Regulation of the Chancellor

Category:	**COMMUNITY EDUCATION COUNCILS**	Issued: 03/24/10		Number:	**D-140**
Subject:	PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE COMMUNITY EDUCATION COUNCILS INCLUDING FILLING VACANCIES			Page:	1 of 1

SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-140 dated March 11, 2009.

Changes:

- The regulation now expressly states that each community education council ("CEC") must perform all duties and responsibilities in accordance with the New York Open Meetings Law. (See page 1, Abstract)
- The following changes have been made to the eligibility requirements for community education council ("CEC") members: (1) nine voting members must be parents of children attending a school in the community school district, or parents of children who have attended a school under the jurisdiction of the community district within the preceding two years; and (2) members of the Panel for Educational Policy are not eligible to serve on a community education council. (See page 1, Section I)
- Due to a new statutory requirement that each CEC have at least one member who is a parent of a student who has an individualized education plan ("IEP") and at least one member is a parent of a student who is an English language learner ("ELL"), the portion of a nominee's application that is available for public view includes information to indicate whether the nominee is a parent of a student with an IEP or a student who is an ELL. (See page 2, Section II.B.)
- Presidents and officers of parents' associations ("PA") or parent-teachers' associations ("PTA") are no longer ineligible to serve on a CEC; however, PA/PTA presidents and officers 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 page 2, Section III)
- In selecting CEC members, the selectors must now ensure that of the nine voting member positions filled by parents, at least one position is filled by the parent of a student who is an ELL ("ELL parent"), and at least one position is filled by a parent of a student with an IEP ("IEP parent"). The selection process has been revised to ensure that each CEC has the appropriate make-up. (See pages 2-4, Section V.A.3-6)
- The following changes have been made to the procedures for filling vacancies: (1) if a vacancy results in a council not having at least one member who is an ELL parent and at least one member who is an IEP parent, the council shall select a parent having such a qualification to fill the vacancy after consultation with the Citywide Council on English Language Learners or the Citywide Council on Special Education; and (2) where a vacancy occurs in a position appointed by a borough president, the borough president shall appoint a member to serve the remainder of the unexpired term. (See pages 5-6, Section IX)
- From the effective date of this regulation until the next CEC selection in May 2011, any vacancy that exists on a council that does not already have a member who is an IEP parent or a member who is an ELL parent must be filled with a parent having such a qualification. Where there is only one vacancy to be filled, the CEC shall select a parent by lot from among the parents with such qualifications who are under consideration. (See page 6, Section IX, n.10)

ABSTRACT

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

I. ELIGIBILITY

A. Parents

1. Parents[1] of students attending a school under the jurisdiction of the community school district in which the parents wish to serve on the CEC, or who have attended a school under the jurisdiction of the community school district within the preceding two years are eligible to self-nominate.

2. The following persons are not eligible by statute:

   a. Persons holding elective public office or elective or appointed party positions (except delegate or alternate delegate to a national, state, judicial, or other party convention, or member of a county committee);

   b. Current DOE employees;

   c. Persons who have been convicted of a felony or removed from a Community School Board, a CEC, or a Citywide Council for an act of malfeasance directly related to service on such board or council, or convicted of a crime directly related to service on such board or council; and

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

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

   a. Members of the Panel for Education Policy;

   b. Persons who have been removed from a PA/PTA, School Leadership Team, District Presidents' Council, Borough High School Council, or Title I Committee for an act of malfeasance directly related to service on such association, team, council, or committee or convicted of a crime directly related to service on such association, team, council, or committee; and

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

B. Students

High school students who will be seniors during their year of service, who reside in the community school district in which they will serve, and who are part of their schools' elected student government are eligible to be appointed by the community superintendent. Students need not attend high schools located in the community school districts in which

[1] A parent is defined as a parent (by birth or adoption, step-parent or foster parent), legal guardian, or person in parental relation to a child. A person in parental relation to a child is a person who is directly responsible for the care and custody of a child on a regular basis in lieu of a parent or legal guardian.

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

they will serve. If no senior on the elected student government is available to serve, seniors holding other elected leadership positions (e.g., president of a club) may be considered.

II. PARENT NOMINATIONS

A. Parents interested in serving on CECs shall self-nominate by submitting a completed application and the disclosure form required by statute online at www.powertotheparents.org.[3] The Office for Family Engagement and Advocacy (OFEA) will post timeframes for the submission of self-nominations on that site. Parents who do not have internet access may contact OFEA for a list of schools and local organizations that can provide access to a computer with internet access.

B. Portions of each nominee's application (name, program child attends, whether or not child has an individualized education program or is an English language learner, statement of background and activities, personal statement, and size of school) will be posted on www.powertotheparents.org for parents and the public to view them.

III. SELECTORS

Selectors of the parent members of each CEC shall be the three PA/PTA officers mandated by Chancellor's Regulation A-660 from every school located in the community school district (i.e., President, Secretary, and Treasurer).[4] Presidents and officers of PAs/PTAs who are candidates in the selection process shall not be eligible to cast votes in the selection process. The PA/PTA shall select a member to vote in the place of each such president or officer for the purposes of the selection process.

IV. PARENT AND COMMUNITY INPUT PROCESS

A. Nominees' forum

1. In each community school district, OFEA, in collaboration with District Presidents' Council, 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.

2. The Presidents' Council in each community school district may convene an additional nominees' forum. Prior to holding the forum, the District Presidents' Council must invite all the nominees to participate, and should notify OFEA prior to proceeding.

B. Advisory vote

Following the nominees' forum, an online advisory vote open to all parents will take place at www.powertotheparents.org. OFEA will post a timeframe for the advisory vote. During this period, parents may vote using their child's OSIS number and the zip code associated with that OSIS number as a password.[5] After logging in, parents will be presented with a ballot containing the names of CEC candidates in their district. Parents will then cast a non-binding, advisory vote by voting for up to nine candidates. The independent agent managing the advisory vote will provide the results of the vote to the selectors from each school. Each PA/PTA president must make the results of the advisory vote available to the PA/PTA membership.

V. SELECTION PROCESS

A. Selection of parent members (voting)

1. Selectors must log on to www.powertotheparents.org to vote. Once logged in, selectors will be provided with a ballot containing the names of all nominees for the

[3] Parents may apply only to one community or citywide council.
[4] In the case of co-presidents, co-secretaries, or co-treasurers, the remaining members of the PA/PTA executive board will determine which co-officer will serve as a selector.
[5] If a family has more than one child in a school, only one vote is permitted.

CEC in their district. Each selector shall vote for two nominees. OFEA will provide selectors with more detailed information regarding the submission of ballots.

2. In selecting members for the CEC, the selectors must attempt to ensure that:
   a. membership reflects a representative cross-section of the community and the diversity of the student population including those with particular educational needs; and
   b. the enrollment figures in the district and the potential disparity of such enrollment from school to school are considered.
3. In selecting members for the CEC, the selectors must ensure that nine of the parent (voting) members are parents of children attending a school under the jurisdiction of the community school district, or parents of children who have attended a school under the jurisdiction of the community district within the preceding two years. Of these nine parent (voting) member positions, at least one position must be filled by a parent of an English language learner[6] (hereinafter referred to as "ELL parent"), and at least one position must be filled by a parent of a student with an individualized education program[7] (hereinafter referred to as an "IEP parent"). The remaining seven positions will be filled by parents who are otherwise eligible.
4. When ballots are tallied:
   a. The IEP parent and the ELL parent receiving the highest number of votes will be deemed conditionally selected.
   b. Of the remaining nominees, the seven nominees with the highest number of votes will be deemed conditionally selected. However, no school may have more than one parent representative on the CEC, except as provided in section V.A.4.d.
   c. If more than one nominee from the same school is selected, the nominee with the highest number of votes will be deemed selected. Other nominees from the school with fewer votes will be removed from consideration and the person with the next highest number of votes from a school not already represented on the CEC shall be deemed conditionally selected.
   d. The restriction described in V.A.4.c shall not apply to situations where if the restriction were enforced, fewer than nine parents would be selected or no IEP parent or ELL parent would be on the council.
5. In the event of a tie between or among nominees, or in the event that fewer than nine nominees are selected initially, a runoff selection will be conducted. In such cases, each selector shall vote for one nominee.
   a. Where a runoff is necessary due to a tie vote for one or more seats on a CEC, only those nominees who were in the tie will be eligible to be selected in the runoff.
   b. Where a runoff is necessary because one or more seats remains unfilled for reasons other than a tie, all nominees who have not been selected already will be eligible to be selected in the runoff.
   c. Where a runoff is necessary because no IEP parent received any votes, only those nominees who are IEP parents will be eligible to be selected in the runoff. Where a runoff is necessary because no ELL parent received any votes, only those nominees who are ELL parents will be eligible to be selected in the runoff.
   d. If the runoff does not result in all seats being filled, the independent agent managing the selection process for the Department of Education will determine the winner by lot, utilizing the same restrictions on eligibility found in Sections

[6] An English language learner is a student who is enrolled in a bilingual or English as a second language program.
[7] A child with an individualized education program is a student who has been deemed to have a disability that requires special education services.

V.A.5.a, V.A.5.b, and V.A.5.c above. However, in the event a nominee receives no votes in both the initial selection process and the runoff, a vacancy will be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Sections IX.A.2 and IX.A.3 of this regulation.

6. If a selected nominee becomes ineligible or is disqualified after the completion of the selection process but on or before June 25 of the selection year, the nominee who received the next highest number of votes in the initial selection process who is not from a school already represented on the CEC shall be deemed conditionally selected.[8] If the ineligible or disqualified nominee is the only IEP parent who was selected, the IEP parent who received the next highest number of votes in the initial selection process and who is not from a school already represented on the CEC shall be deemed conditionally selected. If the ineligible or disqualified nominee is the only ELL parent who was selected, the ELL parent who received the next highest number of votes in the initial selection process and who is not from a school already represented on the CEC shall be deemed conditionally selected. If advancing nominees as outlined above results in a tie, the independent agent managing the selection process for the Department of Education will determine the winner by lot.

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

B. Appointment by borough president

The borough president shall appoint two voting members. The two members must be residents of or own or operate a business in the district, and have extensive business, trade, or education experience and knowledge. Such members serve for a term of two years and may only be reappointed for one additional two year term.

C. Appointment of student member (non-voting)

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

VI. REVIEW OF QUALIFICATIONS/ELIGIBILITY

Following the conditional selection of nominees but prior to their taking office, the Chancellor or his/her designee shall determine whether nominees are eligible to serve on the CEC. If the Chancellor determines that a nominee is not eligible, in accordance with law, the Chancellor's written decision will be made available for public inspection within seven days of its issuance at the OFEA central office. Such decision shall include the factual and legal basis for its issuance. Any nominee deemed ineligible by the Chancellor shall be replaced by the nominee who received the next highest number of votes, as long as the nominee is not from a school already represented on the CEC.

VII. TIMING

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

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

shall be conducted over a 90-day period. This includes time allocated for publicizing the process, parent nominations, nominees' forums, parent advisory vote, and vote by selectors. OFEA will post precise timelines to implement this regulation.

VIII. RESIGNATIONS

A. Parent Members

Parent member resignations must be in writing, addressed to the Chancellor. The Chancellor designates the Chief Family Engagement Officer of the Office for Family Engagement and Advocacy to receive resignations on his/her behalf. Such resignations shall take effect upon delivery to or filing with the Chief Family Engagement Officer of the Office for Family Engagement and Advocacy, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Chancellor.

B. Borough President Appointees

Resignations of borough president appointees must be in writing, addressed to the appointing borough president. Such resignation shall take effect upon delivery to or filing with the appointing borough president, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the appointing borough president.

C. Student Members

Student member resignations must be in writing, addressed to the appointing community superintendent. Such resignations shall take effect upon delivery to or filing with the appointing community superintendent, unless a future date, not more than 30 days subsequent to the date of delivery or filing, is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the appointing community superintendent.

IX. VACANCIES

A. Parent and Borough President Appointee Vacancies

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

2. When a vacancy occurs on the CEC, the CEC shall fill the vacancy at a public meeting. For parent vacancies, the community school district's Presidents' Council and other education groups shall be given the opportunity to make written recommendations for filling the vacancy and to consult with the CEC before the vacancy is filled. If such a vacancy results in the council not having at least one member who is an ELL parent or at least one member who is an IEP parent, the CEC shall select a parent having such a qualification to fill the vacancy. Before selecting an IEP parent or an ELL parent to fill a vacancy, the CEC should consult with the Citywide Council on Special Education or Citywide Council on English Language

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

Learners.[10] For Borough President Appointee vacancies, the Borough President shall appoint a member to serve the remainder of the unexpired term.

3. If the vacancy is not filled by the CEC within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CEC fails to fill the vacancy within 60 days for any other reason, the Chancellor shall order the CEC to fill the vacancy pursuant to Section 2590-l of the Education Law.

B. Student Vacancies

In the case of a student vacancy, the community superintendent shall appoint another senior from the list of eligible students. The superintendent shall inform OFEA and the CEC of his/her appointment.

X. COMPLAINT PROCESS

Complaints about compliance with this regulation must be submitted to the Chancellor in writing within five (5) days of the alleged violation, and must contain the specific reasons for the complaint.

XI. TECHNICAL ASSISTANCE

OFEA will oversee implementation of the procedures contained in this regulation, and will provide technical assistance as necessary.

Inquiries pertaining to this regulation should be addressed to:

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

[10] From the effective date of this regulation until the next CEC selection in May 2011, any vacancy that exists on a council that does not already have an IEP parent member and/or an ELL parent member must be filled with a parent having such a qualification. In filling these vacancies, CECs consult with the Citywide Council on Special Education and the Citywide Council on English Language Learners, as appropriate. However, if a vacancy must be filled with an ELL parent at anytime before the members of Citywide Council on English Language Learners take office in July 2010, no such consultation is required. Where there is only one vacancy to be filled and the council does not already have both an IEP parent and an ELL parent, the CEC shall select one IEP parent and one ELL parent from among the candidates and then select a member by lot from among those two candidates.