

membership has the right to determine their representation to the PC; (10) All elected members should be referred to as officers; the term mandatory officers denotes only the president, secretary and treasurer; (11) The term “school days” should remain in the regulation to assure that parents receive ample notice of meetings; (12) PAs may notify the members of meetings by e-mail; however PAs must also send notice by backpack or postal mail so that parents that do not have internet access receive notice of the meetings; (13) PC elections should not be held prior to the third Friday in June because constituent PAs must be provided ample time to hold their elections; (14) The summary of changes should not reflect changes made to the February 2006 version of the regulation. The regulation covers the changes made to the October 2008 version of the regulation as this is the most current version of the regulation; (15) The regulation should be effective immediately. It has been redrafted to incorporate many important changes that parents have been requesting for a long time and it implements an important aspect of the July 2009 governance reform, namely, that PA meetings be open to the public; (16) The regulation does not need to clarify which PC members are qualified to vote in June elections. The regulation now provides that all members of the PC at the time of the election are eligible to vote. Individuals who will begin their membership the following school year may not vote; (17) PAs should be able to first fill vacancies through succession. The regulation provides that the expedited election applies when a mandatory office cannot be filled by succession; (18) The regulation provides that PAs 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; (19) The regulation should be voted on during the April PEP meeting since the regulation has been posted since December 11, 2009 and PAs need an adequate amount of time to review the regulation for PA elections scheduled for June; (20) It is reasonable that the principal, as leader of her/his school, should be responsible for re-establishing the school’s PA by notifying the parents and scheduling a meeting of the general membership. However, the principal may contact OFEA and the appropriate PC for assistance; (21) The DOE declined to add the recommended language, but clarified the regulation in that PAs may not conduct any activities in the absence of bylaws that conform to the election and fundraising requirements of the regulation; (22) The regulation provides that if a bylaws template is needed in a language not covered by Chancellor’s Regulation A-663, the principal must contact the Translation and Interpretation Unit. For translations of PA bylaws that are not based on the bylaws template, the PA is responsible for securing the translation. (23) The regulation provides sufficient information for the establishment of PAs in New Schools in that the principal is responsible to schedule a general membership meeting. OFEA and the appropriate PC may assist the principal in conducting the first meeting and addressing any concerns, including the process for adopting bylaws. In addition, the regulation also offers a bylaws template, which sets forth the minimum necessary requirements of a PA’s bylaws; (24) The regulation does not need language describing its applicability to charter schools. Education Law §2854 states that “a charter school shall be exempt from all other state and local laws, rules, regulations or policies governing public or private schools...;” and (25) Executive board members should have discretion in whether OFEA should forward their contact information to the presidents’ counsel. Executive board members may decide to release partial contact information.

Accordingly, the DOE will present the proposed regulation to the PEP with changes noted in redlined text to the proposed regulation's summary of changes.

A copy of the proposed regulation can be obtained at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/default.htm>.