

PROPOSED REVISIONS
(December 2022-2023) BYLAWS


OF

Community Education Council District 31

APPROVED BY THE MEMBERSHIP

ON

12/05/22

DocuSigned by:
 12/8/2022
9CE6F31AE8124F9... (President) (Signature) (Date)


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ARTICLE I – NAME & AUTHORITY

Section 1. Name

The name of the Council shall be Community Education Council District 31

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
- 2nd 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 not less than a majority [6] of the whole number of the members of the Council [11], each year at the *September Annual Meeting*, for a term of one year and shall serve until their successors have been elected in accordance with these bylaws. Nomination and election of officers shall proceed in the following order: President, Vice President, Recording Secretary and Treasurer.

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 as authorized by Council members, 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.

The Council by vote of not less than a majority of the whole Council (6) may delegate the power to execute documents to such other officers or to the Administrative Assistant as it designates.

The Administrative Assistant, and the President, or designee, shall be responsible for the maintenance of the CEC website, monitoring of CEC email domain names, and the maintenance of any existing or approved related websites, and social media accounts. Access to this information will be made available to council members upon request.

3.2 Vice President

The Vice President shall exercise the powers and perform the duties of the President in her/his absence. The Vice President shall also discharge such functions as may be assigned to her/him by the President or by resolution adopted at any meeting at which a quorum is present.

3.3 2nd Vice President

The 2nd Vice President shall exercise the powers and perform the duties of the Vice President in her/his absence. The 2nd Vice President shall also discharge such functions as may be assigned to her/him by the Vice President or President or by resolution adopted at any meeting at which a quorum is present.

3.4 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 of each member on all resolutions. The Recording Secretary may 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 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 in general perform such duties as may be assigned by the President or by resolutions duly adopted at any meeting at which a quorum is present. She/he shall assume the duties of President in the temporary absence of the President and the Vice President.

3.5 Treasurer

The Treasurer shall be responsible for working with the Administrative Assistant to the Council and designated Department of Education staff to ensure that business transactions and member reimbursement activities are properly documented and maintained and follow Department of Education standard operating procedures.

The Treasurer shall sign the President's reimbursement requests; supervise the Administrative Assistant in preparing, implementing and monitoring budgets and preparing regular financial reports, and shall present the 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

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

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

Section 5. Removal of Officers

An officer may be removed from his/her position as an officer by a vote of not less than a majority [6] of the whole number of the Council [11] for any reason at a regular or special working business meeting, provided that notice of the vote to remove such officer shall be included in the agenda for such meeting and circulated in accordance with the rules provided therefor herein and, provided, further, that such officer shall have the right to address the Council at such meeting with respect to this issue prior to any vote being taken.

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 Section 5 of Article III, public notice of meetings shall be given to the community at least 72 hours prior to the date of the meeting, through local news media email distribution service, social media and conspicuously posted on the CEC D31 website and in one or more designated public places prior to the meeting as provided by the Open Meetings Law, (Article 7, Sections 100-111 of the New York State Public Officers Law and Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law.) The Open Meetings Law requires that public business be performed in an open and public manner that the community be fully informed of and able to observe the performance of public officials and attend and listen to their deliberations and decisions. It also permits the Community Education Councils of NYC to allow for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend and authorize its members to attend meetings by video conferencing under extraordinary circumstance. Any members attending by videoconference must, except during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. Any meeting where a member attends by videoconference be recorded, posted to the Community Education Council of District 31 webpage within five business days, and transcribed upon request. Members of the public are permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

Except as provided in Section 5 of Article III, 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 Presidents of Parent Associations/Parent Teacher Associations, the Chairs of School Leadership Teams (SLT), the Presidents' Council, and heads of schools, to post conspicuously, and to other interested persons and organizations who express a desire to receive meeting notices.)

All meetings which are held virtually shall be recorded by the Administrative Assistant or the President or designee if the Administrative Assistant is unavailable to host the meeting and posted within the week for public viewing.

All meetings shall be held in ADA accessible facilities.

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 1 business day 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 per term without a valid excuse, tendered in writing to the President and 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, Section 3.2, such resolution shall be voted upon at the same meeting without public comment thereon.

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 convened on the first Monday of September unless it falls upon a National Holiday and will then be moved to the second Monday of September.

The Annual Meeting shall be for the sole purpose of nominating and electing officers for the ensuing year. The election of officers shall take place and the Annual Meeting shall be concluded no later than the second Wednesday of October, unless said date falls on a legal holiday in which event the next business day.

The Annual Meeting shall be called by a re-elected or re-appointed Council member who held the highest ranking officer’s position in the Council term immediately prior. For the purpose of electing officers in the new Council term, the officers rank shall be in the following order: President, Vice President, 2nd Vice President, Recording Secretary and Treasurer.

In the event that no Council member who served as an officer in the immediately prior Council is reelected to convene the Annual Meeting, the Administrative Assistant to the Council shall (a) execute the notice of Annual Meeting pursuant to Article III, Section 1 and (b) call the Annual Meeting to order and conduct an election for a Chair Pro-Term from amongst the Council members who will preside over the Annual Meeting until the President has been elected, after which, the President shall preside over the Annual Meeting.)

Section 4. Calendar Meetings

The Council shall hold regular calendar meetings at least once a month at which all formal decisions, resolutions and actions of the Council shall be taken, and the public shall have the opportunity to address the Council. Meeting dates for the following year shall be selected at the annual meeting.

Section 5. Working Business Meetings

The Council shall hold a working business meeting preceding or at the conclusion of each calendar meeting. The public shall be notified of all working business meetings as described in Article III, Section 1, except as provided in Section 5 of Article III. The public may attend all working business meetings but may not address the Council during such meetings.

In the event there is unfinished business, the Council may vote to schedule an additional business/working meeting as needed.

Section 6. Special Meetings

Special meetings, either working business or calendar, may be held at the call of the President and must be held upon the written request of three (3) members of the Council to the President. The President shall ensure that email, written or telephone notice of such meeting shall be given to each member of the Council not less than 48 hours in advance and shall state the matter or matters to be considered. No other matters may be considered at said special meetings except with the consent of all members present.

Any such special meeting must be held not more than two weeks after the receipt of the written request.

Where the public cannot be given notice as provided in Article III, Section 1, the Council shall notify Parent Association/Parent Teacher Association Presidents and school staff via email, telephone and public posting as soon as is practicable of the meeting and the matter or matters to be considered

Section 7. Executive Sessions

Executive Sessions shall be held as needed to discuss matters that by law (Open Meetings Law, Section 105,) are permitted to be discussed in a confidential session closed to the public. Decisions on matters to be addressed in Executive Session shall require approval of not less than a majority of the whole number of the members of the Council, shall be taken by roll call vote, and shall be ratified at a calendar meeting.

Executive Sessions may be called only to deal with the following issues:

- 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.
- Matters which will imperil the public safety if disclosed.
- Matters which may disclose the identity of law enforcement agency personnel or informer.
- 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.
- Collective negotiations pursuant to article fourteen of the civil service law.
- Preparation, grading, or administration of examinations.

Attendance at an executive session shall be permitted to any member of the Council and any other persons authorized by the Council.

To convene an Executive Session, a motion must be made during a business/working or calendar meeting and must identify general areas to be considered during the Executive Session.)

ARTICLE IV – CONDUCT OF BUSINESS AT MEETINGS

Section 1. Agenda

1.1 Business/Working Meetings

The agenda for each working business meeting shall be developed by the President following consultation with all members of the Council. Such agenda shall include the opportunity to raise issues for consideration under New Business at each working business meeting.

1.2 Calendar Meetings

Each notice of a calendar meeting shall be accompanied by an agenda of matters to be addressed at such meeting together with copies of any resolutions to be considered by the Council at such meeting. Any Council member may submit an item to be added to the agenda to the President up to 7 calendar days prior to the meeting. The President shall, with the assistance of the Administrative Assistant, prepare the agenda for circulation together with the notice of calendar meeting.

The Council shall record attendance of members of the public at calendar meetings by means of a sign-in sheet. No member of the public shall be required to sign the sign-in sheet to attend a calendar meeting.

Section 2. Order of Business at Calendar Meetings

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

1. Call to Order and Roll Call
2. Approval of Minutes
3. Presentation of Resolutions
4. Open Public Question/Comment of Resolutions
5. Vote on Resolutions
6. Program Presentation
7. Open Public Question/Comment of Presentation Session
8. Report of President
9. Report of Community District Superintendent
10. Report of Committee(s)
11. Public Speaking Session
12. New Business to add for following month's Agenda
12. Adjournment

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

The public shall have the opportunity to comment on resolutions on the agenda or any other issues prior to Council vote by signing the Speakers' List. In addition, the chair may require Public Speakers to abide by community standards of decorum. Public Speakers Session shall be conducted, 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 shortened 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 or can be muted during a virtual meeting; 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

If there is no quorum present at the time set for a meeting, the members present shall wait for *[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.

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.

In the case of a calendar meeting without quorum, any program presentation and the report of the superintendent shall be allowed to go forward before the meeting is adjourned.

3.2 Official Actions

Official actions of the Council may be made by motion or resolution, duly adopted by a vote of not less than a majority (6) of the whole number of the members of the Council.

The Council shall solicit public comment on resolutions whenever feasible. Resolutions shall be voted upon only at regularly or special scheduled 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 email during an in-person meeting. If the meeting is virtual, a Council member who is unable to join via videoconferencing may participate and vote by phone or by chat when their name is clearly displayed.

Section 4. Minutes

The minutes of all meetings shall be taken and prepared by the Administrative Assistant under the supervision of the Recording Secretary. The Recording Secretary shall be responsible for recording all votes to be included in the minutes. In the absence of the Recording Secretary the Vice President shall record all votes to be included in the minutes. The minutes of all meetings shall be a matter of public record and will be available for inspection on the CEC D31 website.

Recording of virtual meetings shall be posted online and links to said postings shall be live on the CEC D31 website.

Minutes of calendar meetings shall be printed or posted on the Council's website within two weeks following a meeting at which they are approved. The minutes of Calendar Meetings shall report the resolutions acted upon and the votes of individual members.

ARTICLE V - COMMITTEES

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

Zoning & Capital Planning Committee shall be a standing committee with the purpose of reviewing the Capital Plan, compiling capital project requests from schools, and submitting the official comment letter and the ranked capital requests in January every year.

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 or September 15th, whichever is earlier. 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.

It shall be the responsibility of Committee Chairs to schedule meetings, notify committee members and the public of all meetings, 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 and district. Pursuant to Section 2590-d of the New York State Education Law and Board of Education policy regarding "Parent Associations and the Schools" and Chancellor's Regulation A-660:

- (a) There shall be a Parent Association (PA) or Parent Teacher Association (PTA) in each school in the Council.
- (b) The Council, the superintendent, and the principal of each school shall have regular communication with all PA/PTAs.
- (c) The Council shall meet quarterly with the duly elected officers of PA/PTAs.

Section 2. Superintendent Evaluation

The Council shall prepare an evaluation of the Community District Superintendent on an annual basis.

ARTICLE VII – VACANCIES ON THE COUNCIL

In the event a Council member resigns, is removed or becomes ineligible to serve, the Council shall fill the vacancy according to the Chancellor's Regulation D-140, section IX. and 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, Section 1. The notice shall state a deadline for submitting applications.

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. The Council may choose to hold an Executive Session to discuss the candidates.

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

ARTICLE VIII – 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 NYC DOE policy, the latter shall be deemed controlling. All other provisions shall remain in full force and effect.

ARTICLE IX – COMMUNICATIONS PROTOCOL

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

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

ARTICLE X – AMENDMENT OF BYLAWS

These bylaws may be amended at any regularly scheduled calendar meeting of the Council by a vote of not less than a majority of the whole number of the Council (6), provided the amendment has been presented in writing to the public at the previous calendar meeting and appears in the notice of the meeting at which it is to be amended. Amendments are effective immediately following the adjournment of the Calendar meeting in which they were approved.