

BYLAWS
OF
Community Education Council 32

DRAFT

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PRESENTED ON September 17, 2020 BY
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ARTICLE I
NAME & AUTHORITY

Section 1. Name

The name of the Council shall be Community Education Council for District 32

Section 2. Authority

The Council shall have the powers and duties set forth in NYS Education Law, Art. 52-A, §2590 and implementing regulations.

ARTICLE II
OFFICERS AND ELECTIONS

Section 1. Officers

The Officers of the Council shall be:

President

Vice-President

Recording Secretary

Treasurer

No member may hold more than one office at a time.

Section 2. Elections

Officers shall be elected by roll call vote, by the majority [6] of the whole number of members [11], and shall serve until their successors have been elected.

At the beginning of any new Education Council term, in the event that no officer is re-elected or re-appointed to the Council, the Administrative Assistant to the Council (or a

Department of Education representative) shall convene the first meeting of the Council by (i) executing the notice of meeting pursuant to Article III, Section 1; (ii) calling the meeting to order; and (iii) conducting an election from among the council members for a chair *pro-tem*, who will then begin the process of electing officers.

Section 3. Duties of Officers

3.1 President

The President shall be the Chief Executive Officer of the Council. The President shall call and preside at all meetings, execute all documents on behalf of the Council and exercise all other powers and perform all other duties pertaining to the office of President. The President shall have a vote upon all questions before the Council and shall have the right to take part in the debate on any question under consideration. The President shall be an *ex-officio* member of all committees. The President shall supervise the Administrative Assistant to the Council on its behalf. The President shall approve all member reimbursement requests except his/her own, which shall be approved by the Treasurer.

3.2 Vice-President

The Vice-President shall exercise the powers and perform the duties of the President in his/her absence, and discharge such functions as may be assigned to her/him by the President or by duly adopted Council resolution.

3.3 Recording Secretary

The Recording Secretary shall, in conjunction with the President, supervise the Administrative Assistant in the taking and keeping of meeting attendance, minutes, and the voting record on all motions and resolutions; read each resolution on the agenda of a calendar meeting; sign all approved minutes, and ensure appropriate record-keeping by the Council, including compliance with the Open Meetings Law and Freedom of Information Law. In the absence of the Administrative Assistant, the Recording Secretary shall be responsible for taking minutes. The Recording Secretary shall also discharge such functions as may be assigned to him/her by the President or by duly adopted Council resolution.

3.4 Treasurer

The Treasurer shall be responsible for working with the Administrative Assistant and designated Department of Education (DOE) staff to ensure that business transactions and member-reimbursement requests are properly documented and follow DOE

Standard Operating Procedures. The Treasurer shall sign the President's reimbursement requests; supervise the Administrative Assistant in preparing budgets and regular financial reports, and shall present same to the Council for approval. The Treasurer shall also discharge such functions as may be assigned to him/her by the President or by duly adopted Council resolution.

Section 4. Vacancies in an Office

An officer who wishes to resign from her/his office must notify the President in writing (or, if the officer resigning is the President, the Vice-President), who must notify the other Council members within 72 hours.

A vacancy in an office shall be filled for the unexpired term by special election at the next regularly scheduled calendar meeting of the Council. Notice of the vacancy and election to be held shall be included in the notice of meeting. If, in the filling of any vacancy, another office is vacated, that office shall be filled immediately, by special election held at the same meeting.

Section 5. Removal of Officers

An officer may be removed from her/his position by a majority vote [6] of the whole number of members of the Council [11] for any reason, at a regular or special meeting, provided that the officer has been given the opportunity to address the Council at such meeting prior to any vote being taken. The vote to remove such officer shall be included in the meeting agenda.

ARTICLE III

MEETINGS

Section 1. Notice & Public Access

All meetings shall be open to the public except where otherwise permitted by law.

Except as provided in Article III, Section 5, public notice shall be given to the community at least 72 hours prior to all meetings, through local news media and conspicuously posted in one or more designated public places, as provided by the Open Meetings Law (NYS Public Officers Law, Art. 7, Sect. 100-111). The Open Meetings Law requires that

public business be performed in an open and public manner, that the community be fully aware of and able to observe the performance of public officials and attend and listen to their deliberations and decisions.

In addition, notice of all meetings shall be given in writing (in English and other languages, as appropriate) in a form suitable for mass reproduction, to the President of every Parent Association/Parent Teacher Association, the Presidents' Council, heads of schools and parent coordinators to post conspicuously in schools, and to other interested persons and organizations who express a desire to receive meeting notices.

PROPOSED AMENDMENT 1. BEGINS HERE

All meetings shall be held in **ADA compliant** facilities ~~accessible to the disabled~~.

PROPOSED AMENDMENT 1. ENDS HERE

Section 2. Member Attendance at Meetings

It is the responsibility of each Council member to attend all regularly scheduled calendar and working/business meetings of the Council.

Except in an emergency, members shall notify the President and the Administrative Assistant at least 72 hours prior to the scheduled meeting time of their intent to be absent. However, such notification shall not in and of itself constitute an excused absence.

Any Council member who fails to attend three regularly scheduled calendar meetings of the Council without a valid excuse, tendered in writing to the President or the Administrative Assistant, vacates his/her office by refusal to serve (NYS Ed. Law § 2590). Absences shall be noted as "excused" or "unexcused," as the case may be, in the meeting minutes, and any written excuse tendered shall be attached.

After the third unexcused absence, the President shall, at the next calendar meeting, present a resolution declaring a vacancy to the Chancellor. Notwithstanding the provisions of Article IV.3.2, such resolution shall be voted upon at the same meeting.

As provided in Chancellor's Regulations, the following shall constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of the member or family member; mandatory court attendance including jury duty; military duty; and job-related conflict which makes absence from a Council meeting unavoidable.

If the Council deems it appropriate, other absences may be excused by vote of the Council.

The Council reserves the right to request documentary evidence of a member's excused absences.

Section 3. Annual Meeting

The Annual Meeting of the Council shall be held on the 3rd Thursday in July, at 5pm.

The only business considered shall be the election of officers.

Section 4. Calendar Meetings

The Council shall hold calendar meetings at least once a month at which formal decisions and resolutions will be considered and voted upon and where the public will have the opportunity to address the Council.

PROPOSED AMENDMENT 2. BEGINS HERE

Calendar meetings shall be held on the 3rd Thursday of each month at **5:00pm or 5:30pm** ~~6pm~~. In the event the day falls on a legal or school holiday, the Council shall vote to schedule the meeting on an alternate date, provided it falls within the same calendar month and is notified in compliance with Article III, Section 1.

PROPOSED AMENDMENT 2. ENDS HERE

From time to time, the Council may vote to reschedule a Calendar Meeting for other reasons (e.g. conflicts with Parent-Teacher Conferences or Open School Week) in order to increase parent attendance at the meeting.

Section 5. Business/Working Meetings

A working/business meeting shall be held on the 3rd Thursday of the month, immediately following the calendar meeting. In the event there is unfinished business, the council may vote to schedule an additional business/working meeting on the following Thursday, and may vote to schedule additional business/working meetings as needed. The public shall be notified of all business/working meetings as prescribed in Article III, Section 1.

Section 6. Special Meetings

Special meetings, either business/working or calendar, may be held at the call of the President and must be held upon the written request of 3 members of the Council to the President.

Special meetings held at the request of three or more Council members must be held no later than two weeks after receipt of the written request to the President.

The President shall ensure that written notice is given to each member of the Council not less than 48 hours in advance, and that public notice is disseminated as provided for in Article III, section 1. The notice shall state the matter(s) to be considered at the meeting; no other matters may be brought forth except with the consent of all members present.

Section 7. Executive Sessions

Executive Sessions shall be held as needed to discuss matters that by law are permitted to be discussed in a confidential session closed to the public. Decisions shall be made by a vote of the majority [6] of the whole number [11] of Council members, and shall be ratified at a calendar meeting by duly recorded roll call vote.

Executive Sessions may be called to deal only with matters enumerated in the Open Meetings Law, Section 105, including but not limited to:

- Matters of individual privacy: medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person.
- Information relating to current or future investigation of criminal offenses which will imperil effective law enforcement if disclosed.
- Discussions regarding proposed, pending or current litigation.

Attendance at an executive session shall be permitted to all members of the Council and any other person(s) authorized by the President or by a vote of the Council.

An Executive Session may be convened only by motion made during a business/working or calendar meeting. Such motion shall identify general areas to be considered during the Executive Session and must pass by a vote of the majority [6] of the whole number [11] of Council members.

ARTICLE IV
CONDUCT OF BUSINESS AT MEETINGS

Section 1. Agendas

1.1 Calendar Meetings

Each notice of a calendar meeting shall state the topic(s) to be considered and be accompanied by the text of any resolutions proposed for adoption by the Council.

Resolutions may be placed on the agenda by:

- a vote of the majority [6] of the whole number [11] of Council members, taken during a business/working meeting; or
- 3 members of the Council who shall have submitted such item to the President and the Administrative Assistant at least 72 hours in advance of the calendar meeting; or
- a member of the Council at any time provided that (i) he/she shall have delivered a copy thereof to the President and the Administrative Assistant before the start of the calendar meeting; (ii) such addition is consented to by a vote of the majority [6] of the whole number [11] of Council members, and (iii) copies thereof are distributed to each council member prior to the call to order.

1.2 Business/Working Meetings

The agenda for each business/working meeting shall be developed by the President. Members of the Council shall have the opportunity to place an item on the agenda by notifying the President in writing 72 hours before the meeting, and to raise issues for consideration under New Business.

Section 2. Order of Business at Calendar Meetings

PROPOSED AMENDMENT 3. BEGINS HERE

The order of business at any calendar meeting, except when otherwise prescribed by the President, shall be as follows:

1. Call to Order and Roll Call
2. Approval of Minutes
3. Program Presentation
 - a. First public speaker session

4. Report of President
5. Report of Superintendent
6. Report of Committee(s)
7. Resolutions
 - a. **Public speaker session related to resolution**
8. Public Speakers Session
9. Vote on Resolutions
10. Adjournment

PROPOSED AMENDMENT 3. ENDS HERE

The regular order of business may at any time be changed by a vote of a majority [6] of the whole number [11] of the Council.

The public shall have the opportunity to comment on resolutions on the agenda prior to Council vote by signing the Speakers' List. In addition, the Public Speakers Session shall be conducted without agenda or other formalities, subject to the Council's prerogative to require speakers to have signed the Speakers' List and to manage time.

Speaking time is limited to three minutes per person, including questions and answers. The time may be extended at the discretion of the Chair, and may be limited if necessary to allow all persons who have signed the Speakers' List to speak.

Discussion and charges relating to the competence or personal conduct of individuals will be ruled out of order. A speaker who is ruled out of order forfeits the balance of his/her time and will be directed to leave the microphone; the Chair may take appropriate measures to enforce the ruling.

Section 3. Quorum and Majority

Pursuant to the General Construction Law, § 41, the majority of the whole number of voting members of the Council must be present to constitute a quorum regardless of the number of vacancies that exist on the Council. The Council has 11 voting members; therefore, no fewer than 6 members must be present to constitute a quorum and no fewer than 6 votes are needed to carry any motion or adopt any resolution.

3.1 Quorum

PROPOSED AMENDMENT 4. BEGINS HERE

If there is no quorum present at the time set for a meeting, the members present shall wait **15 minutes** for additional members to arrive, after which time a roll call may be held and a vote taken, by simple majority of members present, to adjourn the meeting to another date.

PROPOSED AMENDMENT 4. ENDS HERE

Notice of the adjourned meeting shall be given forthwith to all Council members, and to the public as provided for in Article III, Section 1.

3.2 Official Actions

Official actions of the Council may be taken by motion or resolution, duly adopted by a vote of the majority [6] of the whole number [11] of the Council.

The Council shall solicit public comment on resolutions whenever feasible. Resolutions shall be voted upon only at regularly scheduled or special calendar meetings. The resolution shall be included in the notice of meeting, and the draft text attached if available. If a resolution is added to the agenda pursuant to Art. IV, Section 1, the text shall be made available to the public at the meeting where the resolution is to be voted upon.

There shall be no proxy or absentee voting, or polling by phone or e-mail.

Section 4. Minutes

The minutes of all meetings shall be a matter of public record and shall be available for inspection at the Council's office.

Minutes of calendar meetings shall be created in electronic format, and shall be available in draft form upon request within two weeks following a meeting. The minutes of calendar meetings shall report the resolutions acted upon and the votes of individual members.

Audio recordings of meetings shall not constitute minutes.

ARTICLE V

COMMITTEES

The Council may create committees and define their membership as it may determine.

PROPOSED AMENDMENT 5. BEGINS HERE

Membership in committees may be open to parents who have children in public schools of the Community Schools District 32 who are not members of the Council, but all Committee Chairs shall be Council members. ~~Membership in committees may be open to persons who are not members of the Council, but all Committee Chairs shall be Council members.~~ Chairs shall be appointed and removed by the President, and shall serve until the appointing President's term expires. The Council may veto the appointment or removal of any Committee Chair by vote of the majority [6] of the whole number [11] of the Council.

PROPOSED AMENDMENT 5. ENDS HERE

It shall be the responsibility of Committee Chairs to schedule meetings; notify committee members and the council of all meetings; ensure that public notice is distributed as provided for in Art. III.1 of these bylaws; and maintain accurate records of all activities and report monthly to the Council. Each committee shall operate under the Open Meetings Law, these bylaws and Robert's Rules of Order Newly Revised, and all committee recommendations shall be subject to approval by the Council.

ARTICLE VI

PARENT ASSOCIATIONS & COMMUNITY INVOLVEMENT

Section 1. Parent Associations

The Council is in active partnership with parents in our schools. Pursuant to NYS Ed. Law § 2590, the Council takes note that there shall be a Parent Association (PA) or Parent Teacher Association (PTA) in each school, and that the Council, the community superintendent, and the principal of each school shall have regular communication with all PAs/PTAs.

The Council shall meet quarterly with the duly elected officers of PA/PTAs in the district; this requirement may be satisfied by meetings held jointly with the Presidents' Council for district 32.

Section 2. Superintendent Evaluations

The Council shall seek public comment on the goals and objectives and performance indicators adopted for the annual evaluation of the community superintendent.

ARTICLE VII

VACANCIES ON THE COUNCIL

In the event a Council member resigns, is removed or becomes ineligible to serve, the Council shall appoint a successor to fill the unexpired term within 60 days.

The Council shall solicit recommendations for applicants to fill the vacancy by a Notice of Vacancy, which shall be disseminated as provided in Article III.1.

The notice shall state a deadline for submitting applications, and the Council shall interview all candidates who have submitted an application.

The Council shall interview candidates to fill vacant position(s) in a Special Meeting called for the sole purpose of conducting interviews. The Council shall request the presence and participation during the interview process of the Presidents' Council and members of the community. The Council shall request that they submit any recommendations in writing following the close of interviews.

An appointment to fill a vacancy on the Council shall be by roll call vote at any business or calendar meeting following the interviews.

ARTICLE VIII

AMENDMENT OF BYLAWS

These bylaws may be amended at any regularly scheduled calendar meeting of the Council by a vote of the majority [6] of the whole number [11] of the Council, provided the amendment or revised draft, as appropriate, has been presented in writing to the public at the previous calendar meeting. Adoption of the amendment/revised draft shall be by motion or resolution included in the notice of meeting. Amendments are effective immediately unless otherwise stated in the motion/resolution.

ARTICLE IX

PARLIAMENTARY AUTHORITY AND COMPLIANCE

These bylaws shall be the governing instrument of the Council, subject only to applicable laws and regulations.

All procedural questions not covered by these bylaws shall be governed by Roberts Rules of Order Newly Revised to the extent they are not inconsistent with applicable laws, regulations, or these bylaws.

The Council may appoint one of its members to serve as a Parliamentarian, to advise the Council on matters of procedure and matters pertaining to these bylaws.

In the event any provision of these bylaws conflicts with applicable laws, regulations or NYCDOE policy, the latter shall be deemed controlling. All other provisions shall remain in full force and effect.

ARTICLE X

MEMBERS' CODE OF CONDUCT

Members shall at all times be mindful that they are public officials, that Council meetings are subject to the Open Meetings Law, and that Council communications are subject to the Freedom of Information Law.

All official communications shall be sent through the Council's official DOE-issued email address. Both the Administrative Assistant and the President should have access to all CEC email and other accounts.

The Administrative Assistant and the President shall inform all council members promptly of any official notices and matters pertaining to Council business.

In all spoken or written communications, Council members shall be careful to avoid the implication that they are speaking for the Council on matters that have not been voted on by the Council.

PROPOSED AMENDMENT 6. BEGINS HERE

ARTICLE XI

SOCIAL MEDIA

The Council shall allow the Administrative Assistant to control all social media as a form of communication, including the website, Facebook, [and other social media platforms that the Council decides to input]. Only the Administrative Assistant should be able to post. The Administrative Assistant can post regular CEC and school related events without permission of the Council. When there are posts that are not related to the Community Schools District 32, then the

Administrative Assistant can post only if given permission and granted consent by the Council to do so, not the President. This is to promote and provide information to the parents.

PROPOSED AMENDMENT 6. ENDS HERE

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