



Regulation of the Chancellor

Number: **D-140**

Subject: **PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE COMMUNITY EDUCATION COUNCILS, INCLUDING FILLING VACANCIES**

Category: **COMMUNITY EDUCATION COUNCILS**

Issued: **December 22, 2022**

SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation D-140 dated April 29, 2021.

Changes:

- Updates multiple provisions throughout the regulation to align with the 2022 amendments to the New York Education Law related to the composition of Community Education Councils, namely: adding as a new voting member a parent whose child is attending or has within the last two years attended a District 75 school or program; and adding a second non-voting student member.
- Establishes a process for the election of the new voting member representing District 75 schools and programs, and a process for filling any vacancy that occurs in such position (Sections V, IX).



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ABSTRACT

This regulation details the eligibility requirements and the nomination and selection/election procedures for Community Education Council (“CEC”) members. It also provides the process for filling vacancies.

I. COMPOSITION

Every community school district must have a Community Education Council (“CEC”) that consists of 12 voting members and two non-voting student members. Nine of the voting members are elected pursuant to the procedures set forth in this regulation and must, at the time of their election, be parents of students in grades Kindergarten through Eight, or in a Pre-Kindergarten (Pre-K) program, who are attending a school or a Pre-K program offered by a school under the jurisdiction of the community school district. A tenth voting member is elected pursuant to the procedures set forth in this regulation and must, at the time of their election, be a parent of a student in a District 75 school or program located within the CEC’s geographic district. The two remaining voting members are appointed by the Borough President. The student members are appointed by the community superintendent.

II. ELIGIBILITY

A. Parents

1. Nine parent members who serve on the CEC shall be parents whose children are attending a school or a pre-K program offered by a school under the jurisdiction of the community school district, or have attended such a school or pre-K program within the preceding two years.

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2. One parent member must be a parent with a child attending a District 75 school or program located within the CEC's geographic district, or who has attended such a school or program within the preceding two years.
 3. 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.
 4. Any parent of a student in grades Kindergarten through Eight, or in a Pre-K program, who currently attends a school or a Pre-K program offered by a school under the jurisdiction of the community school district is eligible to run for a seat on the CEC in that district.
 5. Any parent of a student in a District 75 school or program located within the CEC's geographic district is eligible to run for the seat on the CEC that is reserved for a parent of a student in a District 75 school or program ("District 75 Seat").
 6. Eligibility is determined as of the date the parent submits an application to run for a seat on the CEC.
 7. A parent of a child in grades Kindergarten through Eight 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 the 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.
 8. A parent of a child in a District 75 school or program 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 the child ceases to attend a District 75 school or program within the CEC's geographic district during the parent's term.
 9. A parent of a child in a Pre-K program who is eligible at the time of application shall be ineligible to serve if the child no longer attends a school or pre-K program offered by a school under the jurisdiction of the same community school district.
 10. Parent members serve two-year terms and have no term limit.
- B. Borough President Appointees
1. The two members appointed by the Borough President 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 two-year terms and have no term limit.

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2. Persons seeking appointment to a CEC by the Borough President shall obtain an application from the DOE Office of Family and Community Empowerment (“FACE”), and submit the completed form to FACE at cceinfo@schools.nyc.gov. FACE will review eligibility and forward eligible applications to the appropriate Borough President. All appointment decisions shall be at the discretion of the Borough President.

C. Student Members (Non-Voting)

1. 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. For purposes of this regulation, a senior is a student who has 30 high school credits.
2. Interested students must obtain an application from FACE and submit the completed application to FACE at cceinfo@schools.nyc.gov. FACE will review eligibility and forward eligible applications to the relevant community district superintendent. All appointment decisions shall be at the discretion of the superintendent.
3. Non-voting student members serve a one-year term beginning on July 1 and ending on June 30 of the following year.

D. Persons Not Eligible to Serve

1. The following persons are not eligible:
 - 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 New York City Department of Education (“DOE”) employees;
 - c. Persons who are on another CEC, or any Citywide Council;
 - d. Members of the Panel for Educational Policy;
 - e. Persons who have been removed from a Parent Association or Parent-Teacher Association, School Leadership Team, 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; and

- f. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor.
2. The following persons may be ineligible:
 - a. Persons who have engaged in an act of malfeasance directly related to their service on a CEC or a Citywide Council; or
 - b. Persons who have been convicted of a crime, provided that any such conviction shall be considered in accordance with Article 23-A of the New York State Correction Law.

III. SEEKING ELECTION TO A CEC

- A. FACE shall publicize the election process, including timeframes for the submission of applications and voting, beginning in January of the election year.
- B. Parents interested in serving on a CEC shall submit an application online through the New York City Schools Account (“NYCSA”) application. Parents who do not have internet access may arrange with their parent coordinator or principal to use a computer at their school or at a district office, or call 311 for information on accessing computers at public libraries.
- C. Candidates shall certify on their application that they have linked all their children attending DOE schools to their NYCSA account. A candidate who is applying for a CEC will be considered a representative of each school under the jurisdiction of the community school district where they currently have a child in attendance. A candidate who is applying for the District 75 Seat will be considered a representative of each District 75 school or program within the CEC’s geographic district where they currently have a child in attendance. A candidate’s failure to provide information regarding each school for which the candidate is a representative will be grounds for disqualification.
- D. Candidates may apply for as many Community and/or Citywide Education Councils as they are eligible for but, if elected, will be allowed to serve on only one. Candidates who wish to apply to multiple councils must rank them in order of preference; if elected to more than one council, they will be seated on the council that they ranked highest.
- E. At least one seat on the CEC must be filled by a parent of a student who has or had at any time an Individualized Education Program (“IEP Parent”). A candidate who wishes to be considered for this seat must consent to the disclosure of information regarding the fact that such candidate is an IEP parent.

- F. At least one seat on the CEC must be filled by a parent of a student who is or has been at any time an English Language Learner (“ELL parent”). An English Language Learner is a student whose home language is not English and who is enrolled in a dual language, transitional bilingual education, or English as a New Language program because the student needs support learning English. A candidate who wishes to serve on a CEC as an ELL parent must consent on the application to the disclosure of information regarding the fact that such candidate is an ELL parent.

IV. CANDIDATE FORUMS

- A. In each community school district, the Presidents’ Council, in collaboration with and with logistical support from FACE, shall hold at least one Candidate Forum where candidates will be permitted to make presentations to parents and other interested parties.
- B. A separate Candidate Forum may be held for candidates seeking election to the District 75 Seat.
- C. All Candidate Forums must occur after the deadline for submitting applications has passed, but before the start of the voting period, which must conclude on the second Tuesday in May of the election year.
- D. Candidate Forums may be held in a physical location or on a virtual meeting platform. The Presidents’ Council, together with FACE, shall determine the date, time and format for each Candidate Forum. In the case of an in-person forum, FACE will secure an accessible, ADA-compliant location and acquire and assume the cost of all necessary permits for DOE locations. In the case of forums held on a virtual platform, FACE will assume the cost of the platform and provide technical assistance during the meeting.
- E. In advance of each Candidate Forum, FACE shall make available portions of each candidate’s application indicating the candidate’s name, child(ren)’s school(s) and programs, and personal statement (“Candidate Profile”). Candidate Profiles shall be posted on the DOE website for parents and the public to view. FACE will also provide copies for distribution at Candidate Forums held in person.

V. ELECTION PROCESS

- A. Eligible Voters
 - 1. A parent of a student in grades Kindergarten through Eight, or in a pre-K program, who currently attends a school or a pre-K program offered by a school under the jurisdiction of the community school district is eligible to vote for the CEC in that district.

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2. A parent of a student in a District 75 school or program located within the CEC's geographic district is eligible to vote for the District 75 Seat.
3. Three votes per eligible student may be cast.

B. Voting

1. Parents are encouraged to vote online through the NYCSA application.
2. Parents who do not have internet access may arrange with their parent coordinator or principal to use a computer at their school or district office to establish a NYCSA account and vote, or call 311 for information on accessing computers at public libraries.
3. Paper ballots will also be available at superintendent offices. If a superintendent office establishes a NYCSA account and enters the parent's vote on behalf of a parent, the superintendent office must maintain records of the paper ballot(s) completed by the parent indicating the parent's selection, the parent's consent for the superintendent office to establish a NYCSA account and enter the parent's vote on behalf of the parent, and a certification that the superintendent office entered the parent's vote on behalf of the parent.

C. Seating Candidates

1. Of the nine elected members on the CEC who must be parents of students attending a school or a pre-K program offered by a school under the jurisdiction of the community school district, at least one must be an IEP Parent and at least one must be an ELL Parent. The remaining seven seats may be filled by any eligible parent. Moreover, except to the extent necessary to fill all the seats and/or to seat an IEP Parent and an ELL Parent, no school may have more than one representative on the CEC. When ballots are tallied:
 - a. The seven candidates with the highest number of votes shall be conditionally selected to fill a seat. However, if these seven candidates include more than one candidate from the same school, the candidate with the highest number of votes shall be selected, the candidates from the same school with fewer votes will be removed, and the candidate with the next highest number of votes from a school not already represented on the CEC shall be conditionally selected.
 - b. If an IEP Parent and an ELL Parent are among the seven candidates conditionally selected after the elimination of candidates from the same school(s), the next two candidates with the highest number of votes who do not share any schools with the already conditionally selected seven

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candidates will be conditionally selected to fill the two remaining seats on the CEC.

- c. If an IEP Parent and/or an ELL Parent are not among the seven candidates conditionally selected after the elimination of candidates from the same school(s), then the IEP Parent and/or the ELL Parent, respectively, with the highest number of votes shall be conditionally selected. If such IEP Parent and/or ELL Parent is from the same school as an already selected candidate and there is another IEP Parent and/or ELL Parent candidate from a school not already represented on the CEC, then 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 conditionally selected.
 - d. A candidate who is both an IEP Parent and an ELL Parent will be assigned to fill either the IEP or the ELL seat, as needed to ensure all seats on the CEC are filled.
2. Votes for the District 75 Seat shall be tallied separately and the candidate with the highest number of votes shall be conditionally selected to fill that seat. A candidate who is both conditionally selected as a representative of a school under the jurisdiction of the community school district and conditionally selected for the District 75 Seat will be assigned to the District 75 Seat.

D. Runoffs

1. Runoffs shall be conducted when:
 - a. there is a tie between or among candidates;
 - b. no IEP Parent and/or ELL Parent, or no candidates for the District 75 Seat received any votes; or
 - c. one or more seats remain unfilled after all candidates who do not share a school are initially seated on the CEC.
2. In the case of a tie between or among candidates, only those candidates who were tied will be entered in the runoff.
3. In the case of a runoff because no IEP parent received any votes, only candidates who are IEP parents will be entered in the runoff for the IEP seat. In the case of a runoff because no ELL parent received any votes, only candidates who are ELL parents will be entered in the runoff for the ELL seat.
4. In the case of a runoff because one or more seats remain unfilled and/or no IEP Parent or ELL Parent is seated after the elimination of candidates whose children attend schools already represented on the CEC, only candidates who have not been conditionally selected and whose children do not attend a school

already represented among the seated candidates will be entered in the runoff. If the runoff fails to result in all seats being filled, or in an IEP or ELL Parent being seated, then the restrictions regarding schools not having more than one representative on the CEC will not apply.

5. Where a runoff results in a tie, the independent agent managing the elections process for the DOE will determine the winner by lot.
6. If the runoff selection process set forth above does not result in all seats being filled, a vacancy will be deemed to exist on the council, which shall be filled in accordance with the procedures set forth in Section IX.A of this regulation.

VI. POST-SELECTION REVIEW OF QUALIFICATIONS/ELIGIBILITY

- A. Following the conditional selection of candidates but prior to their taking office, FACE shall determine whether they are eligible to serve on the CEC. If FACE determines that a candidate is not eligible, FACE shall issue a written decision including the factual and legal basis for its issuance. Any candidate deemed ineligible by FACE shall be replaced by the candidate who received the next highest number of votes and is not from a school already represented on the CEC.
- B. If a selected candidate becomes ineligible or is disqualified on or before June 30 of the election year, the candidate who received the next highest number of votes in the initial election process who is not from a school already represented on the CEC shall be deemed conditionally selected.
- C. If the ineligible or disqualified candidate is the only IEP parent who was selected, the IEP parent who received the next highest number of votes in the initial election process and who is not from a school already represented on the CEC shall be deemed conditionally selected.
- D. If the ineligible or disqualified candidate is the only ELL parent who was selected, the ELL parent who received the next highest number of votes in the initial election process and who is not from a school already represented on the CEC shall be deemed conditionally selected.
- E. If the selection of candidates as outlined in this section results in a tie, the independent agent managing the election process for the DOE will determine the winner by lot.
- F. If no eligible candidate 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 Section IX.A of this regulation.

VII. TIMING

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- A. Elections of CEC members shall be held every two years, in odd years. Voting shall conclude on the second Tuesday in May, exclusive of any necessary run-offs.
- B. The election process shall begin in January of the year in which the election is held, with the dissemination by FACE of general information regarding the roles, functions, and activities of the CECs, candidate information, as well as the nature of the application and voting process.
- C. CEC members' terms shall begin the July 1st following election and end June 30th two years thereafter. All CEC members are required to attend an orientation session organized by FACE before the start of their term, and at least one additional training in the second year of their term.

VIII. RESIGNATIONS

A. Parent Members

Parent member resignations must be in writing, addressed to FACE at cceinfo@schools.nyc.gov. Resignations shall take effect immediately upon delivery to FACE, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of FACE.

B. Borough President Appointees

Resignations of Borough President appointees must be in writing, addressed to the appointing Borough President, with a copy to FACE at cceinfo@schools.nyc.gov. Resignation shall take effect upon delivery to the Borough President, unless a future date 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, with a copy to FACE at cceinfo@schools.nyc.gov. Resignations shall take effect upon delivery to the community superintendent, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the appointing community superintendent.

IX. VACANCIES

A. Parent Member and Borough President Appointee Vacancies

- 1. CEC members who, within their term of office, refuse or neglect to attend three regularly scheduled monthly meetings of the CEC of which they were properly notified without rendering a written valid excuse, shall be deemed to have vacated their office.

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- a. Each absence and any written excuse provided shall be included in the official minutes of that meeting.
 - b. 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. Such other reasons may be deemed valid provided that they are delivered in writing to the CEC no later than 15 days after the absence and are approved by vote of the CEC at the next regularly scheduled monthly meeting where a quorum is present.
 - c. After the third unexcused absence, the CEC shall declare the seat vacant by resolution and notify FACE of its action. In the event a vacancy is declared in a seat held by a Borough President appointee, the CEC shall also notify the Borough President.
2. When a parent vacancy occurs in a seat other than the District 75 Seat, the CEC shall fill the vacancy for the remainder of the unexpired term by election at a public meeting.
- a. The CEC shall publicize the vacancy widely, describe the application process and specify a deadline for submitting applications.
 - b. All candidates must obtain a CEC Vacancy Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward portions of the eligible candidates' application to the CEC.
 - c. If the vacancy is in a seat held by an IEP Parent, and no remaining CEC member is an IEP parent, the only eligible candidates will be IEP parents. If the vacancy is in the seat held by an ELL parent, and no remaining CEC member is an ELL Parent, the only eligible candidates will be ELL Parents.
 - d. The community school district's Presidents' Council and other education groups shall be given the opportunity to make written recommendations and to consult with the CEC before the vacancy is filled. Before selecting an IEP Parent or an ELL Parent to fill a vacancy for a seat held by an IEP Parent or ELL Parent, the CEC should consult with the Citywide Council on Special Education or Citywide Council on English Language Learners.
3. If such 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 within 60 days for any other reason, the Chancellor shall order the CEC to fill the vacancy pursuant to Section 2590-I of the Education Law.

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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. Interested persons must obtain a CEC Borough President Appointee Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward the application to the appropriate Borough President. All appointment decisions shall be at the discretion of the Borough President.
5. When a vacancy occurs in the District 75 Seat, the District 75 Presidents' Council shall fill the vacancy for the unexpired term at a regularly scheduled meeting. The District 75 Presidents' Council shall advertise the vacancy, and applications shall be submitted to FACE as provided for in Section IX.A.2.b. The only eligible applicants shall be parents of students in a District 75 school or program located within the CEC's geographic district.

B. Student Member 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 the 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.

XII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Office of Family and Community Engagement

N.Y.C. Department of Education

52 Chambers Street - Room 409

New York, NY 10007

Telephone: 212-374-4118

Email: CCECinfo@schools.nyc.gov