

Category: **CITYWIDE COUNCIL ON SPECIAL EDUCATION** Issued: 6/26/2012 Number: **D-150**

Subject: PROCESS FOR THE SELECTION OF MEMBERS OF THE CITYWIDE COUNCIL ON SPECIAL EDUCATION AND THE CITYWIDE DISTRICT 75 COUNCIL Page: 1 of 2

SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-150 dated March 24, 2010.

Changes

- The following changes have been made to the candidate eligibility requirements for nominees seeking selection to the Citywide Council on Special Education ("CCSE"). Nominees must be parents of students with an individualized education program ("IEP") who currently receive special education services that are provided by and/or paid for by the Department of Education ("DOE"). Eligibility is determined as of the date that the parent submits an application to run for a position on the CCSE. A parent who is eligible at the time of application, but who ceases to have a qualifying child with an IEP during their term of office, shall no longer be eligible to serve as of the date that they cease to be the parent of a student with an IEP. (See page 1, Section I.A.1.a).
- The following changes have been made to the candidate eligibility requirements for nominees seeking selection to the District 75 Council ("D75 Council"). Nominees must be parents of students receiving citywide special education services in District 75. Eligibility is determined as of the date that the parent submits an application to run for a position on the D75 Council. A parent who is eligible at the time of application, but who ceases to have a child enrolled in a District 75 program during their term of office, shall no longer be eligible to serve as of the date that they cease to be the parent of a student in a District 75 program. (See page 7, Section II.B.1).
- The conflicts of interest provisions applicable to service on the CCSE and the D75 Council have been updated to reference Chancellor's Regulation D-125. (See page 2, Section I.A.1.c.iii; page 7, Section II.B.1.c.iii)
- Nominees for the CCSE and D75 Council are now able to 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. (See page 2, Section I.B.1; pages 7-8, Section II.C.1)
- Nominees for the CCSE are now required to list information on their application regarding each special education program where they have enrolled a child with an IEP. A nominee will be considered a representative of each district where the nominee has a child with an IEP enrolled in a special education program. A nominee's failure to provide information regarding each district for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion. (See page 2, Section I.B.2)
- Nominees for the D75 Council are now required to list information on their application regarding each District 75 school 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. (See page 8, Section II.C.2)
- The following changes have been made to the selection processes for both the CCSE and the D75 Council: the advisory vote has been eliminated from the selection processes, and the procedures for conducting Nominees' Forums have been updated. (See page 2-3, Section I.D; page 8, Section II.E)

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- The following changes have been made to the CCSE selection rules: (1) the seven nominees who received the highest number of votes will be deemed conditionally selected, except that no district other than District 75 may have more than one representative on the CCSE, and District 75 may have no more than two representatives on the CCSE; (2) if two District 75 parents 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 CCSE, subject to the restriction that no district other than District 75 may have more than one parent representative on the CCSE; and (3) if two District 75 parents are not among the seven nominees who received the highest number of votes and were conditionally selected, then the two District 75 parents receiving the highest number of votes will be deemed conditionally selected. (See page 3, Section I.E.1.c.)
- If a runoff for the CCSE is necessary because one or more seats remain unfilled by operation of the restrictions against selecting multiple candidates from the same district (other than District 75) or more than two District 75 parents, all nominees who have not been selected already and whose children do not attend school in districts already represented on the CCSE will be eligible to be selected in the runoff. (See pages 3-4, Section I.E.1.d.ii)
- If a runoff for the D75 Council is necessary because one or more seats remain unfilled by operation of the restrictions 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 D75 Council will be eligible to be selected in the runoff. (See page 9, Section II.F.c.ii)
- If multiple runoffs for the CCSE or the D75 Council are necessary, the runoffs will be conducted at the same time but in separate segments, with nominees grouped pursuant to the requirements of this regulation. (See page 4, Section I.E.1.d.v; page 9, Section II.F.c.iv)
- Nominees seeking to serve as a Public Advocate appointee to the CCSE and/or the D75 Council are required to submit applications to the Public Advocate's office. (See page 4, Section I.E.2; pages 9-10, Section II.F.2)
- Individuals interested in filling vacancies on the CCSE and/or the D75 Council must submit applications, which may be obtained from the CCSE, the D75 Council or the Division of Family and Community Engagement (FACE). (See page 6, Section I.I.b; page 11, Section II.J.b)
- All references to the Office for Family Engagement and Advocacy (OFEA) have been changed to refer to the Division of Family and Community Engagement (FACE).

ABSTRACT

This regulation governs the eligibility requirements and the nomination and selection procedures for the Citywide Council on Special Education (“CCSE”) and the District 75 Council (“D75 Council”), and sets forth the powers and duties of the D75 Council. It also provides a process for filling vacancies. Both Councils consist of 11 voting members and one non-voting student member. For the CCSE, nine of the voting members must be parents of students with an individualized education program (“IEP”) selected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the NYC Public Advocate. For the D75 Council, nine of the voting members must be parents of students receiving services in District 75 selected pursuant to the procedures set forth in this regulation, and the two remaining voting members are appointed by the NYC Public Advocate. The CCSE and the D75 Council shall perform all duties and responsibilities in accordance with the New York Open Meetings Law.

I. CITYWIDE COUNCIL ON SPECIAL EDUCATION

A. Eligibility

1. Parent Members and Public Advocate Appointees:

- a. Parents¹ of students with an IEP who currently receive special education services that are provided by and/or paid for by the Department of Education (DOE) are eligible to self-nominate for the CCSE. Eligibility is determined as of the date that the parent submits an application to run for a position on the CCSE. A parent who is eligible at the time of application, but who ceases to have a qualifying child with an IEP during their term of office, shall no longer be eligible to serve as of the date that they cease to be the parent of a student with an IEP.²
- b. The following persons are not eligible by statute:
 - i. 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);
 - ii. Current DOE employees;
 - iii. Persons who have been convicted of a felony or removed from a Citywide Council, or CEC for an act of malfeasance directly related to service on such Citywide Council or CEC, or convicted of a crime directly related to service on such Citywide Council or CEC; and
 - iv. Persons who are on another Citywide Council or any CEC.
- c. In addition, the following persons are not eligible to serve:
 - i. Members of the Panel for Educational Policy;
 - ii. Persons who have been removed from a PA/PTA, School Leadership Team, District Presidents’ Council, Borough High School Council, Title I Committee, or community school board for an act of malfeasance directly related to service on such association, team, council, committee, or board, or convicted of a crime directly related to such association, team, council, committee, or board; and

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 As required by statute, all parent members of the CCSE shall be parents of students with IEPs.

- iii. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on Chancellor's Regulation D-125.³

2. Students

High school students with an IEP who will be seniors during their year of service are eligible to serve on the CCSE. For purposes of this regulation, a senior is considered to be a student who has approximately 30 high school credits.

- B. Parent Nominations

1. Parents interested in serving on the CCSE shall self-nominate by submitting a completed application online at 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 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.
2. Nominees are required to list information on their application regarding each special education program where they have enrolled a child with an IEP. A nominee will be considered a representative of each district where the nominee has a child with an IEP enrolled in a special education program. A nominee's failure to provide information regarding each district for which the nominee is a representative will be grounds for disqualification subject to the Chancellor's discretion.
3. Portions of each nominee's application (name, program child attends, statement of background and activities, and personal statement) will be posted on www.nycparentleaders.org for parents and the public to view them.

- C. Selectors

The Presidents' Council for each community school district and borough and for District 75 shall select one parent of a student with an IEP from among its members to serve as a selector of CCSE members. In the event that there is no parent of a student with an IEP on the Presidents' Council, the Presidents' Council shall solicit parents of students with an IEP from the district, or borough in the case of high schools, to volunteer to serve as a selector. The Presidents' Council shall select from among those volunteers one parent to serve as a selector of CCSE members. Parents who are candidates for the CCSE shall not be eligible to serve as selectors.

- D. Nominees' Forum

1. FACE will convene a Nominees' Forum where nominees for the CCSE will be permitted to make presentations to the selectors and other parents and interested parties.
2. 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. FACE will determine a DOE location, date, and appropriate time for the Nominees' Forum, and will acquire all the necessary permits required for the Nominees' Forum. FACE will assume the costs of all necessary permits and other fees associated with the Nominees' Forum.

³ The eligibility requirements in Sections I.A.1.b and I.A.1.c of this regulation also apply to Public Advocate appointees.

3. FACE will provide copies of a CCSE-specific nominees' brochure containing the names and personal statements of all nominees running for the CCSE, for distribution at the Nominees' Forum. FACE will provide additional logistic support for the Nominees' Forum as needed.

E. Selection Process

1. Selection of parent members (voting)

- a. Selectors must log on to www.nycparentleaders.org to vote. Once logged in, selectors will be provided with a ballot containing the names of all nominees for the CCSE and the district in which their child's school is located (or borough, if the nominee's child attends a non-District 75 high school). Each selector shall vote for two nominees. FACE will provide selectors with more detailed information regarding the submission of ballots.
- b. Of the nine parent (voting) member positions on the CCSE, at least two positions must be filled by nominees who are parents of students enrolled in a District 75 program (hereinafter referred to as "District 75 parents"). The remaining seven positions may be filled by any eligible parent.
- c. When ballots are tallied:
 - i. The seven nominees who received the highest number of votes will be deemed conditionally selected. However, no district other than District 75 may have more than one parent representative on the CCSE, except as provided in Section I.E.1.c.iii. District 75 may have no more than two parent representatives on the CCSE, except as provided in Section I.E.1.c.iii. If more than one nominee from the same district (other than District 75) is selected, or if more than two nominees from District 75 are selected, the nominee(s) with the highest number of votes will be deemed selected. Other nominees from the same district with fewer votes will be removed from consideration, and the person with the next highest number of votes from a district not already represented on the CCSE shall be deemed conditionally selected.
 - ii. If two District 75 parents 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 CCSE, subject to the restriction that no district other than District 75 may have more than one parent representative on the CCSE, except as provided in Section I.E.1.c.iii. If two District 75 parents are not among the seven nominees who received the highest number of votes and were conditionally selected, then the two District 75 parents receiving the highest number of votes will be deemed conditionally selected. A third District 75 parent shall not be conditionally selected to the CCSE, except as provided in Section I.E.1.c.iii.
 - iii. The restrictions described in Sections I.E.1.c.i and I.E.1.c.ii shall not apply to situations where the application of the restrictions would result in fewer than nine parents being seated on the CCSE.
- d. 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.
 - i. Where a runoff is necessary due to a tie vote for one or more seats on the CCSE, only those nominees who were in the tie will be eligible to be selected in the runoff.
 - ii. Where a runoff is necessary because one or more seats remain unfilled by operation of the restrictions set forth in Sections I.E.1.c.i and I.E.1.c.ii

against selecting multiple candidates from the same district (other than District 75) or more than two District 75 parents, all nominees who have not been selected already and whose children do not attend school in districts already represented on the CCSE 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 I.E.1.c.iii will apply.

- iii. Where a runoff is necessary because fewer than two District 75 parents were selected, only the nominees who are District 75 parents will be eligible to be selected in the runoff.
 - iv. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those specified above in Sections I.E.1.d.i, I.E.1.d.ii, and I.E.1.d.iii, all nominees who have not been selected already will be eligible to be selected in the runoff.
 - v. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections I.E.1.d.i, I.E.1.d.ii, I.E.1.d.iii, and I.E.1.d.iv above, the multiple runoffs will be conducted at the same time but in separate segments.
 - vi. 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 I.E.1.d.i, I.E.1.d.ii, I.E.1.d.iii, and I.E.1.d.iv 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 I.I.1.b and I.I.1.c of this regulation.
- e. If a selected nominee who is filling a seat not reserved for District 75 becomes ineligible or is disqualified after the completion of the selection process but on or before June 25th of the selection year, the nominee who received the next highest number of votes during the initial selection process who comes from a district not already represented on the CCSE shall be deemed conditionally selected.⁴ In the case of a selected nominee who is filling a seat reserved for District 75, the nominee who is the District 75 parent that received the next highest number of votes in the initial selection process 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 CCSE, which shall be filled in accordance with the procedures set forth in Sections I.I.1.b and I.I.1.c of this regulation.
- f. Parent members serve two-year terms and have no term limits.
2. Appointment by the NYC Public Advocate

The NYC Public Advocate shall appoint two voting members. The two members must be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions, who will make significant contributions to improving special education in the NYC schools. Such members serve two-year terms and have no term limits. Nominees seeking appointment to the CCSE by the Public Advocate shall obtain an application form from the Public Advocate's office, and submit their completed application form to the Public Advocate's office.

⁴ For disqualifications occurring after June 25th of the selection year, the vacancy procedures in Sections I.I.1.b and I.I.1.c of this regulation will apply.

3. Appointment of student member (non-voting)

The Chief Achievement Officer for Students with Disabilities and English Language Learners shall select one high school senior with an IEP to serve on the CCSE. The student member serves a one-year term.

F. 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 CCSE. If the Chancellor determines that a nominee is not eligible, the Chancellor's written decision will be made available for public inspection within seven days of its issuance at the borough and central offices of FACE. 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 would not be ineligible because s/he is from a district already represented on the CCSE.

G. Timing

The selection of CCSE members shall occur on the second Tuesday in May 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. FACE will post precise timelines to implement this regulation.

H. Resignations

1. 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, 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.

2. Public Advocate Appointees

Resignations of appointees of the Public Advocate must be in writing, addressed to the Public Advocate. Such resignation shall take effect upon delivery to or filing with the Public Advocate, 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 Public Advocate.

3. Student Member

A student member's resignation must be in writing, addressed to the Chancellor. The Chancellor assigns the Chief Achievement Officer for Students with Disabilities and English Language Learners to receive resignations on his/her behalf. Such resignations shall take effect upon delivery to or filing with the Chief Achievement Officer for Students with Disabilities and English Language Learners, 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 Chief Achievement Officer for Students with Disabilities and English Language Learners.

I. Vacancies

1. Parent and Public Advocate Appointee Vacancies

a. If a member of the CCSE refuses or neglects to attend three meetings of the CCSE during his/her term of office, of which s/he was properly notified without

rendering a written valid excuse, the member vacates the office.⁵ Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of the Public Advocate's appointees should be reported to the Public Advocate by the CCSE Administrative Assistant or President. After the third unexcused absence, the Council shall declare the seat vacant by resolution at a calendar meeting, and notify the Chancellor (or Public Advocate, as appropriate) of its action.

- b. When a parent vacancy occurs on the CCSE, the CCSE shall fill the vacancy for the remainder of the unexpired term at a public meeting. The CCSE shall consult with parents of students with an IEP before the parent vacancy is filled. All individuals interested in filling a parent vacancy on the CCSE must complete an application form. Application forms may be obtained from the CCSE or from FACE.
 - c. If the parent vacancy is not filled by the CCSE within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CCSE fails to fill the vacancy within 60 days for any other reason, the Chancellor may fill the vacancy.
 - d. When a vacancy occurs in a position appointed by the Public Advocate, the Public Advocate shall appoint a member to serve the remainder of the unexpired term. Nominees seeking to fill a Public Advocate appointee vacancy shall obtain an application form from the Public Advocate's office, and submit their completed application form to the Public Advocate's office.
2. Student Vacancies

In the case of a student vacancy, the Chief Achievement Officer for Students with Disabilities and English Language Learners shall appoint another eligible senior with an IEP to serve the remainder of the unexpired term. The Chief Achievement Officer for Students with Disabilities and English Language Learners shall inform FACE and the CCSE of his/her appointment.

II. DISTRICT 75 COUNCIL

A. Duties and Responsibilities

1. The D75 Council shall have the following powers and duties:
 - a. Advise and comment on educational and instructional policy involving the provision of District 75 services;
 - b. Issue an annual report on the effectiveness of the city district in providing services to District 75 students, and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and
 - c. Hold at least one meeting per month open to the public during which the public may discuss issues facing District 75 students.
2. The D75 Council has the right to hire, supervise, evaluate and discharge a secretary who shall perform the following functions:
 - a. Prepare meeting notices, agendas and minutes;
 - b. Record and maintain accounts of proceedings and other D75 Council meetings; and
 - c. Prepare briefing materials and other related informational materials for meetings.

⁵ The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of CCSE member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from CCSE meeting unavoidable; and other reasons the CCSE deems appropriate.

B. Eligibility**1. Parent Members and Public Advocate Appointees:**

- a. Only parents of students receiving citywide special education services (D75) are eligible to self-nominate for the D75 Council. Eligibility is determined as of the date that the parent submits an application to run for a position on the D75 Council. A parent who is eligible at the time of application, but who ceases to have a child enrolled in a District 75 program during their term of office, shall no longer be eligible to serve as of the date that they cease to be the parent of a student in a District 75 program.
- b. The following persons are not eligible:
 - i. 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);
 - ii. Current DOE employees;
 - iii. Persons who have been convicted of a felony or removed from a Citywide Council or Community Education Council (CEC) for an act of malfeasance directly related to service on such Citywide Council or CEC, or convicted of a crime directly related to service on such Citywide Council or CEC; and
 - iv. Persons who are on another Citywide Council or any CEC.
- c. In addition, the following persons are not eligible to serve:
 - i. Members of the Panel for Educational Policy;
 - ii. Persons who have been removed from a PA/PTA, School Leadership Team, District Presidents' Council, Borough High School Council, Title I Committee, or community school board for an act of malfeasance directly related to service on such association, team, council, committee, or board, or convicted of a crime directly related to such association, team, council, committee, or board; and
 - iii. Persons who are determined to have a conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on Chancellor's Regulation D-125.⁶

2. Student Members

District 75 high school students who will be seniors during their year of service are eligible to serve on the D75 Council. For purposes of this regulation, a senior is considered to be a student who has approximately 30 high school credits.

C. Parent Nominations

1. Parents interested in serving on the D75 Council shall self-nominate by submitting a completed application form online at 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 www.nycparentleaders.org. Parents who do not have internet access may contact

⁶ The eligibility requirements in Sections II.B.1.b and II.B.1.c of this regulation also apply to Public Advocate appointees.

FACE for a list of schools and local organizations that can provide access to a computer with internet service.

2. Nominees are required to list information on their application regarding each District 75 school 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.
3. Portions of each nominee's application (name, program child attends, statement of background and activities, and personal statement) will be posted on www.nycparentleaders.org for parents and the public to view them.

D. Selectors

Selectors of the parent members of the D75 Council shall be the three PA/PTA officers mandated by Chancellor's Regulation A-660 from every District 75 school (i.e., president, secretary, treasurer).⁷ Parents who are candidates for the D75 Council shall not be eligible to serve as selectors.

E. Nominees' Forum

1. The District 75 Presidents' Council, in collaboration with FACE, will convene a Nominees' Forum, where candidates for the D75 Council will be permitted to make presentations to the selectors and other parents and interested parties.
2. 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 District 75 Presidents' Council will determine a DOE location, date, and appropriate time for the Nominees' Forum, and will acquire all the necessary permits required for the Nominees' Forum. FACE will assume the costs of all necessary permits and other fees associated with the Nominees' Forum.
3. FACE will provide the District 75 Presidents' Council with copies of a district-specific nominees' brochure containing the names and personal statements of all nominees running for the D75 Council, for distribution at the Nominees' Forum. FACE will provide additional logistic support for the Nominees' Forum as needed.

F. Selection Process

1. Selection of parent members (voting)
 - a. Selectors must log on to www.nycparentleaders.org to vote. Once logged in, selectors will be provided with a ballot containing the names of all nominees for the D75 Council. Each selector shall vote for two nominees. FACE will provide selectors with more detailed information regarding the submission of ballots.
 - b. When ballots are tallied:
 - i. The nine nominees receiving the highest number of votes will be deemed conditionally selected. However, no school may have more than one parent representative on the D75 Council, except as provided in II.F.1.b.ii. 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 that 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 D75 Council shall be deemed conditionally selected.

⁷ 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.

- ii. The restriction described in II.F.1.b.i shall not apply to situations where the application of the restriction would result in fewer than nine parents being selected.
 - c. 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.
 - i. Where a runoff is necessary due to a tie vote for one or more seats on the D75 Council, only those nominees who were in the tie will be eligible to be selected in the runoff.
 - ii. Where a runoff is necessary because one or more seats remain unfilled by operation of the restriction set forth in Section II.F.1.b.i 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 D75 Council 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 II.F.1.b.ii will apply.
 - iii. Where a runoff is necessary because one or more seats remain unfilled for reasons other than those specified above in Sections II.F.1.c.i and II.F.1.c.ii, all nominees who have not been selected already will be eligible to be selected in the runoff.
 - iv. In cases where multiple runoffs are necessary in order to comply with the requirements set forth in Sections II.F.1.c.i, II.F.1.c.ii and II.F.1.c.iii above, the multiple runoffs will be conducted at the same time but in separate segments with nominees grouped pursuant to the requirements of Sections II.F.1.c.i, II.F.1.c.ii and II.F.1.c.iii.
 - v. 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 II.F.1.c.i, II.F.1.c.ii and II.F.1.c.iii 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 II.J.1.b and II.J.1.c of this regulation.
 - d. If a selected nominee becomes ineligible or is disqualified after the completion of the selection process but on or before June 25th of the selection year, the nominee who received the next highest number of votes in the initial selection process shall be deemed conditionally selected.⁸ 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 D75 Council, which shall be filled in accordance with the procedures set forth in Sections II.J.1.b and II.J.1.c of this regulation.
 - e. Parent members serve two-year terms and have no term limits.
2. Appointment by the NYC Public Advocate
- The NYC Public Advocate shall appoint two voting members. The two members must be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions, who will make significant contributions to improving special education in the NYC schools. Such

⁸ For disqualifications occurring after June 25 of the selection year, the vacancy procedures in Sections II.J.1.b and II.J.1.c of this regulation will apply.

members serve two-year terms and have no term limits. Nominees seeking appointment to the D75 Council by the Public Advocate shall obtain an application form from the Public Advocate's office, and submit their completed application form to the Public Advocate's office.

3. Appointment of student member (non-voting)

The Chief Achievement Officer for Students with Disabilities and English Language Learners shall select one District 75 high school senior to serve on the D75 Council. The student member serves a one-year term.

G. 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 D75 Council. If the Chancellor determines that a nominee is not eligible, the Chancellor's written decision will be made available for public inspection within seven days of its issuance at the borough and central offices of FACE. 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 D75 Council.

H. Timing

The selection of D75 Council members shall occur on the second Tuesday in May 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. FACE will post precise timelines to implement this regulation.

I. Resignations

1. 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, 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.

2. Public Advocate Appointees

Resignations of appointees of the Public Advocate must be in writing, addressed to the Public Advocate. Such resignation shall take effect upon delivery to or filing with the Public Advocate, 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 Public Advocate.

3. Student Member

A student member's resignation must be in writing, addressed to the Chancellor. The Chancellor assigns the Chief Achievement Officer for Students with Disabilities and English Language Learners to receive resignations on his/her behalf. Such resignations shall take effect upon delivery to or filing with the Chief Achievement Officer for Students with Disabilities and English Language Learners, 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 Chief Achievement Officer for Students with Disabilities and English Language Learners.

J. Vacancies

1. Parent and Public Advocate Appointee Vacancies

- a. If a member of the D75 Council refuses or neglects to attend three meetings of the Council during his/her term of office, of which s/he was properly notified without rendering a written valid excuse, the member vacates the office.⁹ Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of the Public Advocate's appointees should be reported to the Public Advocate by the D75 Council's Administrative Assistant or President. After the third unexcused absence, the Council shall declare the seat vacant by resolution at a calendar meeting, and notify the Chancellor (or Public Advocate, as appropriate) of its action.
- b. When a parent vacancy occurs on the D75 Council, the Council shall fill the vacancy for the remainder of the unexpired term at a public meeting. The Council shall consult with the District 75 Presidents' Council before filling the parent vacancy. All individuals interested in filling a parent vacancy on the D75 Council must complete an application form. Application forms may be obtained from the D75 Council or from FACE.
- c. If the parent vacancy is not filled by the D75 Council within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the Council fails to fill the vacancy within 60 days for any other reason, the Chancellor may fill the vacancy.
- d. When a vacancy occurs in a position appointed by the Public Advocate, the Public Advocate shall appoint a member to serve the remainder of the unexpired term. Nominees seeking to fill a Public Advocate appointee vacancy shall obtain an application form from the Public Advocate's office, and submit their completed application form to the Public Advocate's office.

2. Student Vacancies

In the case of a student vacancy, the Chief Achievement Officer for Students with Disabilities and English Language Learners shall appoint another eligible District 75 senior to serve the remainder of the unexpired term. The Chief Achievement Officer for Students with Disabilities and English Language Learners shall inform FACE and the D75 Council of the appointment.

III. 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.

IV. 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:

<u>Telephone:</u> 212-374-2323	<i>Division of Family and Community Engagement</i> N.Y.C. Department of Education 49 Chambers Street – Room 503 New York, NY 10007	<u>Fax:</u> 212-374-0076
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⁹ The following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of D75 Council member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from D75 Council meeting unavoidable; and other reasons the D75 Council deems appropriate.