

Department of
Education

Joel I. Klein
Chancellor

DECLARATION PURSUANT TO EDUCATION LAW SECTION 2590-g(9)
CONCERNING CHANCELLOR'S REGULATION D-170
PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE CITYWIDE
COUNCIL ON ENGLISH LANGUAGE LEARNERS

I, Joel I. Klein, Chancellor of the New York City Department of Education, pursuant to Section 2590-g(9) of the New York State Education Law, do hereby determine that the immediate promulgation of Chancellor's Regulation D-170 regarding the Process for the Nomination and Selection of Members of the Citywide Council on English Language Learners is necessary to preserve the health, safety and general welfare of the students and school system as a whole. This emergency declaration shall remain in effect for 60 days or until the Panel for Educational Policy (Panel) votes to approve the regulation, whichever comes first.

Education Law Section 2590-b(5) was amended to require that the Board of Education of the City of New York create a Citywide Council on English Language Learners (CCELL). Such CCELL must consist of eleven voting members and one non-voting member. Nine of the voting members must be parents of students who are in a bilingual or English as a Second Language program who are selected by parents of students receiving such services pursuant to a representative process developed by the Chancellor. Section 2590-b(5) further requires that the CCELL include two voting members appointed by the Public Advocate of the city of New York and one non-voting member who is a high school senior who is or has been in a bilingual or English as a Second Language program appointed by the Chancellor's designee.

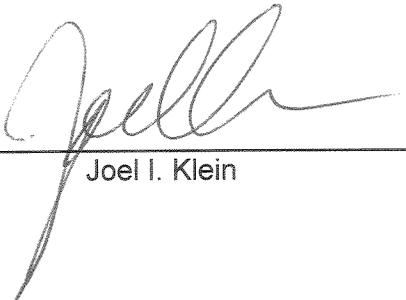
Chancellor's Regulation D-170 articulates the process for the nomination and selection of members of the CCELL. Section 2590-g(8) of the Education Law requires that the Panel approve Chancellor's Regulations. In accordance with Section 2590-g(8), the Panel undertook a public review process for review and comment on proposed Chancellor's Regulation D-170. Such review process included notice of the proposed regulation via the Department of Education's internet website and circulation of the notice of proposed regulation to all community superintendents, community district education councils, community boards, and school based management teams. This public review process commenced on December 2, 2009 in anticipation of the Panel voting on the regulation at its meeting of January 26, 2010. At that meeting, the vote on the regulation was moved to the Panel meeting scheduled for February 10, 2010. The February 10, 2010 meeting was cancelled due to inclement weather, and the regulation currently is scheduled for a vote at the Panel meeting of March 23, 2010.

Elections must take place in May 2010 to establish the CCELL membership for the following school year and thereby implement Education Law § 2590-b(5). The nomination and selection of CCELL members involves a multi-step process which will require action in advance of the Panel's March 23, 2010 meeting. For these reasons, in accordance with Sections 2590-g and 2590-b(5) of the Education Law, I have determined that it is necessary to adopt proposed

Chancellor's Regulation D-170 to remain in effect for 60 days or until the Panel votes to approve the regulation, whichever comes first.

For the reasons set forth above, I hereby determine that Chancellor's Regulation D-170 must be implemented to preserve the health, safety and general welfare of the students and school system as a whole and to comply with Section 2590-b(5) of the Education Law.

Dated: New York, New York
March 1, 2010



Joel I. Klein