

COMMUNITY EDUCATION COUNCIL DISTRICT 28

BYLAWS

APPROVED BY THE MEMBERSHIP

ON _August 4,2022

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ARTICLE I – NAME & AUTHORITY

Section 1. Name

The name of the Council shall be Community Education Council District 28.

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
- First Vice-President
- Second Vice-President
- Recording Secretary
- Treasurer

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

Section 2. Elections

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 Presiding Officer *pro-tem* who will then begin the process of electing officers. Council members may run for an officer position even if they are absent from the election meeting by submitting a statement in writing to the Administrative Assistant.

Section 3. Duties of Officers

3.1 President

The President shall be the Chief Executive Officer of the Council. Except as set forth in Article II Section 2, the President shall be the Presiding Officer that calls and presides over the meetings of the Council enumerated in Article III, 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 First Vice-President

The First 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 Second Vice-President

The Second Vice-President shall exercise the powers and perform the duties of the First Vice-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.

3.4 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 on all motions and resolutions; read each resolution on the agenda of a calendar meeting if the resolution was not presented to the public in advance; 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 exercise the powers and perform the duties of the Second Vice-President in his/her absence, and discharge such functions as may be assigned to him/her by the President or by duly adopted Council resolution.

3.5 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 exercise the powers and perform the duties of the Recording Secretary in his/her absence, and 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 First Vice-President), who must notify the other Council members within 3 business days.

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 calendar or special calendar meeting, provided that the officer has been given the opportunity to address the Council at such meeting prior to any vote being taken. Notice of the vote to remove such officer shall be included in the notice of meeting and 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, and 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 **including electronic distribution to public distribution lists** (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. All meetings shall be held in facilities accessible to the disabled.

The council is authorized to conduct hybrid meeting in accordance with the Open Meeting Law, and may allow members who experience an extraordinary circumstance (*Symptoms of illness, work emergencies, COVID-19, family or personal emergencies, ineligibility to attend in person meeting due to public policy, or other specific individual circumstances that have been approved by the council*) to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022.

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 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.

As provided in Chancellor's Regulations D-140/150/160/170, 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, provided that the member's excuse is tendered in writing to the President and the Administrative Assistant, and the excuse tendered is attached to the minutes. 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 first Thursday in July, or on another date as decided by a vote of the Council.

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.

Calendar meetings shall be held on the first Thursday of each month at 6:30 pm. In the event the day falls on a legal or school holiday or for other reasons, the calendar meeting shall be held on the following Thursday at 6:30 pm, or the Council may also vote (no later than the prior month) to schedule the calendar meeting on an alternate date, provided it falls within the same calendar month and the meeting is notified in compliance with Article III, Section 1.

Section 5. Business/Working Meetings

A working/business meeting shall be held following the calendar meeting on the same evening. In the event there is unfinished business, the Council may vote to schedule an additional business/working meeting, ideally 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 by 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.
- Discussions regarding proposed, pending or current litigation.⁹

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:

- 1) by a vote of the majority [6] of the whole number [11] of Council members, taken during a business/working meeting; or
- 4) by 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 14 calendar days before the meeting, and to raise issues for consideration under New Business.

During each business/working meeting, the Council shall have an opportunity to decide on the agenda for upcoming calendar meetings.

Section 2. Order of Business at Calendar Meetings

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
4. Report of President
5. Report of Superintendent
6. Report of Committee(s)
7. Resolutions
8. Public Speakers Session
9. Vote on Resolutions
10. Adjournment

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.

During meetings, attendees are welcome to have and express passionate views on policy issues, but discussion and charges relating to the competence or personal conduct of individuals, making intentionally harmful or degrading comments towards a participant, making intentional personal attacks, being abusive or threatening, being profane, or engaging in serious outbursts or disruptions will be ruled out of order; the Presiding Officer may take appropriate measures to enforce the ruling.

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 Presiding Officer, and may be limited if necessary to allow all persons who have signed the Speakers' List to speak. A speaker who is ruled out of order forfeits the balance of his/her time and will be directed to leave the microphone; the Presiding Officer 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

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

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. The process for creation of a committee is as follows:

- At a meeting enumerated in Article III, if a motion to form a committee is made with support from at least four Council members, the committee shall be deemed formed, with the member bringing the motion deemed as Committee Chair *pro-tem*, unless a more permanent Committee Chair is appointed at the meeting instead.

A Committee Chair shall be a Council member. A Committee Chair shall be appointed and removed via announcement by the President at a meeting enumerated in Article III and shall serve until the appointing President's term expires. Membership in committees may be open to persons who are not members of the Council, and a Committee Chair shall appoint and remove such persons, as well as Council members, to the committee via announcement at a meeting enumerated in Article III. A Committee Chair may appoint and remove a Committee Vice Chair via announcement at a meeting enumerated in Article III, and the Committee Vice Chair shall exercise the powers and perform the duties of the Committee Chair in his/her absence.

The Council may veto the appointment or removal of any Committee Chair or Committee Vice Chair by vote of the majority [6] of the whole number [11] of the Council.

It shall be the responsibility of a Committee Chair to schedule meetings, notify committee members and the public of all meetings, be the Presiding Officer that calls and presides over committee 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. 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 28.

Section 2. Superintendent Evaluation

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, 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.

An appointment to fill a vacancy on the Council shall be by roll call vote at any council 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 NYC DOE policy, the latter shall be deemed controlling. All other provisions shall remain in full force and effect.

ARTICLE X – CODE OF CONDUCT

Section 1. Communications Protocol

- All official Council communications (as a Council) shall be sent through the Council's DOE-issued email address. Both the Administrative Assistant and the President shall have access to the account.
- The Administrative Assistant and the President shall inform all other council members promptly of any official notices and matters pertaining to Council business.

Section 2. Code of Conduct

- Council members shall comply with all applicable laws and Chancellor's regulations governing their conduct.
- At meetings, Council members may have passionate opinions on policy issues, but Council members must not allow their passion on policy issues to cross the line into intentional personal attacks directed at other members. Council members must not make intentionally harmful or degrading comments towards other members.

Section 3. Violations and Remedies

- An Alleged Violation is where someone believes that Article X Section 1 and/or Section 2 has been violated.
- This Section 3 provides remedies for an Alleged Violation.
- The Involved Parties are 1) any complainor(s) who has actually been harmed by the Alleged Violation, and 2) the complainee(s).
- If a personal attack occurs during a meeting, then pursuant to Article IX, a Council member may raise a point of order or question of order over the Alleged Violation, and the Presiding Officer may rule on it. (See, for example, §4:30 of Roberts Rules of Order Newly Revised 12th Edition.)

length of speeches, longer than ten minutes.

4:30 Debate must be confined to the merits of the pending question. Speakers must address their remarks to the chair, maintain a courteous tone, and—especially in reference to any divergence of opinion—avoid injecting a personal note into debate. To this end, they must never attack or make any allusion to the motives of members. As already noted, speakers should refer to officers only by title and should avoid the mention of other members' names as much as possible.

- In ruling on such a point of order, the Presiding Officer may, to the extent permitted under Article IX, direct a party to cease and desist from the Alleged Violation and/or recognize another speaker.
- If a Council member believes an Alleged Violation is occurring, then such member may impose an Article X Section 3 Code of Conduct Pause by notifying the Council of same and briefly pausing the meeting. During an electronic meeting being held virtually, such brief pause may include muting the involved parties to prevent further escalation. After the pause, the Presiding Officer may direct a party to cease and desist from the Alleged Violation and/or recognize another speaker.
- If a Council member believes an Alleged Violation may have occurred, an individual Council member may, to the extent permitted under Article III, attempt to address such Alleged Violation informally.
- If informal attempts fail to resolve the Alleged Violation to the mutual satisfaction of the Involved Parties, then the Council shall discuss the Alleged Violation, to the extent permitted under Article III Section 7, in an executive session. Attendees invited to such session shall include all Council members, guests of the Council, as well as the Involved Parties.
- If an executive session fails to resolve the Alleged Violation to the mutual satisfaction of the Involved Parties, then the Council shall attempt to resolve the Alleged Violation through a Restorative Practices Process, namely:
 - The Council will request mediation and work in collaboration with the Department of Education Office of Family and Community Engagement (FACE) to secure a mediator.
 - The facilitated restorative practices session shall, to the extent permitted under Article III Section 7, be held in executive session. Attendees invited shall include all Council members, guests of the Council, as well as the Involved Parties.
- If the Restorative Practices Process fails to resolve the Alleged Violation to the mutual satisfaction of the Involved Parties, then to the extent permitted under Article III Section 7, the Council shall hold executive session, and 1) if further disciplinary action is unwarranted, the Council

shall notify the Involved Parties of its determination, or 2) if further disciplinary action is warranted, the complainee shall be given an express final warning with any Council demands or conditions that must be satisfied by the complainee in order to avoid further disciplinary action by the Council. The complainee must expressly agree to comply with the Council demands or conditions, and must then comply with them, to avoid further disciplinary action.

- If the final warning process fails to resolve the Alleged Violation to the satisfaction of the Council because the complainee fails to agree to, or fails to comply with, Council demands or conditions, then to the extent permitted under Article III Section 7, the Council shall hold executive session and decide if the complainee should undergo a leadership training module, lose their officer positions pursuant to Article II Section 5, or some other Council solution on the matter, such as voting on a resolution.
- If a complainor rejects any of the processes described in Section 3, such as failing to accept an invitation to a mediation meeting, then the complainor waives their complaint, requiring no further action from the Council. If a complainee rejects any of the processes described in Section 3, such as failing to accept an invitation to a mediation meeting, then the complainee waives the right to use such process.

Article XI – COMMUNITY NORMS

Section 1. Community Norms at Meetings

- A culture of inclusion and respect is hard to build and nurture but is easy to tear down.
- We're all in this together to create a welcoming environment. Let's treat everyone with respect. Healthy debates are natural, but kindness is required.
- At meetings, participants may have passionate opinions on policy issues, but participants must not allow their passion on policy issues to cross the line into intentional personal attacks directed at other participants. Participants must not make intentionally harmful or degrading comments towards other participants. Constructively asking a meeting participant to engage in self-reflection about background or implicit beliefs and feelings shall not be construed as a violation of this.
- Participants must maintain a courteous tone, and--especially in reference to any divergence of opinion—avoid injecting a personal note into debate.
- It is acceptable to ask people to be thoughtful about the role of identity-- such as discussing privilege, advantages, and biases-- but participants shall not direct a negative comment at other participants that degrades their race, color, ethnicity, religion, culture, national origin, citizenship status, language, sexual orientation, gender, disability, age, weight or identity.
- Participants shall show compassion for others, responding appropriately to emotional responses from individuals, demonstrate respect for others,

demonstrate a calm, compassionate, and helpful demeanor toward fellow attendees, and be supportive and respectful.

- Participants shall not be targeted, nor shall they be explicitly or implicitly identified as targets, for bullying, harassment, hatred, stalking, disrespect, hostility, complaints, exclusion, or related behaviors by participants. Participants shall not encourage or incite other members of the community to engage in such harm towards other participants.
- Participants shall not publicly disclose or discuss in negative ways the personal information, work information, or information about the family of other participants.
- Bystander or upstander intervention is a philosophy and strategy for prevention of various types of violence, including bullying, and has been used as a strategy for preventing sexual harassment, sexual assault, intimate partner violence, and racialized harassment. Bystander or upstander intervention is based on the fact that people make decisions and continue behaviors based on the reactions they get from others. The idea that these social norm-shaping reactions to someone's words or behavior could prevent violence is helpful only to the extent that the community realizes their power, notices the problem behaviors and attitudes, feels responsible, and has the skills to respond. Any one of us is a bystander any time we are interacting with others – we can either promote positive and healthy attitudes and behaviors, or harmful ones.
- Treat others in the community the way you want to be treated.