



Bylaws
Of
Harlem Community Education Council District 5
(HCECD5)

AMENDED APPROVED BY THE MEMBERSHIP ON JANUARY 24, 2024

Damaris Rodriguez, Recording Secretary

Lisa Kinsey, Administrative Assistant

Schadell Barnhill
President

Schadell Barnhill
Signature

Jan. 24, 2024
Date

Damaris Rodriguez
Recording Secretary

Damaris Rodriguez
Signature

Jan. 24, 2024
Date

ARTICLE I - NAME

The name of the Council shall be Harlem Community Education Council District 5,

These laws shall be the governing instrument of the Council subject only to applicable provisions of law, policy, and regulation.

ARTICLE II – OFFICERS AND ELECTIONS

Section 1 Officers

The officers of Harlem Community Education Council District 5 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 annually by roll call vote and shall serve until their successors have been elected.

All positions must be voted on even if there is only one candidate; where there are two or more candidates, each member must make a choice and vote for one.

Should no candidate receive at least 7 votes, the election continues to the nomination/election process for the next position and return to undecided positions at the end. If when conducting the second round for the undecided position, if more than two candidates are running and no one candidate receives 7 votes.

If after two rounds of voting on undecided position, and the officer position remains unfilled due to no candidate receiving at least 7 votes over two rounds of voting, the incumbent officer (including from a prior council term, should he/she still be a member of the council) will continue in the position for the current year. New elections for all unfilled positions shall be put on the agenda of following month's calendar meeting, only if the incumbent officer is no longer on the council or if the incumbent officer does not want to hold the position.

Following a Council election, in the event that no officer is re-elected to convene the annual meeting, the Secretary to the Council shall execute the notice of meeting pursuant to Article III, Section 1. The Secretary shall call the annual meeting to order and conduct an election 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 as authorized by them, 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 Council by majority vote may delegate the power to execute documents to such other officers or employees as it designates.

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 Recording Secretary

The Recording Secretary in the absence of the Administrative Assistant will keep a record of attendance and the voting record of each member on all resolutions. The Secretary shall read each resolution on the agenda of a calendar meeting. The 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 Vice-President.

3.4 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. As per FACE council reimbursements are due monthly. The Treasurer shall sign the president reimbursement. The President shall sign the treasurer and member reimbursements with the proper supporting documentations. The treasurer shall provide the council with a monthly report, detailing the expense and items purchased during the prior month.

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 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 that office must notify the President (or, if the officer resigning is the President, the First Vice-President) who must notify the other Council members within 5 business days.

Section 5 Code of Conduct

Officers are elected officials and are expected to conduct themselves in a positive manner. Our code of conduct reminds us of the expectations of a council member:

- Members who hold an executive seat (president, vice president, second vice president, recording secretary, and treasurer) must execute their roles and responsibilities, if a member of the executive committee does not execute their roles and responsibilities regularly, the president can request that the member resign from the position and the council can re appoint a new member to the seat.
- Council Members shall not engage in fighting or physically/verbally aggressive behavior, such conduct is grounds for suspension and possible expulsion by the Chancellor.
- Members shall be respectful of the confidentiality of information.
- Members shall show respect to all members of the school community and/or councils they serve.
- Members shall treat others professionally and respectfully.
- Members shall not use their official Council position to resolve personal disputes or school matters on behalf of their own children and/or the children of their friends and family.
- Members shall not use any data or information collected from our schools or meetings for personal use or educational use, this is grounds for suspension or expulsion.
- Council communication via email or telephone calls are Monday-Friday 9am-5pm.

Section 6 Disciplinary Actions

An officer may be removed from his/her position as an officer of the 7 members of the Council.

Section 7 Absences

Council members who miss more than 3 meetings without a valid written excuse are deemed by NYS law to vacate their office by refusal to serve. The law requires that "each absence and any written excuse rendered shall be included in the official written minutes". Valid excuses are defined in Chancellor's Regulations D-140-170. They include death in the family, illness, work obligations and others as defined by the Council.

It is incumbent upon all council members, except in cases of emergency to notify the AA at least **4** hours prior to the scheduled meeting time of their intent to be absent ex. illness, immediate death in the family, unavoidable work obligations, jury duty, military service is deemed excusable. Extra curriculum leisure activities that are not work-related obligations are not deemed as excusable. Notification does not excuse an absence. There shall be no proxy or absentee voting.

Any member of the Council who fails to attend four meetings of the council of which she/he is duly notified, without rendering in writing a good and valid excuse therefore to the President, vacates his/her office by refusal to serve (Education Law 2590-c). Each written excuse and absence noted as excused or unexcused shall be included within the official written minutes of such meeting. **After the fourth unexcused absence and four excused absences, the President, with the approval of the Council, shall notify in writing the absent and unexcused or excused member that the Council shall declare a vacancy to the Chancellor by resolution at its next regularly scheduled calendar meeting.**

ARTICLE III – MEETINGS

Section 1 Open to the Public

All meetings shall be open to the public except where otherwise permitted by law. Public notice of meetings shall be given to the community at least 72 hours prior to the date of the meeting and posted as provided by the Open Meetings Law, (Article 7, Sections 100-111 of the New York State Public Officers Law.)

Section 2 Annual Meeting

The Annual Meeting of the Council shall be held on the **4th Wednesday in July**, unless said date falls on a legal holiday, in which event the meeting shall be scheduled for the next business day, provided all rules for notification of meetings are adhered to.

At the Annual Meeting, the first order of business shall be the annual election of officers for the ensuing year. A roll call vote of members shall be required.

Section 3 Business/Working Meetings

The Council shall hold a business/working meeting after the calendar meeting on the **4th Wednesday of each month** and on other evenings as needed. The public shall be notified of all working/business meetings as described in Article III, Section 1

Section 4 Calendar Meetings

Calendar meetings of the Council shall be held on the **4th Wednesday of each month at 6:30 PM** in the evening except when such a date shall be a legal or school holiday in which event a majority of the Council may vote to schedule the meeting on an alternate day, provided that it observes the rules for notification of meeting. These meetings shall be held in schools throughout the district that permit access to the disabled. After the Report of the Community Superintendent there will be 15 minutes for Q & A with each person allowed two minutes to speak. If all questions are not answered during the allotted time the public should fill out public comment cards and the President will respond at the next calendar meeting.

Section 5 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 three (3) members of the Council to the President. The President shall ensure that 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 to be considered. No other matters may be considered at said special meetings except with the consent of all members present.

Any such 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 will notify Parent Association Presidents and school staff via e-mail, telephone, and public posting. The local news media will also be given notice of the meeting.

Section 6 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 shall be made by 7 members of the council, and recorded by roll call vote, and shall be ratified at a calendar meeting. **Personal matters and pending litigation matters "leading to the appointment, promotion, or dismissal of a particular person. It is not a meeting, but a part of a meeting closed to the public. A motion is required to go into executive session and voting must take place in the open meeting. Specific grounds must be stated. Not "personal matters" but the employment history of a specific person (no need to name the person) no council member may be excluded: anyone who is not a council member including the AA may be included only if invited by the council.**

Calendar meetings of the Council shall be held on the **4th Wednesday of each month at 6:30 PM** in the evening except when such a date shall be a legal or school holiday in which event 7 council members may vote to schedule the meeting on an alternate day, provided that it observes the rules for notification of meeting. These meetings shall be held in schools throughout the district that permit access to the disabled.

ARTICLE IV - CONDUCTING OF BUSINESS AT MEETINGS

Section 1 Agendas

1.1 Calendar Meeting

Each notice of a calendar meeting shall be distributed no less than 72 hours prior to the calendar meeting. As per FACE CCEC Roles and Responsibilities training on November 20, 2023. The agenda can be shared on the day of the meeting. Receiving the agenda prior to a meeting is a courtesy not an obligation.

Three members of the Council may place a resolution on the agenda for general circulation by submitting such an item to the Administrative Assistant to the Council at least **5 business days** before the date of the next calendar meeting. Notwithstanding the foregoing, a resolution may be added to any agenda by a member of the Council at any time provided that (1) she/he shall have theretofore delivered a written copy thereof to the President or Secretary to the Council before the start of any calendar meeting, (2) such addition is consented to by a unanimous vote of the members of the Council present at such meeting and (3) unless impractical under the circumstances, copies thereof are distributed at the meeting.

1.2 Business/Working Meeting

The agenda for each business/working meeting shall be developed by the President and by members of the Council who shall have the opportunity to raise issues for consideration under New Business at each business/working session. In addition, any member may place an item for discussion on the agenda of a working/business meeting by contacting the Administrative Assistant to the Council.

Section 2 Order of Business

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. Acknowledgement of Minutes
3. Report of President
4. Report of Community Superintendent
5. Resolutions
6. Report of Committee
7. Public Agenda Session
8. Adjournment

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

Immediately following adjournment of the meeting, a public agenda session shall be conducted without agenda or other formalities and is intended to give the public an opportunity to express themselves on any matter concerning education within the district.

In addition to the Public Agenda Session, the public may comment on resolutions pending before the Council at a calendar meeting, by signing the speakers' list to speak prior to Council discussion and vote.

Speaking time per person is limited to three minutes per person. Questions asked by speakers shall be considered to be part of the time allotted to the speaker.

Discussion and charges relating to the competence or personal conduct of individuals will be ruled out of order.

When a speaker is ruled out of order, the speaker's balance of time will be forfeited, and the speaker will be expected to leave the microphone. In the event the speaker refuses, the chairperson will take measures to enforce the ruling.

Placards, banners, flags, picket or other signs, and other unusually bulky material and amplification equipment will not be permitted to be taken into the meeting room. The distribution of fliers will not be permitted within the meeting room.

Section 3 Official Actions

Official actions of the Council may be taken only at calendar or special meetings and must be by a vote of 7.

Section 4 Quorum

The majority of the whole number of the members of the Council shall be present to constitute a quorum. Quorum is 7 members. If there is no quorum present at the time set for the meeting, the members present may wait for 10 minutes for additional members to arrive. Those members of the Council who are present on the call of the roll may adjourn the meeting to another date, and the public will be notified.

Section 5 Minutes

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

Open Meeting Law requires minutes to be made available to anyone who asks. They do not need to be FOILED and they must be posted. Minutes shall be printed or otherwise mechanically reproduced and shall be available

in draft form upon request within two weeks following a meeting. The minutes of Calendar Meetings must include all motions, votes, and attendance (and absences, noted as "excused or unexcused"). Program details may be included but are not required. Minutes must be taken by the Administrative Assistant (the law requires the AA to take minutes and send notices). The AA must be at the meeting. The recording secretary only "supervises the taking and keeping of attendance, minutes and the voting record".

ARTICLE V – TASK FORCE/COMMITTEE

The Council may create committees as it, in its sole discretion, may determine. Committees shall be chaired by members of the Council and shall be appointed and removed by the President. They shall serve through June 30th or until their successors have been selected.

It shall be the responsibility of Committee Chairpersons to schedule meetings as necessary, notify committee members and the public of all meetings and maintain accurate records of all activities, and report monthly to the Council. Each committee shall operate under these bylaws and Robert's Rules of Order Newly Revised, and all committee recommendations are subject to the approval of the Council. Committee members will either reside or work in District Five or have expertise in a related subject. Individuals with expertise who do not reside or work in District Five may be an Advisor to the committee.

COMMITTEES

Bylaws Communication Education Policy Special Education Parent & Student Leaders

ARTICLE VI – PARENT, PARENT ASSOCIATION & 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/PTA.
- (c) The Council shall meet quarterly with the duly elected officers of PA/PTA.

Section 2 Superintendent Evaluations

Consistent with Chancellor's Regulations, the Council will seek public comment on the annual evaluation of the community superintendent and local instructional superintendents.

ARTICLE VII – VACANCIES ON THE COUNCIL

Upon the occurrence of a vacancy on the Council by reason of death, resignation or other circumstance, the Council shall, within sixty days, appoint a successor to fill the unexpired term, and by appropriate screening procedures in accordance with applicable law.

Notice of such vacancy shall be disseminated to all members of the community, parent associations and local media as identified in Article III, Section 1 - Notice of Meetings. Such notice shall include a request for recommendation of candidates to fill such vacancies on the Council. The Council will solicit candidates and review all applicants for consideration to fill such a vacancy. The Council will interview all eligible candidates prior to making its decision.

The Council will interview candidates to fill vacant position(s) in a Special Meeting called for the sole purpose of conducting interviews. The Council will request the presence and participation of the Presidents' Council and other educational groups in the district as well as representatives from concerned and affected community

organizations during the interview process. The Council will solicit their recommendations in writing following the close of interviews. An appointment to fill a vacancy on the Council will be by roll call vote at the next regularly scheduled calendar meeting.

ARTICLE VIII – AMENDMENT OF BYLAWS

These bylaws may be amended at any regularly scheduled calendar meeting of the Council by a majority vote of the whole number of the Council, 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 unless otherwise stated in the resolution.

ARTICLE IX – PARLIAMENTARY AUTHORITY

All procedural questions not covered by these bylaws shall be governed by Roberts Rules of Order, Newly Revised, provided they are not inconsistent with law, policy, regulation, or these bylaws.