

**Bylaws of the
Panel for Educational Policy
of the Department of Education of the
City School District of the
City of New York**

PREAMBLE

The Board of Education of the City of School District of the City of New York is created by the Legislature of the State of New York and derives its powers from State law.

The thirteen member body designated as the Board of Education in section 2590-b of the Education Law shall be known as the Panel for Educational Policy. The Panel for Educational Policy is a part of the governance structure responsible for the City School District of the City of New York, subject to the laws of the State of New York and the regulations of the State Department of Education. Other parts of the structure include the Chancellor, superintendents, community and citywide councils, principals, and school leadership teams. Together this structure shall be designated as the Department of Education of the City of New York.

The members of the Panel for Educational Policy are appointed according to law as follows: one member is appointed by each Borough President and eight members are appointed by the Mayor. Each Borough President's appointee shall be a resident of the borough for which the borough president appointing him or her was elected and shall be the parent of a child attending a public school within the City School District. Each mayoral appointee shall be a resident of the city and two mayoral appointees shall be parents of a child attending a public school within the City School District. The parent members shall be eligible to continue to serve on the City Board for two years following the conclusion of their child's attendance at the public school. The Chancellor shall serve as a non-voting ex-officio member of the Panel for educational Policy. The Panel shall also include two non-voting student advisory members selected by the Chancellor's High School Advisory Council. All members serve at the pleasure of the official who appointed them.

A vacancy on the Panel for Educational Policy shall, by law, be filled by appointment by the appropriate Borough President or the Mayor within 90 days of such vacancy.

The Bylaws of the Panel for Educational Policy set forth rules by which the Panel governs the conduct of its official business and affairs.

ARTICLE 1

Members of the Panel for Educational Policy

Section 1.1 Members and Officers

The Panel for Educational Policy shall elect its own Chairperson and Vice Chair from among its voting members.

The Chairperson shall preside at all meetings of the Panel for Educational Policy and perform all duties assigned to him/her by law and these Bylaws;

The Chairperson shall appoint all committees except as otherwise determined by the Panel for Educational Policy, and the Chairperson and Vice Chair shall be non-voting ex officio members of all committees;

The Panel for Educational Policy shall appoint a Secretary of the Panel who is not an appointed member of the Panel but who shall otherwise exercise the powers and duties conferred to him or her by these Bylaws.

The Chancellor is the chief executive officer and Superintendent of the City School District and shall have such powers and duties as are prescribed by law. He/she shall have a seat on the Panel for Educational Policy and the right to speak, but not to vote, on all matters before the Panel.

The Chancellor shall have custody of the corporate seal;

Nothing in these Bylaws shall be construed to affect the powers and duties conferred by law directly on the Chancellor as the chief executive officer and Superintendent of the City School District.

1.1.1 Absence or disability of the Chairperson or Vice Chair

In the event of the absence or disability of the Chairperson, the Vice Chair shall perform the duties of Chairperson.

In the event of the absence or disability of both the Chairperson and the Vice Chair, the Secretary shall call the roll, and on the appearance of a quorum, shall call the Panel to order, when the Panel shall elect a chairperson pro tempore to perform the duties as Chairperson with regard to presiding at that meeting.

Section 1.2 Panel Members – Functions

The members of the Panel for Educational Policy shall perform those duties and have those responsibilities assigned to them by Education Law 2590-g, including the responsibility to advise the Chancellor on matters affecting the welfare of the city school district and its pupils.

Section 1.3 Non-Voting Student Advisory Members

Non-voting student advisory members shall consist of two high school students selected by the Chancellor's High School Student Advisory Council. The advisory members may attend all public meetings of the Panel for Educational Policy but shall have no vote. The terms of the non-voting student advisory members shall begin on July 1st and end on June 30th of the following year.

Section 1.4 Committees of the Panel for Educational Policy

1.4.1 Appeals Committee

When an appeal is filed pursuant to sections 2590-g, 2590-l, and 2590-i(2)(a) of the Education Law, the Chairman of the Panel for Educational Policy may appoint an appeals committee to hear appeals and make recommendations to the full Panel.

1.4.2. Contracts Committee

The Chairperson of the Panel for Educational Policy shall appoint a Contracts Committee which shall be responsible for reviewing contracts proposed by the Chancellor and making recommendations to the full Panel. The Contracts Committee shall be comprised of three Panel members appointed by the Mayor, two Panel members appointed by Borough Presidents, and a non-voting designee of the Chancellor who shall be responsible for providing information to the Contracts Committee regarding proposed contracts to come before the Panel.

1.4.3. Other Committees

The Panel for Educational Policy may have additional committees which shall be appointed by the Chairperson in accordance with these Bylaws. Committees of the Panel for Educational Policy may include advisory members of the committee with no voting rights. An advisory member(s) may be affiliated with the public, private, or non-profit sectors.

Section 1.5 Secretary-Functions

1.5.1 Secretary's appointment and duties.

The Secretary of the Panel for Educational Policy shall:

- have charge of the books, papers and documents of the Panel for Educational Policy;
- prepare the agenda for each meeting of the Panel for Educational Policy;
- keep the minutes of the Panel for Educational Policy and such other minutes as the Panel for Educational Policy may direct;

- make minutes of all Panel regular meetings available to the public, including via the City Board's official internet website, in a timely manner but no later than the subsequent regular Panel meeting.
- review and process in accordance with appropriate directives all appeals to the Panel for Educational Policy filed in accordance with law, and be the clerk of the appeal board in accordance with regulations of the Commissioner of Education, part 113; and
- perform such other duties as the Chairperson and the Panel shall require including providing appropriate follow-up information as requested within a reasonable time of the request.

1.5.2 Secretary's absence

When the Secretary is not present at any meeting, the Secretary's duties shall be performed by a designee of the Chairperson.

ARTICLE 2

Meetings

Section 2.1 Types of Panel for Educational Policy Meetings

Meetings shall be open to the public except to the extent permitted by law. The Panel for Educational Policy may adjourn a meeting or recess a meeting by agreement of a majority of those members attending a meeting. Upon announcing an adjournment or a recess, the Chairperson shall also announce an estimated date and/or time for reconvening the Panel for Educational Policy into public session.

2.1.1 Calendar Meetings

The Panel shall hold at least one public meeting per month. These meetings are held to take official action, in public, on matters for which the Panel for Educational Policy is responsible. At calendar meetings, business shall be the consideration of the resolutions, communications and other appropriate matters as described in the agenda accompanying the meeting notice. No other matters shall be considered except by consent of a majority of the members present.

At calendar meetings the Chairperson shall ensure that there is a sufficient period of time to allow for public comment on any topic on the agenda prior to a vote by the Panel.

Notice of Calendar Meetings

At least ten business days in advance of calendar meetings, notice of the time, place and agenda for such meetings shall be publicly provided, including via the Panel for Educational Policy's official internet web site, and circulated to all

community superintendents, community district education councils, community boards and school leadership teams.

Agenda for Calendar Meetings

The agenda for each calendar meeting shall be comprised of a list and brief description of the subject matter being considered and identification of all items subject to a Panel vote. The agenda for each calendar meeting shall also include the name, office, address, email address, and telephone number of a City District Representative, knowledgeable about the agenda, from whom any information may be obtained and to whom written comments may be submitted concerning agenda items.

2.1.2 Public Agenda Meetings and Public Hearings

These meetings are held to encourage maximum participation of the general public in the work of the Panel for Educational Policy. At these meetings, the Panel listens to the views of the public. These meetings may proceed without a quorum present. No votes are taken at these meetings.

These meetings shall be called at the discretion of the Chairperson.

2.1.3 Special Calendar Meetings and Adjourned or Recessed Meetings

Special calendar meetings may be held on the call of the Chairperson. Where possible, written notice of such meeting shall be given to each Panel member not less than twenty-four (24) hours in advance of the meeting, but in any event shall be provided as soon as practicable, and shall state the matters to be considered. No other matters may be considered at such meetings except with the consent of all members present. Meetings may be reconvened to continue the work of an adjourned or recessed meeting.

2.1.4 Change in Date or Time and Cancellation of Meetings

A meeting of the Panel for Educational Policy may be changed to a stated date and time at the direction of the Chairperson.

2.1.5 Place and Time of Meetings

All calendar meetings of the Panel for Educational Policy and public agenda meetings shall be held at a place to be determined by the Chairperson.

At least one regular public meeting shall be held in each borough of the City of New York per year.

The Panel for Educational Policy shall consider appropriate public accommodations when selecting a venue so as to maximize participation by parents and the community.

2.1.6 Notification

The Secretary shall notify all members of the postponement or cancellation of any regular meeting or the calling of any special meeting or the holding of any adjourned or recessed meeting.

Section 2.2 Quorum

A majority of the members of the Panel for Educational Policy shall constitute a quorum at all meetings of the Panel for Educational Policy. If a smaller number than the majority is present, the Secretary shall call the roll, record the names of the absentees and adjourn.

The Panel for Educational Policy shall act at its calendar and special meetings by a majority of the whole Panel for Educational Policy.

The Panel for Educational Policy shall act at executive sessions to the extent permitted by law by a majority of the whole Panel.

A committee of the Panel for Educational Policy shall act at committee meetings by a majority of the committee, to the extent permitted by law.

Section 2.3 Parliamentary Procedures

The Chairperson shall decide all questions of order and procedure, for which the Chairperson shall refer to Roberts Rules of Order as he or she deems necessary.

At the calendar meeting the Secretary will read the heading of every resolution on the calendar. If no one attending the meeting wishes to address a particular resolution, it will be voted on the first reading.

When a question is put, every member present shall vote thereon, unless excused by the Panel. The minutes of the meeting shall reflect the vote of each member present and at the request of any member the roll of those present shall be called for the purpose of recording the yeas and nays.

If the Panel for Educational Policy does not complete the business items of a calendar meeting, the Chairperson may adjourn or recess the meeting to a specified date and time, or instruct the Secretary to reschedule the unfinished business at the next regular calendar meeting or at a special meeting.

Section 2.4 Construction of Calendar

All resolutions requiring Panel for Educational Policy action shall be submitted to the Secretary at least five days in advance of the deadline for the provision of public notice of the meeting, as described in Section 2.1.1 of these Bylaws.

Except as otherwise provided by law, Panel members may request that items be placed on the calendar by notifying the Secretary in writing no later than two business days prior to the deadline for provision of public notice of the meeting. If, however, a Panel member makes such a request after the two day deadline but at any time prior to the upcoming calendar meeting, the Chairperson shall respond to the request at any time prior to that meeting.

If a member of the Panel for Educational Policy requests that an item be placed on the calendar at a calendar meeting, the Chairperson shall take a vote of the Panel members regarding whether such item shall be added to the calendar. An item may be added to the calendar at the meeting by majority vote of those present.

Any item which is not submitted in accordance with these procedures may be withheld by the Secretary and will appear on the calendar for the subsequent meeting.

Items may only be included on the agenda as provided by these Bylaws.

To the extent practicable, the Secretary shall deliver the agenda for each business meeting along with all available supporting materials to each member of the Panel for Educational Policy at least ten (10) business days in advance of the meeting, except in the case of a special meeting called under extenuating circumstances when materials shall be delivered at least twenty-four (24) hours in advance.

Section 2.5 Public Review Process

2.5.1 Notice and Comment Period

The Panel for Educational Policy shall undertake a public review process prior to approving the following proposed items pursuant to Education Law 2590-g(1):

- a) standards, policies and objectives proposed by the Chancellor directly related to educational achievement and student performance;
- b) standards, policies, and objectives as specifically authorized or required by state or federal law or regulation;
- c) regulations proposed by the Chancellor and the Panel and any amendments made thereto;
- d) the educational facilities capital plan, and any amendments requiring Panel approval, pursuant to Education Law 2590-p;
- e) annual estimates of the total sum of money which the Panel deems necessary for the operation of the City District and the capital budget, pursuant to Educational Law 2590-q;

- f) the allocation of projected revenues among community districts and their schools pursuant to Education Law 2590-r(a) and the aggregation of the community district budgets pursuant to 2590-r(f);
- g) a procurement policy for the City District and any amendments made thereto; and
- h) proposals for all school closures or significant changes in school utilization.

The public review process shall include notice of the proposed item under Panel consideration at least 45 days in advance of the Panel vote on such item. Such public notice shall include a description of the subject and the purpose and substance of the proposed item under consideration, and shall otherwise conform to the requirements of Education Law 2590-g(8)(a).

For purposes of this section, amendments of proposed items described in subsections (c) and (d) above do not include correction of typographical or grammatical errors, changes of contact information, and reformatting of documents.

2.5.2 Notice of Revisions

In the event that an item proposed to the Panel pursuant to 2590-g is substantially revised after public notice has been provided, the Panel for Educational Policy shall issue a revised public notice. Such revised notice shall be issued at least 15 days before a Panel vote on the proposed item, but in no event shall the Panel vote on the proposed item within 45 days from the date of the initial public notice. Notice of the revised item shall otherwise conform to the requirements of Education Law 2590-g(8)(b).

2.5.3 Assessment of Comments

Following the public review process, the Secretary shall make available to the public, including via the Panel's official internet web site, an assessment of the public comments concerning the item under consideration prior to 24 hours before the Panel vote on such item. The Secretary shall conduct such assessment in accordance with Education Law 2590-g(8)(c).

2.5.4 Emergency Adoptions

In the event that the Panel for Educational Policy or the Chancellor determines that immediate adoption of any item requiring Panel approval is necessary for the preservation of student health, safety or general welfare and that compliance with the public review process described in Section 2.5 of these Bylaws would be contrary to the public interest, such proposed item may be adopted on an emergency basis in accordance with the procedures set forth in Education Law 2590-g(9).

Except as otherwise provided by law, an emergency adoption of an item proposed pursuant to Education Law 2590-g(1) shall remain in effect for 60 days, during which time the Panel for Educational Policy shall comply with the public review process described in Section 2.5 of these Bylaws in order for the adopted item to become permanent.

Emergency adoptions of items relating to school closures or significant changes in school utilizations shall remain in effect for six months. During this time the Panel shall comply with the process described in Section 2.5 of these Bylaws in order to extend the school closure or change in school utilization beyond the six month period.

Section 2.6 Minutes

Minutes of calendar meetings shall be made publicly available, including via the Panel for Educational Policy's official internet web site, in a timely manner but no later than the subsequent calendar meeting.

ARTICLE 3

Bylaws

Section 3.1 Adoption-Amendment-Repeal

Bylaws shall be adopted, amended or repealed by vote of the majority of the Panel for Educational Policy and in accordance with the requirements of Education Law 2590-d.

Section 3.2 Suspension

Bylaws may be suspended as to a particular instance or matter, but not in general, on the vote of a majority of the full membership attending a public calendar or special meeting of the Panel for Educational Policy. Only those suspensions so enacted and recorded in writing shall have official status as representing the position of the Panel for Educational Policy.

ARTICLE 4

Personnel

Section 4.1 Sabbatical Leaves of Absence

Sabbatical leaves of absence with pay may be granted by the Chancellor to eligible personnel in accordance with policies of the Panel for Educational Policy. For community school districts, the community superintendent may grant such leaves in accordance with policies of the Panel and regulations of the Chancellor.

Such sabbatical leaves may be terminated by the Chancellor or community superintendent prior to the initially established expiration dates thereof.

Such sabbatical leaves may be canceled by the Chancellor or community superintendent when the application for cancellation is received prior to the first school day of the period of such leave.

Section 4.2 Removal-Suspension-Trial of Charges

4.2.1 Charges

Charges may be preferred against any employee for:

unauthorized absence from duty or excessive lateness;

neglect of duty;

conduct unbecoming his/her position, or conduct prejudicial to the good order, efficiency or discipline of the service;

incompetent or inefficient service;

violation of the Bylaws, rules or regulations of the board of education; or

any substantial cause that renders the employee unfit to perform his/her obligations properly to the service.

4.2.2 Trial of Charges-Classified Employees

The Chancellor or the Chancellor's designee shall initiate charges against an employee in the classified service in accordance with Civil Service Law, section 75.

4.2.3 Trial of Charges-Charges

An employee against whom charges have been preferred shall in person, or by counsel or representative, be entitled before the hearing to be furnished a copy of the charges and specifications, and shall be entitled to participate in person, by counsel or representative, in the trial of the charges, to cross-examine opposing witnesses and to call and examine witnesses in his/her own behalf. The preferral of charges against an employee shall not prevent the inclusion in the trial of additional charges and specifications, provided the employee is informed thereof.

4.2.4 Default or Waiver by Employee

If a pedagogical employee waives the right to a hearing pursuant to a section 3020-a of the State Education Law, the Panel for Educational Policy or the

community superintendent, as applicable, shall proceed to determine the case and fix the penalty or punishment, if any to be imposed, in accordance with section 3020-a of the State Education Law.

4.2.5 Decision on Charges After Trial

1) Teaching and Supervisory Staff

Within thirty days of receipt of the report of the section 3020-a hearing panel, or as soon thereafter as practicable the Chancellor or the community superintendent, as applicable, shall implement the panel's recommendations. An appeal of the findings and recommendations of the hearing panel may be taken in accordance with section 3020-a of the State Education Law.

2) Classified Employees

The report of a trial committee or trial examiner shall be subject to final action by the Chancellor who shall, before acting, review the testimony and the evidence in the case. The reasons and factual basis for the decision shall be summarized in the Chancellor's final decision.

4.3 Reviews related to Ratings and/or Recommendations re Probationary Service of Pedagogical Personnel

4.3.1 Appeals re Ratings

Any person in the employ of the City School District who appears before the Chancellor, or a committee designated by the Chancellor, the size and composition of which the Chancellor is to determine, in respect to an appeal from a rating of an other than a satisfactory rating or an NR rating shall be afforded the opportunity for review in the manner set forth herein and in procedures established by the Chancellor.

A committee designated by the Chancellor shall summon the appellant as soon as practicable, but in any event not later than one year from the date of the receipt of the rating by the appellant.

The findings and recommendations of the committee shall be submitted to the Chancellor for a final decision.

4.3.2 Appeals re Discontinuance of Probationary Service

Any person in the employ of the City School District who appears before the Chancellor, or a committee designated by the Chancellor, concerning the discontinuance of service during the probationary term, or at the expiration thereof, shall have a review of the matter before a committee which shall be designated in accordance with contractual agreements covering employees or by

regulations of the Chancellor, as appropriate. After the review, the committee shall forward its advisory recommendation to the community superintendent or to the Chancellor in accordance with contractual agreements.

4.3.3 Committee Reviews

Any person who appears before a committee for the purpose of appealing a rating or concerning the discontinuance or denial of completion of probationary service or denial of certification or termination of a pedagogical license issued by or on behalf of the City School District to a non-tenured employee shall receive written notice of the time and place of the review, addressed either to the place of employment or to the last known post office address, at least one week before the date specified for said review. The notice shall inform the person that he or she is entitled to appear in person, to be accompanied and advised by an employee of the City School District or a representative of the union recognized by the Panel for Educational Policy as the collective bargaining representative for the employee, to be confronted by witnesses, if any, to call witnesses, to examine exhibits and to introduce any relevant evidence.

If a witness who was summoned or requested to appear is unavailable or unwilling to appear despite the best efforts of the committee, this shall not prevent a review from continuing but shall be one of the factors considered by the committee.

The advisor need not be an attorney. The attendance of such advisor and witnesses, if employees of the City School District, shall not be deemed absence from official duty, but such persons shall not absent themselves from school duty except pursuant to such rules as the chancellor shall prescribe.

No employee of the City School District shall serve as an advisor or panel member in more than two (2) matters in a school year nor request or accept directly or indirectly any remuneration or other consideration for service as adviser or witness.

A sound recording shall be kept of the proceedings and the person who is appearing before the committee for the purpose of appealing a rating or concerning the discontinuance or denial of completion of probationary service or denial of certification shall be entitled to receive a duplicate of the sound recording of the review, at cost, upon written request. In the event that the sound recording equipment is not available or breaks down during the review, minutes shall be taken of the proceedings and such minutes shall be available to the person summoned at cost and upon reasonable written notice.

Nothing herein shall preclude witnesses from appearing at review proceedings by teleconference or other technological means.

Employees who are not entitled to a review of a u-rating, who timely appeal the decision to terminate their license or certificate, shall have the decision to

terminate their licenses or certificates reviewed in accordance with the procedures contained in Chancellor's Regulation C-31. Those procedures shall be deemed to be incorporated herein, and witnesses may also appear by teleconference or by other technological means.

Section 4.4 Retirement

Retirement of employees of the City School District shall be in accordance with applicable provisions of laws and rules and regulations pertaining to the retirement system of which such employee is a member. An employee of the City School District shall submit to a medical examination by the medical board of the retirement system of which he/she is a member when requested to do so, pursuant to an application of the Chancellor in accordance with applicable law or regulations pertaining to such retirement system after examination by and recommendation of the medical division. Neglect, refusal or failure to submit to such medical examination shall be deemed an act of insubordination.

ARTICLE 5

Appeals

Section 5.1 Rules

All appeals to the Panel for Educational Policy shall be served on the person designated by the Chancellor to receive such appeals. The Chancellor shall be authorized to establish and publish appropriate rules for the processing of appeals.

ARTICLE 6

Contracts and Settlements

Section 6.1 Contracts

The Chancellor shall present contracts to the Panel for Educational Policy for its approval in the following circumstances:

- where the contract is let by a procurement method other than competitive sealed bidding pursuant to Education Law 2590-h;
- where the contract provides for technical, consultant or personal services;
- where the value of the contract exceeds or projects an annual expenditure exceeding one million dollars; or
- where the value of a contract awarded to a single entity exceeds one million dollars annually.

Section 6.2 Settlements

Prior to approving the settlement of litigation where the settlement would significantly impact the provision of educational services or programming within the City School District, the Chancellor shall present the proposed settlement to the Panel for Educational Policy for its approval.