



**Department of  
Education**

*Carmen Fariña, Chancellor*

**Courtenaye Jackson-Chase**  
*General Counsel*

December 19, 2014

BY FAX AND U.S. MAIL

The Honorable Letitia James  
Public Advocate for the City of New York  
1 Centre Street  
New York, New York 10007

**RE: School Leadership Teams Not Subject to the Open Meetings Law**

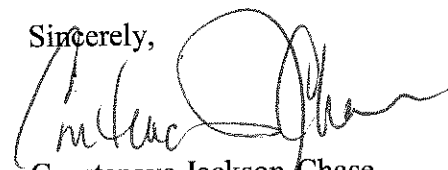
Dear Public Advocate James,

I write in response to your letter to Chancellor Fariña, dated December 16, 2014, requesting the Department of Education (the "DOE") to adopt the position that School Leadership Team ("SLT") meetings are subject to the Open Meetings Law, and stating that your office will intervene in on-going litigation on this subject if the DOE does not do so.

Unfortunately, I cannot agree to your request because the authority and responsibilities of SLTs are mandated by the New York State Education Law and Commissioner's Regulations. According to law, SLTs serve an advisory purpose – they make recommendations concerning educational policy and establish educational goals for the school, which are consolidated into the Comprehensive Educational Plan ("CEP"), and they can invoke the superintendent to ensure that the CEP is aligned with the school-based budget. The SLT does not conduct public business and, as a result, is not a public body subject to the Open Meetings Law.

The Supreme Court of the State of New York, New York County, agreed with this conclusion in *Portelos v. Bd. Of Educ. Of the City of N.Y.*, 2013 Slip Op. 32842 (Nov. 4. 2013), and the same issue is again before the Supreme Court in the pending case, *Thomas v. NYC Dep't of Education*, Index No. 100538/14 (Sup. Ct. N.Y.Cty., filed May 19, 2014). Because this is the subject of on-going litigation, I cannot comment further.

Sincerely,



Courtenaye Jackson-Chase  
General Counsel