



# Regulation of the Chancellor

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Category: **CITYWIDE COUNCIL ON SPECIAL EDUCATION** Issued: 2/19/09 Number: **D-150**  
Subject: PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE CITYWIDE COUNCIL ON SPECIAL EDUCATION INCLUDING FILLING VACANCIES Page: 1 of 1

## SUMMARY OF CHANGES

This regulation is effective as of the date of its posting and it updates and supersedes Chancellor's Regulation D-150 dated February 13, 2007.

### Changes:

- All references to the Office of Public and Community Affairs have been changed to the Office for Family Engagement and Advocacy.
- Parent members of District 75 school leadership teams are not eligible to serve on the CCSE.
- The CCSE Application is available online.
- The selection process has been revised.
- Persons who have been removed from a PT/PTA, School Leadership Team, District Presidents' Council, Borough High School Council or Title I Committee for an act of malfeasance or convicted of a crime directly related to service on such organization are not eligible to serve on the CCSE.
- Parents may apply to only one community or citywide council.

## ABSTRACT

The Citywide Council on Special Education (CCSE) consists of 11 voting members who serve a two-year term, and one non-voting student member who serves a one-year term. Nine of the voting members must be parents of students who receive citywide special education services. They serve as unpaid volunteers. They are selected by the presidents and officers of the parent associations/parent-teacher associations (PAs/PTAs) from each citywide special education school. The other two voting members are appointed by the NYC Public Advocate, and must be persons who have extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions and will make a significant contribution to improving special education in the NYC schools. The non-voting student member of the CCSE must be a high school senior receiving citywide special education services, and is appointed by the superintendent of citywide special education (District 75).

This regulation details the eligibility requirements and the nomination and selection procedures for CCSE members. It also provides a process for filling vacancies.

### I. ELIGIBILITY

#### A. Parents

1. Only parents<sup>1</sup> of students receiving citywide special education services<sup>2</sup> are eligible to self-nominate for the CCSE<sup>3</sup>.
2. The following persons are not eligible by statute:
  - a. PA/PTA officers from any Department of Education (DOE) school;
  - b. 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);
  - c. Current DOE employees;
  - d. Persons who have been convicted of a felony, removed from a Community School Board, a Community Education Council, the Citywide Council for High Schools, or the Citywide Council for Special Education 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
  - e. Persons who are on another CEC, the Citywide Council on Special Education, or the Citywide Council on High Schools.
3. In addition, the following persons are not eligible to serve:
  - a. 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 such association, team, council, or committee; and

<sup>1</sup> 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.

<sup>2</sup> Students receiving citywide special education services are students in District 75.

<sup>3</sup> Parent members of a District 75 school leadership team (SLT) are not eligible to serve on the CCSE.

- b. persons who are determined to have a financial conflict of interest by the DOE Ethics Officer or other designee of the Chancellor based on the Conflicts of Interest Law of the City of New York.<sup>4</sup>

B. Students

District 75 high school students 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.

## II. PARENT NOMINATIONS

- A. Parents interested in serving on the Citywide Council on Special Education shall self-nominate by submitting a completed application and the disclosure form required by statute online at [www.powertotheparents.org](http://www.powertotheparents.org).<sup>5</sup> The Office for Family Engagement and Advocacy (OFEA) will post timeframes for the submission of self-nominations on that site. Parents who do not have internet access may contact OFEA for a list of schools and local organizations that can provide access to a computer with internet access.
- B. Portions of each nominee's application (name, program child attends, statement of background and activities, personal statement, and size of school) will be posted on [www.powertotheparents.org](http://www.powertotheparents.org) for parents and the public to view them.

## III. SELECTORS

Selectors of the parent members of the CCSE shall be the three PA/PTA officers mandated by Chancellor's Regulation A-660 from every District 75 school (i.e., President, Secretary, and Treasurer).<sup>6</sup>

## IV. PARENT AND COMMUNITY INPUT PROCESS

A. Nominees' forum

1. In each borough, OFEA, in collaboration with District 75 Presidents' Council 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. In addition, the District 75 Presidents' Council may convene an additional nominees' forum. Prior to holding the forum, the District 75 Presidents' Council must invite all the nominees to participate, and should notify OFEA prior to proceeding.

B. Advisory Vote

Following the nominees' forum, an online advisory vote open to all District 75 parents will take place at [www.powertotheparents.org](http://www.powertotheparents.org). OFEA will post a timeframe for the advisory vote. During this period, District 75 parents may vote using their child's OSIS number and the zip code associated with that OSIS number as a password.<sup>7</sup> After logging in, parents will be presented with a ballot containing the names of CCSE candidates. Parents will then cast a non-binding, advisory vote by voting for up to nine candidates. The independent agent managing the advisory vote will provide the results of the vote to the selectors from each school. Each PA/PTA president must make the results of the advisory vote available to the PA/PTA membership.

## V. SELECTION PROCESS

A. Selection of parent members (voting)

1. Selectors must log on to [www.powertotheparents.org](http://www.powertotheparents.org) to vote. Once logged on, selectors will be provided with a ballot containing the names of all nominees for the

<sup>4</sup> The eligibility requirements in Sections I.A.2 and I.A.3 of this regulation also apply to Public Advocate appointees.

<sup>5</sup> Parents may apply to only one community or citywide council.

<sup>6</sup> 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.

<sup>7</sup> If a family has more than one child in a school, only one vote is permitted.

CCSE. Each selector shall vote for two nominees.<sup>8</sup> OFEA will provide selectors with more detailed information regarding the submission of ballots.

2. In selecting members for the CCSE, the selectors must attempt to ensure that:
  - a. membership reflects the geographic diversity of the citywide special education student population;
  - b. the enrollment figures at citywide special education schools in the district and the potential disparity of such enrollment from school to school are considered.
3. When ballots are tallied, 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 CCSE. 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 replaced by the person with the next highest number of votes from a school not already represented on the CCSE. This restriction shall not apply to situations where fewer than nine parents would be selected if the restriction were enforced.
4. 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 CCSE, only those nominees who were in the tie will be eligible to be selected in the runoff.
  - b. Where a runoff is necessary because one or more seats remains unfilled for reasons other than a tie, all nominees who have not been selected already will be eligible to be selected in the runoff.
  - c. 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 V.A.4.a and V.A.4.b 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.
5. If a selected nominee becomes ineligible or is disqualified after the completion of the selection process but on or before June 25, 2009, 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 CCSE shall be deemed selected.<sup>9</sup> If all remaining nominees who received votes are from schools already represented on the Council, the nominee who received the next highest number of votes in the initial selection process shall be deemed 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.

B. Appointment of student member (non-voting)

The superintendent of citywide special education shall select one high school senior receiving special education services to serve on the CCSE using a process the superintendent develops.

## 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 CCSE. If the

<sup>8</sup> This is a limited voting system, designed to ensure equitable representation of the parent population within each district, and compliance with Section 5 of the Voting Rights Act.

<sup>9</sup> For disqualifications occurring after June 25, 2009, the vacancy procedures in Sections IX.A.2 and IX.A.3 of this regulation will apply.

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 Office for Family Engagement and Advocacy. 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 CCSE.

## **VII. TIMING**

The selection of CCSE members shall occur on the second Tuesday in May in 2004, 2005, and every two years thereafter, with terms commencing the July 1 following selection. The selection process shall be conducted over a 90-day period. This includes time allocated for publicizing the process, parent nominations, nominees' forum, advisory vote by District 75 parents, and vote by selectors. The Office for Family Engagement and Advocacy will publish precise timelines to implement this regulation.

## **VIII. RESIGNATIONS**

### **A. Parent Members**

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

### **B. 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.

### **C. Student Member**

A student member's resignation must be in writing, addressed to the District 75 Superintendent. Such resignation shall take effect upon delivery to or filing with the District 75 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 District 75 Superintendent.

## **IX. VACANCIES**

### **A. Parent and Public Advocate Appointee Vacancies**

1. 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.<sup>10</sup> Each absence and any written excuse provided shall be included in the official minutes of that meeting. All absences of the Public Advocates 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.
2. When a vacancy occurs on the CCSE, the CCSE shall fill the vacancy at a public meeting. For parent vacancies, the Citywide Special Education Presidents' Council

<sup>10</sup> 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.

and other education groups shall be given the opportunity to make written recommendations for filling the vacancy and to consult with the CCSE before the vacancy is filled. For Public Advocate appointee vacancies, the Public Advocate shall submit written nominations, and shall be given the opportunity to consult with the CCSE before the vacancy is filled. The vacancy must be filled by one of the candidates nominated by the Public Advocate. The written recommendations received shall be included in the record of the meeting at which the vacancy is filled.

3. If the 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.

B. Student Vacancies

In the case of a student vacancy, the citywide special education superintendent shall appoint another eligible senior using a process the superintendent develops. The superintendent shall inform the Office for Family Engagement and Advocacy and the CCSE 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**

The Office for Family Engagement and Advocacy 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:  
212-374-2323

*Office for Family Engagement and  
Advocacy*  
NYC Department of Education  
49 Chambers Street – Room 503  
New York, NY 10007

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212-374-0076