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 June 26, 2012.

Changes:

- In accordance with recent amendments to the New York State Education law, the definition of the term "ELL parent" has been expanded to include the parent of a child who is either currently an English language learner or who has been an English language learner within the preceding two years. (See page 2, Section II.D)

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, at the time of their selection, be parents of students in grades Kindergarten through Eight who are attending a school in the community school district. 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 in grades Kindergarten through Eight who currently attend a school under the jurisdiction of the community school district in which the parents wish to serve on the CEC are eligible to self-nominate. Eligibility is determined as of the date that the parent submits an application to run for a position on a CEC. A parent who is eligible at the time of application shall, if duly elected, be permitted to serve a full two-year term on the CEC, even if their child graduates from the eighth grade and/or ceases to attend a school under the jurisdiction of the community school district during the parent's term.[2]

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 Department of Education (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 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.

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[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] All parent members who serve on the CEC shall be parents whose children are attending a school under the jurisdiction of the community school district, or have attended a school under the jurisdiction of the community school district within the preceding two years.

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 school's 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 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 form online at http://www.nycparentleaders.org. Nominees may apply for more than one Community and/or Citywide Education Council. Although multiple applications are permitted, nominees will not be permitted to serve on more than one council. At the time of application, nominees who apply to serve on more than one council must rank the councils to which they are applying in order of preference. Nominees who are conditionally selected to serve on more than one council will be seated on the council that they ranked highest from among the councils to which they are conditionally selected. The Division of Family and Community Engagement (FACE) will post timeframes for the submission of applications on http://www.nycparentleaders.org. Parents who do not have internet access may contact FACE for a list of schools and local organizations that can provide access to a computer with internet service.

B. Nominees are required to list information on their application regarding each school under the jurisdiction of the community school district where they currently have a child in attendance. A nominee will be considered a representative of each such school. A nominee's failure to provide information regarding each school for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion.

C. Nominees who wish to be eligible to fill the one seat on the CEC that is reserved by statute for the parent of a child with an individualized education program[3] (hereinafter referred to as an "IEP parent") must indicate on their application that they expressly consent to the disclosure of information regarding the fact that they are IEP parents.

D. Nominees who wish to be eligible to fill the one seat on the CEC that is reserved by statute for the parent of a child who is either currently an English language learner[4] or who has been an English language learner within the preceding two years (hereinafter referred to as an "ELL parent") must indicate on their application that they expressly consent to the disclosure of information regarding the fact that they are ELL parents.

E. Portions of each nominee's application (name, school child attends, statement of background and activities, and personal statement) will be posted on http://www.nycparentleaders.org for parents and the public to view them. A nominee's status as an IEP parent or ELL parent will be posted if the nominee has expressly indicated on the nominee's application that he or she consents to such disclosure.

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).[5] 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.

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[3] A child with an individualized education program is a student who has been deemed to have a disability that requires special education services.

[4] An English language learner is a student who is enrolled in a bilingual or English as a second language program.

[5] 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.

IV. NOMINEES' FORUM PROCESS

A. 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.

B. The Nominees' Forum must occur after the deadline for submitting nominee applications has passed, but before the designated selector vote occurs on the second Tuesday in May of the selection year. The Presidents' Council will determine a DOE location, date, and appropriate time for the Nominees' Forum, and will acquire all necessary permits required for the Nominees' Forum. FACE will assume the costs of all necessary permits and other fees associated with the Nominees' Forum.

C. FACE will provide the Presidents' Council with copies of a district-specific nominees' brochure containing the names and personal statements of all nominees running for the CEC in that district, for distribution at the Nominees' Forum. FACE will provide additional logistic support for the Nominees' Forum as needed.

V. SELECTION PROCESS

A. Selection of parent members (voting)

1. Selectors must log on to http://www.nycparentleaders.org to vote. Once logged in, selectors will be provided with a ballot containing the names of all nominees for the CEC in their district. Each selector shall vote for two nominees. FACE 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. Of the nine parent (voting) member positions on the CEC, at least one position must be filled by an IEP parent, and at least one position must be filled by an ELL parent. The remaining seven positions may be filled by any eligible parent.

4. When ballots are tallied:

   a. The seven nominees who received 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.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.

   b. If an IEP parent and an ELL parent are among the seven nominees who received the highest number of votes and who were conditionally selected, then the two previously unselected nominees who received the highest number of votes will be deemed conditionally selected to fill the two remaining positions on the CEC. If an IEP parent and an ELL parent are not among the seven nominees who received the highest number of votes and were conditionally selected, then the IEP parent (if the IEP seat is not yet conditionally filled) and the ELL parent (if the ELL seat is not yet conditionally filled) receiving 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.c. If an IEP parent and/or an ELL parent is from the same school as a conditionally selected parent who received a higher number of votes, the IEP parent and/or ELL parent from the same school will be removed from consideration and the IEP parent and/or ELL parent with the next highest number of votes from a school not already

represented on the CEC shall be deemed conditionally selected. A nominee who is both an IEP parent and an ELL parent may fill either the seat reserved for an IEP parent or the seat reserved for an ELL parent, but not both.

c. The restrictions described in Sections V.A.4.a and V.A.4.b shall not apply to situations where the application of the restrictions would result in fewer than nine parents being selected, or in no IEP parent or ELL parent being seated on the CEC.

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 no IEP parent received any votes, only those nominees who are IEP parents will be eligible to be selected in the runoff for the IEP seat. 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 for the ELL seat.

   c. Where a runoff is necessary because one or more seats remain unfilled by operation of the restrictions set forth in Sections V.A.4.a and V.A.4.b against selecting multiple candidates from the same school, all nominees who have not been selected already and whose children do not attend a school already represented on the CEC will be eligible to be selected in the runoff. If the runoff fails to result in all seats being filled, then the exception set forth in Section V.A.4.c will apply.

   d. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those identified above in Sections V.A.5.a, V.A.5.b and V.A.5.c, all nominees who have not been selected already will be eligible to be selected in the runoff.

   e. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections V.A.5.a, V.A.5.b, V.A.5.c and/or V.A.5.d above, the multiple runoffs will be conducted at the same time but in separate segments with nominees grouped pursuant to the requirements of Sections V.A.5.a, V.A.5.b, V.A.5.c. and V.A.5.d.

   f. If the runoff selection process 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 V.A.5.a, V.A.5.b, V.A.5.c and V.A.5.d 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.[6] 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

[6] 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.

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. If no eligible nominee remains available to be selected, 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.

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.[7] 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.[8] Nominees seeking appointment to a CEC by the Borough President shall obtain an application form from the Borough President's office, and submit their completed application form to the Borough President's office.

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 FACE 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 1st following selection. The selection process shall be conducted over a 90-day period. This includes time allocated for publicizing the process, parent nominations, nominees' forums, and the vote by selectors. General information regarding the roles, functions, and activities of the CECs, as well as the nature of the application and selection processes, will be distributed beginning in January of the school year in which a selection process occurs. FACE will post precise timelines to implement this regulation.

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

[8] If a person is selected to fill a vacancy in a position appointed by the Borough President for a partial term of less than two years pursuant to Section IX.A.4 of this regulation, such partial term shall not be deemed to count toward the calculation of term limits for Borough President appointees, except that no person who has previously served as a Borough President appointee for a length of time equivalent to two full terms shall be eligible to fill a vacancy in a position appointed by the Borough President.

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 Division of Family and Community Engagement 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 Division of Family and Community Engagement, 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 parent vacancy occurs on the CEC, the CEC shall fill the vacancy for the remainder of the unexpired term at a public meeting. The community school district's Presidents' Council and other education groups shall be given the opportunity to make written recommendations for filling the parent 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 Learners. All individuals interested in filling a parent vacancy on a CEC must complete an application form. Application forms may be obtained from the applicable CEC or from FACE.

3. If the parent 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

[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.

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.

4. When a vacancy occurs in a position appointed by the Borough President, the Borough President shall appoint a member to serve the remainder of the unexpired term. Nominees seeking to fill a Borough President appointee vacancy shall obtain an application form from the Borough President's office, and submit their completed application form to the Borough President's office.

B. Student Vacancies

In the case of a student vacancy, the community superintendent shall appoint another senior from the list of eligible students to serve the remainder of the unexpired term. The superintendent shall inform FACE 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

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