

Community Education Council District 31
Resolution for Tabling Chancellor Regulation D-210 to Support CCEC Autonomy

WHEREAS, in The Laws of New York State, in Education (EDN) Chapter 16, Title 2, Article 52-A, Section 2590-B establishes Community School Districts created within the City of New York¹

WHEREAS, in (EDN) Chapter 16, Title 2, Article 52-A, Section 2590-C establishes that Community School Districts shall be governed by Community District Education Councils²

WHEREAS, in (EDN) Chapter 16, Title 2, Article 52-A, Section 2590-E establishes the powers and duties of Community District Education Councils³. Citywide and Community Education Councils (CCEC) provide parents an autonomous conduit to address DOE issues impacting New York City students and families in an open and public forum without fear of removal.

WHEREAS, in Education (EDN) Chapter 16, Title 2, Article 52-A, establishes that any corrective or disciplinary action and appeal board process regarding Council Members shall be consistent with Section 2590-L⁴.

WHEREAS, councils may pass and adopt codes of conduct with policies and best practices to improve safety and discourse among council members and the public⁵

WHEREAS, CEC31 has established a code of conduct and is in the process of revising our by-laws to incorporate said Code of Conduct

WHEREAS, CEC31's bylaws state *"All procedural questions not covered by these bylaws shall be governed by Roberts Rules of Order, Newly Revised, provided they are not inconsistent with applicable laws, regulations, or these bylaws⁶"*

WHEREAS, CEC31's bylaws state *"an officer may be removed from his/her/their position as an officer by a majority vote of the whole number of the Council for misconduct, malfeasance or neglect of duty, following the referral and investigation of charges to a committee of Council members, and an opportunity for the officer to respond within 10 days"*

¹ <https://www.nysenate.gov/legislation/laws/EDN/2590-B> 2

² <https://www.nysenate.gov/legislation/laws/EDN/2590-C>

³ <https://www.nysenate.gov/legislation/laws/EDN/2590-E>

⁴ <https://www.nysenate.gov/legislation/laws/EDN/2590-L>

⁵ <https://www.nyssba.org/about-nyssba/>

⁶ CEC31 By Laws Dated January 3rd, 2011, Article IX – Parliamentary Authority

⁶ CEC31 By Laws Dated January 3rd, 2011, Section V – Disciplinary Action

WHEREAS, proposed Chancellor Regulation D-210 as written and described by the DOE, sets forth *“policy governing the conduct of the elected and appointed members of the Community and Citywide Education Councils (CCEC) and establishes a procedure for the filing and resolution of complaints of violation of this regulation⁷ .”*

WHEREAS, proposed Chancellor Regulation D-210 was drafted without the consultation of CEC31. The DOE has not provided which, if any, Citywide and/or Community Council had input.

WHEREAS, proposed Chancellor Regulation D-210 will be voted on by the Panel for Educational Policy (PEP) during their December 21, 2021, meeting to be issued the following day, just 10 days prior to the start of Eric Adams’ mayoral term, prior to David Banks becoming the DOE Chancellor, and prior to the new Mayor and several new Borough Presidents who will likely appoint new voting members as their representatives to PEP.

WHEREAS, proposed Chancellor Regulation D-210 establishes a new bureaucratic DOE position, the Equity Compliance Officer (ECO). The ECO *“is a designated DOE employee responsible for the receipt, response, processing, and investigation of complaints alleging violations of this regulation.”*

WHEREAS, proposed Chancellor Regulation D-210 establishes through the Family and Community Empowerment (FACE) department a new Equity Council. The Equity Council as stated in Regulation D-210 *“is a team of parent leaders from the Councils and Chancellor’s Parent Advisory Council appointed by FACE that shall provide recommendations to FACE on the hiring and retention of the ECO and may provide recommendations on the resolution of complaints submitted to the ECO.”* The appointment process to the Equity Council has not been provided nor has the DOE detailed the independence and accountability of the Equity Council.

WHEREAS, proposed Chancellor Regulation D-210 states *“in the event of a disagreement between the ECO and the Equity Council, the recommendation of the ECO shall govern.”*

WHEREAS, in paragraph 3 of the D-210 Definitions, describes Council Member conduct as *“verbal and physical acts and behavior, including a Council Member’s use of oral and written language, when it occurs during or at (a) CCEC meetings, (b) events hosted by the CCEC, (c) CCEC elections and campaigns, (d) public appearances and events a Council Member attends in their official capacity, and (e) other activities when such conduct creates or would foreseeably create a risk of disruption within the district or school community the Council Member serves and/or interferes with the functioning of the CCEC or the performance of the Council Member’s CCEC duties.”*

WHEREAS, *“conduct that happens outside of CEC meetings or public appearances could serve as a basis for a complaint and removal, as long as the conduct “creates or would foreseeably create a risk of disruption within the district or school community.”⁸ ”*

⁷<https://nycdoe.sharepoint.com/:f:/s/PEPArchive/Ei1Wowpml2Rlur1SUkdWsyAB2MCVqotipO9cWIZLMc x49Q?e=csJOmO>

⁸<https://nypost.com/2021/12/08/dont-let-bill-de-blasio-silence-parents-critical-of-city-education/>

WHEREAS, in paragraph 3 of the D-210 Initial Response section, the Chancellor is provided excessive decision authority if the following language is adopted without further establishing in conjunction with district councils what the NYC school district best interest is: *“contrary to the best interest of the New York City school district, the ECO may request that the Chancellor suspend or remove the Council Member who is the subject of the complaint pending completion of the investigation of the complaint.”*

WHEREAS, in paragraph C of the D-210 Scope section, *“Council Members shall not cause, request, or encourage any person, entity or organization with which they are affiliated to promote or engage in conduct that would violate this regulation if engaged in by the Council Member.”* “Promote,” “engage,” and “encourage” lack the necessary narrow definitions, thereby putting Council Members at undue risk for disciplinary action or outright dismissal.

WHEREAS, in paragraph C of the D-210 Code of Conduct section, *“Council Members shall not engage in conduct that serves to harass, intimidate, or threaten, including but not limited to frequent verbal abuse and unnecessary aggressive speech that serves to intimidate and causes others to have concern for their personal safety.”* Use of vague language for these charges may serve to undermine Council Member speech freedoms if authority is exceeded due to extreme or politically motivated interpretations of perceived infractions of the Code of Conduct.

WHEREAS, proposed Chancellor Regulation D-210 would undermine the democratically elected Council Members (9 of 12 Council Members are elected to CEC31, while 3 are appointed, respectively two from the Borough President’s Council and 1 student member recommended by the District Superintendent)

THEREFORE, BE IT RESOLVED that Community Education Councils were created by New York State to provide guidance and opinions independent of the Department of Education.

THEREFORE, BE IT RESOLVED that Community Education Councils already have the authority to establish Codes of Conduct and amend accordingly to their Bylaws.

THEREFORE, BE IT RESOLVED that the current draft of the Chancellor Regulation D-210 is premature and problematic relying on vague language to determine *“violations of conduct.”*

THEREFORE, BE IT RESOLVED that the current draft of the Chancellor Regulation D-210 will have a chilling effect on duly elected council members by limiting speech for fear of disciplinary action and/or removal.

THEREFORE, BE IT RESOLVED that CEC31 demands that the DOE table and revise Chancellor Regulation D-210 in collaboration with Citywide and Community Education Councils.

THEREFORE, BE IT RESOLVED that CEC31 recommends that the Panel for Educational Policy remove Regulation D-210 from the December 21, 2021, agenda until the incoming Mayoral administration and incoming DOE Chancellor have had an opportunity to review and revise Chancellor Regulation D-210.