



## Regulation of the Chancellor

Number: **D-160**

Subject: **PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE CITYWIDE COUNCIL ON HIGH SCHOOLS, INCLUDING FILLING VACANCIES**

Category: **CITYWIDE COUNCIL ON HIGH SCHOOLS**

Issued: **April 29, 2021**

### SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation D-160 dated January 28, 2021.

#### Changes:

- Provides that three votes per eligible student may be cast instead of only one vote per eligible student (Section V.A.2).
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**ABSTRACT**

This regulation details the eligibility requirements and the nomination and selection/election procedures for the Citywide Council on High Schools. It also provides the process for filling vacancies.

**I. COMPOSITION**

There shall be one Citywide Council on High Schools (“CCHS”) that consists of 13 voting members and one non-voting student member. Of the voting members, 10 must be parents elected pursuant to the procedures set forth in this regulation and must, at the time of their election, be parents of students in New York City Department of Education (“DOE”) high schools; further, each borough shall have an equal number of representatives (two) among the 10 voting members. The three remaining voting members are each appointed by the New York City Public Advocate, the Citywide Council on Special Education (“CCSE”), and the Citywide Council on English Language Learners (“CCELL”), respectively. The student member is appointed by the Citywide Student Advisory Council (“CSAC”).

**II. ELIGIBILITY**

**A. Parent Members**

1. All parent members who serve on the CCHS shall be parents of students attending DOE high schools.
2. 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.
3. Eligibility is determined as of the date the parent submits an application to run for a seat on the CCHS.
4. 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 CCHS, even if the child graduates from and/or ceases to attend a DOE high school during the parent’s term.

5. Parent members serve two-year terms and have no term limit.

#### B. Public Advocate Appointee

1. The Public Advocate shall appoint one voting member. The member must be a resident of the city who has extensive business, trade or education experience and knowledge, and who will make a significant contribution to improving education in DOE schools. Such member serves two-year terms and has no term limit.
2. Persons seeking appointment to the CCHS by the Public Advocate shall obtain an application from the DOE Office of Family and Community Empowerment (“FACE”), and submit the completed form to FACE at [ccinfo@schools.nyc.gov](mailto:ccinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.

#### C. CCSE Appointee

1. The CCSE shall appoint one voting member. The member must be a parent of a DOE high school student with an individualized education program (“IEP”). Such member serves two-year terms and has no term limit.
2. The CCSE shall accept applications beginning in January of an election year, and complete the appointment process by June 30 so that the appointee may begin the term on July 1<sup>st</sup>.
3. Persons seeking appointment to the CCHS by the CCSE shall obtain an application from FACE and submit the completed form to FACE at [ccinfo@schools.nyc.gov](mailto:ccinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the CCSE. All appointment decisions shall be at the discretion of the CCSE.

#### D. CCELL Appointee

1. The CCELL shall appoint one voting member. The member must be a parent of a DOE high school student who is an English Language Learner (“ELL”). An ELL 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. Such member serves two-year terms and has no term limit.
2. The CCELL shall accept applications beginning in January of an election year, and complete the appointment process by June 30 so that the appointee may begin the term on July 1<sup>st</sup>.

D-160 – PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE CITYWIDE  
COUNCIL ON HIGH SCHOOLS INCLUDING FILLING VACANCIES – 4/29/2021

3. Persons seeking appointment to the CCHS by the CCELL shall obtain an application from FACE and submit the completed form to FACE at [ccecinfo@schools.nyc.gov](mailto:ccecinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the CCELL. All appointment decisions shall be at the discretion of the CCELL.
- E. Student Member (Non-Voting)
1. High school students who will be seniors during their year of service and who are part of their school's elected student government are eligible to be appointed by the CSAC. 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 and submit the completed application to FACE at [ccecinfo@schools.nyc.gov](mailto:ccecinfo@schools.nyc.gov). FACE will review eligibility and forward eligible applications to the CSAC. The CSAC shall review applications and may conduct interviews before recommending a candidate to the Chancellor for appointment.
  3. Non-voting student members serve a one-year term beginning on July 1 and ending on June 30 of the following year.
- F. 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 DOE employees;
    - c. Persons who are on another Citywide Council or any Community Education Council ("CEC");
    - d. Members of the Panel for Educational Policy;
    - e. Persons who have been removed from a Parent Association or Parent-Teacher Association ("PA/PTA"), 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 THE CCHS**

- 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 the CCHS 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 the CCHS will be considered a representative of each DOE high school in the borough 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 several Community and/or Citywide Education Councils, and apply to represent as many boroughs on the CCHS as they are eligible for but, if elected, will be allowed to serve on only one council or to fill only one seat on the CCHS. Candidates who wish to apply to multiple councils and seats on CCHS must rank them in order of preference; if elected to more than one council or seat, they will be seated on the council that they ranked highest.

### **IV. CANDIDATE FORUMS**

- A. Each Borough High School 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. 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.
- C. 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.
- D. 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. Any parent of a student currently attending a DOE high school is eligible to vote for the seat on the CCHS that represents the borough where that high school is located.
2. 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. The ten elected seats on the CCHS may be filled by any eligible parent. However, each borough shall have no more than two representatives on the CCHS and, except to the extent necessary to fill both seats, these representatives must be parents of children attending different schools in that borough.
2. When ballots are tallied:
  - a. The two candidates with the highest number of votes in each borough shall be conditionally selected to fill a seat. However, if these two candidates are from the same school, the candidate with the highest number of votes shall be selected, the candidate 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 CCHS shall be selected.
  - b. A candidate who is conditionally selected to fill a seat in more than one borough will be assigned to represent the borough ranked highest on their application, and will be removed from consideration from all other boroughs.

D. Runoffs

1. Runoffs shall be conducted when:
  - a. there is a tie between or among candidates; or
  - b. one or more seats remain unfilled after all candidates who do not share a school are initially seated on the CCHS.
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 one or more seats remain unfilled after the elimination of candidates whose children attend schools already represented on the CCHS, only candidates who have not been conditionally selected, who represent a borough with unfilled seats, 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, then the restrictions regarding schools not having more than one representative on the CCHS will not apply.
4. Where a runoff results in a tie, the independent agent managing the elections process for the DOE will determine the winner by lot.

5. 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 CCHS. 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 represents the same borough and received the next highest number of votes and is not from a school already represented on the CCHS.
- 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 represents the same borough and is not from a school already represented on the CCHS shall be deemed conditionally selected.
- C. 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.
- D. 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**

- A. Elections of CCHS 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 CCHS, candidate information, as well as the nature of the application and voting process.
- C. CCHS members' terms shall begin the July 1<sup>st</sup> following election and end June 30<sup>th</sup> two years thereafter. All CCHS 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 and CCSE and CCELL Appointees



Resignations of parent members and of CCSE and CCELL appointees must be in writing, addressed to FACE at ccecinfo@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. Public Advocate Appointee**

Resignations of the Public Advocate appointee must be in writing, addressed to the Public Advocate, with a copy to FACE at ccecinfo@schools.nyc.gov. Resignation shall take effect upon delivery to the Public Advocate, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Public Advocate.

**C. Student Member**

Student member resignations must be in writing, addressed to the Chancellor, with a copy to FACE at ccecinfo@schools.nyc.gov. Such resignation shall take effect upon delivery to the Chancellor, unless a future date is specified. Resignations may not be withdrawn, cancelled, or amended except by consent of the Chancellor.

**IX. VACANCIES**

**A. Parent Member and CCSE, CCELL, and Public Advocate Appointee Vacancies**

1. CCHS members who, within their term of office, refuse or neglect to attend three regularly scheduled monthly meetings of the CCHS of which they were properly notified without rendering a written valid excuse, shall be deemed to have vacated their office.
  - 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 CCHS member or family member; mandatory court attendance including jury duty; military duty; job-related conflict which makes absence from a CCHS meeting unavoidable; and other reasons the CCHS deems appropriate. Such other reasons may be deemed valid provided that they are delivered in writing to the CCHS no later than 15 days after the absence and are approved by vote of the CCHS at the next regularly scheduled monthly meeting where a quorum is present.
  - c. After the third unexcused absence, the CCHS shall declare the seat vacant by resolution and notify FACE of its action. In the event a vacancy is declared in

D-160 – PROCESS FOR THE NOMINATION AND SELECTION OF MEMBERS OF THE CITYWIDE COUNCIL ON HIGH SCHOOLS INCLUDING FILLING VACANCIES – 4/29/2021

a seat held by the Public Advocate appointee, the CCSE appointee, or the CCELL appointee, the CCHS shall also notify the Public Advocate, the CCSE, and the CCELL, respectively.

2. When a parent vacancy occurs, the CCHS shall fill the vacancy for the remainder of the unexpired term by election at a public meeting.
  - a. The CCHS shall publicize the vacancy widely, describe the application process and specify a deadline for submitting applications.
  - b. All candidates must obtain a CCHS 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 CCHS.
  - c. The High School Presidents' Council for the borough where the vacancy exists shall be given the opportunity to make written recommendations for filling the parent vacancy and to consult with the CCHS before the vacancy is filled.
3. If the parent vacancy is not filled by the CCHS within 60 days after it is declared due to a tie vote, the Chancellor shall vote to break the tie. If the CCHS fails to fill the vacancy within 60 days for any other reason, the Chancellor shall order the CCHS to fill the vacancy.
4. 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. Interested persons must obtain a CCHS Public Advocate Appointee Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward the applications to the Public Advocate. All appointment decisions shall be at the discretion of the Public Advocate.
5. When a vacancy occurs in a position appointed by the CCSE and/or CCELL, the appointing council shall appoint a member to serve the remainder of the unexpired term. Interested persons must obtain a CCHS Vacancy Application from FACE and return the completed form to FACE. FACE shall review eligibility to fill the seat, and forward the applications to the CCSE and/or CCELL, as appropriate. All appointment decisions shall be at the discretion of the CCSE and/or CCELL.

B. Student Member Vacancies

In the case of a student vacancy, the CSAC shall recommend to the Chancellor another senior to serve the remainder of the unexpired term. The Chancellor shall inform the CCHS and FACE 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 Empowerment

N.Y.C. Department of Education

52 Chambers Street - Room 409

New York, NY 10007

Telephone: 212-374-4118

Email: [CCECinfo@schools.nyc.gov](mailto:CCECinfo@schools.nyc.gov)