



Chancellor's Parent Advisory Council

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CPAC Parent Advisory Council Board

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April 20, 2023

New York State Senate
New York State Assembly

Dear NYS Legislature:

The Chancellor's Parent Advisory Council (CPAC) membership consists of the president of each Presidents' Council in the city (5 boroughs), all 32 school districts, District 75 Council, and High School Borough Presidents Councils/Federations who serve their communities as unpaid volunteers, who have been elected or appointed to serve the stakeholders across the city, representing 1.1 million public school students, including children who are receiving special education services and who are English Language Learners.

The following resolution offers CPAC's position regarding the current Open Meetings Law:

RESOLUTION TO AMEND THE OPEN MEETINGS LAW TO ALLOW FOR FLEXIBILITY IN CONDUCTING PUBLIC SCHOOL LEADERSHIP TEAM (SLT) AND CITYWIDE COMMUNITY EDUCATION COUNCIL (CCEC) MEETINGS

WHEREAS, all schools are required to have a form of school-based management called a School Leadership Team, or SLT (New York State Education Law Section 2590-h). Administrators, teachers, and parents comprise the SLT, which meets monthly; and

WHEREAS School Leadership Teams (SLTs) are a group of people who develop educational policies for their school. They also make sure there are resources to support those policies.; and

WHEREAS, SLTs must hold at least one public meeting per month and actively participate. All SLT members must communicate regularly with the members of their school community in an ongoing and meaningful way; and

WHEREAS, since the Governor has ended the Executive Order, many public bodies are required to go back to in-person meetings; and

WHEREAS, under the existing Open Meetings Law, public bodies may allow their members to attend meetings via videoconferencing. However, the sites from which members attend virtually must be open to the public. This prevents

members of a public body from attending meetings virtually from their homes unless there are extraordinary circumstances; and

WHEREAS, synchronous hybrid meetings where a public body meets in person with some members of the public attending virtually present technological challenges, particularly when members of the public attending virtually are not simply observing but are also allowed to speak. Most school buildings are not equipped for this type of hybrid meeting and conducting hybrid meetings requires additional staff who manages the technology and equipment; and

WHEREAS, the Open Meetings Law remains outdated and should be amended to include some level of flexibility and discretion to allow each council to manage meetings to best suit the needs of their members and community; and

WHEREAS, allowing members of the SLT the flexibility to attend meetings in person, fully virtual or hybrid, will create more inclusive community participation/involvement, especially for members who are also parents and/or caregivers of young children; and

WHEREAS, public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law; and

WHEREAS, many New York City Public Schools are not ADA compliant; and

WHEREAS, under certain conditions, such as a rise of COVID infections and/or inclement weather, the SLT should have the ability to shift the meeting to a fully virtual platform to avoid not meeting quorum and/or limiting the SLT's ability to perform its duties; and

WHEREAS, bypassing Chapter 56 of the Laws of 2022 ("Chapter 56"), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Citywide Community Education Councils to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Citywide Community Education Councils to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a (2) allows for hybrid meetings by requiring "that a minimum number of six (6) 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, Section 103-a(2)(c) requires that members be physically present at any such meeting "unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting"; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference/virtual platform 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"; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Citywide Community Education Councils webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference/virtual platform when a member attends by videoconference/virtual platform.

BE IT RESOLVED, that we strongly urge the Legislature to review and amend the Open Meetings Law; and

BE IT FURTHER RESOLVED, that the Open Meetings Law should allow for flexibility of each SLT to manage its meetings in person, fully virtual, or hybrid to best suit the needs of its members and community stakeholders. The Citywide Community Education Councils authorize its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference/virtual platform: (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; and

BE IT FURTHER RESOLVED, that the Citywide Community Education Councils shall create written procedures further governing the use of videoconferencing/virtual platforms by its members in compliance with Chapter 56 of the Laws of 2022.

Approved at the April 20, 2023 CPAC meeting.