

# BYLAWS

OF

## ***Community District Education Council – District 26***

APPROVED BY THE MEMBERSHIP ON June 9, 2022  
(Subsequently amended on date shown in body of document)

### ARTICLE I - NAME

The name of the Council shall be: **The Community District Education Council for District 26.**

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 *Community District Education Council 26* shall be:

*President*  
*Vice President*  
*Second 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 by the majority of the whole number of the members at its annual meeting, for a period of one year, and shall serve until their successors have been elected.

Following a Council election, in the event that no officer is re-elected to convene the annual meeting, the Administrative Assistant to the Council shall execute the notice of meeting pursuant to Article III, Section 1. The Administrative Assistant 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 President shall supervise the Administrative Assistant to the Council on its behalf.

The Council by majority vote may delegate the power to execute documents to such other officers or the Administrative Assistant as it designates.

### **3.2 First Vice-President**

The First 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 Second Vice-President**

The Second Vice-President shall act for the President in the absence of the President and First Vice-President. The Second Vice-President shall also discharge such functions as may be assigned to her/him by the President or by resolution duly adopted at any meeting at which a quorum is present.

### **3.4 Recording Secretary**

The Recording Secretary shall supervise the taking and keeping of attendance, minutes 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, the First Vice-President and the Second 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.

## **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. Disciplinary Action**

An officer may be removed from his/her position as an officer by a majority vote of the whole

number of the Council for misconduct, malfeasance or neglect of duty, following the referral and investigation of charges, and an opportunity for the officer to respond.

**Section 6. Absences** (Amended 7-29-10)

It is the responsibility of each Council member to attend all meetings of the Council. It is incumbent upon all Council members, except in cases of emergency, to notify the President or the Administrative Assistant to the Council at least 4 hours prior to the scheduled meeting time of their intent to be absent.

Any member of the Council who fails to attend three 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 third unexcused absence, the President, with the approval of the Council, shall notify in writing the absent and unexcused member that the Council shall declare a vacancy to the Chancellor by resolution at its next regularly scheduled calendar meeting. Absences from the business or public meeting are treated as individual absences.

According to Chancellor's Regulations D-140, D-150 and D-160, the following constitute valid excuses for absence: death of a relative or attendance at a relative's funeral; serious illness or injury of a member or family member; mandatory court attendance including jury duty; military duty; and job-related conflict which makes absence from a Council meeting unavoidable, and other reasons the CDEC deems appropriate.

**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, through local news media and posted conspicuously 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.)

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. A limited number of Council members may be authorized to attend meetings by videoconferencing under extraordinary circumstances, as prescribed in Chapter 56 of the Laws of 2022 amending Section 103-a of the Open Meetings Law.

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, the Presidents' Council, heads of schools, and parent coordinators to post conspicuously, and to other interested persons and organizations who express a desire to receive meeting notices.

**Section 2. Annual Meeting**

The Annual Meeting of the Council shall be held on the second Thursday in July, unless said date falls on a legal holiday, in which event the meeting shall be scheduled for the next business day, provided that 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. Calendar Meetings**

Calendar meetings of the Council shall be held on the **second** Thursday of each month at 7:00 P.M. 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.

### **Section 4. Business/Working Meetings**

The Council shall hold a business/working meeting immediately after the calendar meeting each month, except when such a date shall be a legal or school holiday, in which even 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. Additional business/working meetings may be scheduled by the Council. The public shall be notified of all working/business meetings as described in Article III, Section 1.

### **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 the majority of the whole number of the members of the Council, shall be recorded by roll call vote and shall be ratified at a calendar meeting.

Executive Sessions may only be called 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 an 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 14 of the Civil Service Law.
- Preparation, grading or administration of examinations.
- The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

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

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 - CONDUCTING OF BUSINESS AT MEETINGS**

### **Section 1. Agendas**

#### **1.1 Calendar Meeting**

Each notice of a calendar meeting shall be accompanied by an agenda of resolutions placed by a majority of the whole number of the members at a working session.

In addition, three members of the Council may place a resolution on the agenda for general circulation in accordance with the preceding paragraph by submitting such item to the Administrative Assistant to the Council at least 8 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. Approval of Minutes
3. Report of President
4. Report of Community Superintendent
5. Resolutions
6. Report of Committee (s)
7. Adjournment
8. Public Agenda Session

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 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.

### **Section 3. General Construction Law**

#### **§41. Quorum and Majority**

Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of the whole number of such persons or officers, gathered together in the presence of each other or through the use of videoconferencing, at a meeting duly held at a time fixed by law, or by any bylaw duly adopted by such board or body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum of not less than a majority of the whole number may perform and exercise such power, authority or duty. For the purpose of this provision, the words "whole number" shall be construed to mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and were none of the persons or officers disqualified from acting. As amended L.2000, c.289, 5 eff. Aug. 23, 2000.

**3a. Quorum**

Therefore, the majority of the whole number of the members of the Council shall always be six (6), and must be present to constitute a quorum. If there is no quorum present at the time set for the meeting, the members present shall 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 notice shall be given forthwith to all members of the Council and the public of such adjourned meeting or longer is the majority of the members present agree, pending request by a missing member..

**3b. Official Actions**

Official actions of the Council may be taken only at calendar or special calendar meetings and must be by a vote of the majority (six) of the whole number of the members of the Council.

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 will be available for inspection at the Council's office.

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 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, in its sole discretion, may determine. Committees shall be chaired by members of the Council, who shall be appointed and removed by the President with the approval of the Council. They shall serve through June 30th of the following year 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 the Open Meetings Law, these bylaws and Robert's Rules of Order Newly Revised, and all committee recommendations are subject to the approval of the Council.

**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 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 PAs/PTAs.
- (c) The Council shall meet quarterly with the duly elected officers of PA/PTAs.

**Section 2. Superintendent Evaluations**

The Council will 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**

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 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. 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 the bylaws.



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