



# Community Education Committee 24

Public School 71 - Forest  
62-85 Forest Avenue, Room 110  
Ridgewood, New York 11385  
718-821-7772, Extension 1101  
CEC24@schools.nyc.gov  
Website: [www.CEC24.org](http://www.CEC24.org)

## Resolution 187

### Resolution to Amend Chancellor’s Regulation A-655 to Promote Videoconferencing Use in SLT Meetings

Presented by: *Matthew J. Crescio, President, Community Education Council 24 (CEC24)*

#### WHEREAS

New York State Education Law § 2590-h requires the Chancellor of New York City schools to establish School Leadership Teams (SLTs) in every public school, charged with creating the Comprehensive Educational Plan (CEP) and ensuring that the school’s budget is aligned with that plan, thereby performing a governmental function; and

WHEREAS, Commissioner’s Regulation 8 NYCRR § 100.11 requires parent, teacher, administrator, and student participation in school-based planning and decision-making, and ensures that SLTs serve as the legally recognized vehicle for such collaboration; and

WHEREAS, Chancellor’s Regulation A-655 “School and District Leadership Teams” provides for the composition, responsibilities, and operation of SLTs, requiring monthly meetings, consensus-based decision-making on development of the CEP and ongoing collaboration between parents, staff, and administrators; and

WHEREAS, in *Matter of Thomas v. New York City Dept. of Education*, 2016 NY Slip Op 06989, the Appellate Division held that SLTs are “public bodies” subject to the Open Meetings Law (OML), because their mandated role in finalizing CEPs and aligning budgets constitutes the performance of a governmental function; and

**WHEREAS, the Open Meetings Law (Public Officers Law, Article 7, §§ 100–111) requires meetings of public bodies be open to the public, with advance notice, minutes, and public accessibility, and applies specifically to those SLT meetings where the team members are engaged in consensus-based decision-making to finalize the CEP; and**

**WHEREAS, section 103-a, paragraph 2 of the Open Meetings Law states, “A public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article provided 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**

**WHEREAS, community district and high school superintendents have been directed by the Department of Education (DOE) Division of School Leadership to prohibit SLTs from using videoconferencing to conduct meetings, contrary to the Open Meetings Law (See Exhibit A); and**

**WHEREAS, the Division of School Leadership further cites Chancellor’s Regulation A-655 and the “School Leadership Team Toolkit,” issued by the Division of Family and Community Engagement (FACE) in the 2018-2019 school year, that “Tele-conferencing and video conferencing are not a permissible way to conduct a meeting. If a member could not attend a meeting, the team, if quorum has been met, can agree that the individual could call or video conference to be kept informed but it would not count towards attending a meeting or the remuneration stipend.” (See Exhibit B); and**

**WHEREAS, the Division of School Leadership, by imposing such severe and exclusionary restrictions on the operations of the SLT that are particularly harmful to parent members, is contrary to the public interest, and in doing so, the DOE has overstepped its legal authority by adding new requirements and changing the scope of state law governing the operations of SLTs and its legally permitted use of videoconferencing to conduct meetings; and**

**WHEREAS, the principle of legal hierarchy has been clearly violated by the DOE Division of School Leadership; and**

**WHEREAS, the last update of Chancellor’s Regulation A-655 is dated March 24, 2010, but the state laws that the Chancellor’s Regulation is intended to implement have been amended on multiple occasions over the last 15 years and now constitute a “regulatory invalidity”;**

## **THEREFORE, BE IT RESOLVED**

**Community Education Council (CEC24) urges the Panel for Education Policy to revise Chancellor's Regulation A-655 "School and District Leadership Teams":**

- 1. To be consistent with NYS Education Law § 2590 and Public Officers Law, Article 7, §§ 100–111; and**
- 2. To promote the use of videoconferencing to serve the public interest, specifically by expanding the pool of parents who can apply to serve on an SLT, such as those who are unable to regularly attend in-person meetings due to work commitments, childcare responsibilities, or disability, as well as to increase the diversity of SLT membership by permitting participation of such parents; and**
- 3. To relax in-person quorum and meeting requirements, specifically by permitting a limited number of parent members to regularly participate in SLT meetings via videoconferencing while still counting towards attendance and incurring legitimate claims for remuneration; and**
- 4. To waive the videoconferencing procedures pursuant to OML for most SLT meetings, in consideration that the only governing function performed by SLTs is during the two meetings in which they deliberate to approve the CEP and that all other SLT meetings merely serve as a forum for parent members to voice their concerns; and**
- 5. To require District Leadership Teams (DLT24), although not subject to the OML, to by default use videoconferencing to permit parent members (especially those unable to regularly attend in-person meetings due to work commitments, childcare responsibilities, or disability), including the President of the district's Presidents' Council (or designee), President of the borough high school Presidents' Council (or designee), Chairperson of the Title I District Parent Advisory Council (or designee), president of District CEC24 (or designee), and other members of the community (community-based organizations, staff of elected officials, etc.) to fully participate in meetings from locations other than in the district office.**

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## **BE IT FURTHER RESOLVED**

**CEC24 demands the DOE Division of School Leadership:**

1. To immediately retract its misinterpretations of Chancellor's Regulation A-655 and the School Leadership Team Toolkit issued 2018-2019 school year; and
2. To inform all schools that SLT meetings may be conducted via videoconferencing pursuant to the OML and that participation of members via videoconferencing is to be recorded as valid attendance; and
3. To inform all schools that remuneration claims of SLT members who participated in meetings via videoconferencing in past years shall be retroactively reimbursed.

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## BE IT FURTHER RESOLVED

CEC24 demands the DOE Division of Family and Community Engagement:

1. To inform all applicable DOE divisions that the School Leadership Team Toolkit, issued in earlier years, such as the 2018-2019 school year, is outdated and must not be referenced in any DOE policies and communications; and
2. To inform Family Leadership Coordinators in all community and high school districts to ensure all SLTs are aware of their rights to use videoconferencing to conduct meetings; and
3. To consider SLT meetings at all schools to be conducted via videoconferencing by default – in-person at school as well as using videoconferencing to permit a limited number of parents and other members to fully participate from locations outside of a school; and
4. To work with the Division of School Leadership to update the contents of SLT training materials, as well as relevant DOE policies, procedures, templates, and guidance, to be consistent with state laws.

### Number of votes (each member selects one item)

- Matthew J. Crescio, Chairman —  For  Against  Abstain
- Vice President Gina Libertah —  For  Against  Abstain
- Anna Karwowska —  Support  Do not support  Abstain
- Felicia McHugh —  Support  Do not support  Abstain
- Brian Augustine —  Support  Oppose  Abstain
- Manisha Jain —  Support  Do not support  Abstain
- Elizabeth Fortunato —  Support  Do not support  Abstain
- Kate Barvels —  Support  Do not support  Abstain

- Aliya Bonar —  Support  Do not support  Abstain
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## Adoption certificate

President: \_\_\_\_\_ Date: \_\_\_\_\_

Meeting minutes secretary: \_\_\_\_\_ Date: \_\_\_\_\_

DRAFT