

## REPORT OF THE 2008 ADVISORY REVIEW COMMITTEE TO THE NON-PARTISAN COMMITTEE

The 2008 Advisory Review Committee (“ARC”) was appointed by the 2008 Committee for the Non-Partisan Nomination and Election of School Trustees (“NPC”). The first advisory review committee was formed in 1984, following the first contested election for school board trustees since the NPC was created in 1936. The Advisory Review Committee process was formed to evaluate and consider changes to the rules and procedures for the NPC.

This 2008 ARC has eight members comprised of two former school board members (both of whom interviewed with the NPC before going on the school board), four past Chairs of the NPC (2005-2008), and two current NPC members.

The formation of the ARC was publicized in the local press and the meetings were open to the public.

At its first meeting the ARC engaged in a wide-ranging discussion to identify the topics to consider. The following topics were selected:

1. Guidelines for Evaluation of School Board Candidates
  - A. Whether to Seek School Board Member Input
  - B. The Policy on Outside References
  - C. The Interview Process
  - D. The Handling of Anonymous Comments
  - E. The Qualifications of School Board Trustees
2. Voting Procedures for Nomination of School Board Candidates
3. Eligible Voters in NPC Elections
4. Revisions to the Plan and Rules

Members of the Bronxville community, including one current school board member, attended several ARC meetings and provided useful input. In addition, members of the ARC solicited and received input from interested members of the Village.

This report represents the ARC’s unanimous recommendations. This report does not purport to change the existing NPC Plan (the “Plan”) or Rules of Procedure (the “Rules”), although recommendations for changes are included.

### 1. Guidelines for Evaluation of School Board Candidates

#### A. Board Member Input.

The ARC entertained the question whether current school board trustees should be contacted for feedback about a candidate for nomination by the NPC, particularly when the candidate is an incumbent trustee seeking re-election to the board.

The school board trustees who were contacted for their views on this question were unanimously opposed. The basic objection was that because the board is a small group operating under often intense pressure, it would be injurious to their collegial working relationship were they to become involved personally in the nomination process. Their objection was strongest in the case of incumbents where the board members were concerned not to obstruct in any way the full and frank exchange of views so important to



the board's deliberations. Additionally, board members felt it was important to avoid any appearance that the school board was self-selecting its members.

While some members of the ARC thought board member input would be useful in the case of incumbents seeking re-election, most were opposed and all felt that the reluctance of board members to become involved in the nomination process should be respected. Accordingly, the ARC unanimously recommends against contacting board trustees for their views on candidates.

B. Outside References.

The ARC also discussed the guidelines or requirements the NPC should follow regarding obtaining outside references, including whether the NPC should seek references from candidates' employers.

The ARC unanimously agrees with the 2002 ARC's conclusion on this question -- namely, that the NPC's current requirement that each candidate submit at least three references should be continued, but that current or past employers should not be contacted unless the candidate independently elects to include them as one of his or her three references.

The ARC notes that although candidate-selected references will almost certainly be positive, useful information is often derived from these materials and the three references can always be supplemented by the NPC as needed. The ARC also notes that references are supplemental to the formal interviews and the information and opinions exchanged during the deliberations of the NPC (both the personal opinions of NPC members and the opinions relayed from members of the community willing to present their views to the NPC for attribution).

C. The Interview Process.

Once a candidate's application is complete, the candidate sits for an interview with the full NPC. Each interview lasts about one hour. The ARC considered whether these formal, highly-structured interviews should be supplemented with smaller, more informal meetings and/or one-on-one sessions with NPC members.

The ARC notes the 2002 ARC's recommendation that smaller more informal sessions, organized by the candidate co-coordinator, should be encouraged as a good way for NPC members to become more familiar with the candidates and for the candidates to be able to amplify issues and clarify opinions discussed in the formal interview, keeping in mind that the goal is to provide a forum for NPC members to interact with the candidate in a focused structured manner. The ARC unanimously reaffirms the 2002 ARC's recommendation that these informal sessions be scheduled on an as needed basis by the NPC. The ARC also recommends that these informal sessions should be structured as working meetings and not as social gatherings.

The ARC also discussed whether NPC members should conduct follow-up, one-on-one discussions with the candidates. While noting that these meetings could be useful, the ARC unanimously recommends that one-on-one sessions be avoided unless instigated by the candidate. The ARC's view is based on the conclusion that these additional interviews could be viewed as overly intrusive by the candidate, and in any event it is



preferable if several committee members are present for any interview session in order to achieve better quality control in the interview process.

D. Handling of Anonymous Comments.

Prior to 2002, it had been a long-standing NPC policy to disregard information about candidates being considered for nomination to the school board, if such information was communicated to NPC members for consideration by the NPC without identification or attribution of the source. The 2002 ARC proposed a modification to this policy, which was adopted by the NPC, on the basis that members of a small community would be reluctant to voice negative criticism about candidates notwithstanding that the 21 members of the NPC sign confidentiality agreements. The goal of the new procedure was to balance the desire not to “miss important feedback” with fairness and confidentiality concerns.

Under the new procedure, the Chair, Vice Chair and Secretary review the offered information, knowing the source, and then decide whether it merits being shared with the entire NPC. If they decide the NPC should hear it, then they provide the information to the entire committee without attribution.

Based on the experience of the ARC members who had served on the NPC, it became clear that the new procedure had been invoked only a very few times. In one case the NPC officers concluded that equivalent information was already before the committee on a “for attribution” basis thereby eliminating any benefit from disclosing the anonymous information. In the only case known to the ARC where the information was passed to the NPC without attribution, that year’s NPC Chair opined that the benefit of having the information was outweighed by the negative impact on the committee’s deliberations that resulted from the discomfort many felt from considering anonymous information.

In light of the above and after considering feedback from nearly 20 former NPC members, school board members and village residents, and following careful deliberation, the ARC unanimously recommends that the NPC adopt a policy that anonymous comments will not be presented to the NPC.

The ARC believes that avoiding the use of anonymous comments might make information gathering more difficult for the NPC, but it gives the process far more integrity and fairness. Anonymous feedback can too easily be based on hearsay, partial truths and innuendo. The ARC believes that any feedback about a school board candidate should come before the NPC only if the source is identified, in part because it is important that the NPC members know the identity of the source of the information in order to reasonably evaluate the credibility of the information provided. Finally, the ARC was concerned that candidates for the school board might be less likely to come forward if they thought anonymous remarks could be considered.

E. Qualifications of School Board Trustees.

The ARC considered the question whether the Rules should specify criteria to be required of candidates for school board trustee. This question was first considered by the 1993 ARC whose recommendations are contained in Rule IV(13)(a) which provides as follows:



*It is the policy of the committee that a nominee for Trustee shall be an individual whose education or professional background and/or volunteer experience will enhance the candidate's effectiveness and who will make a substantial contribution to the deliberations of the Board. The candidate must be knowledgeable about the needs of the Bronxville School and community. Candidates must be aware of the heavy time requirements for service on the Board of Trustees, and prepared to make allowances in their vocational and personal commitments so that they will be able to attend all meetings and fulfill committee assignments.*

The ARC notes that the specific criteria relevant in each year will vary. For example, business and/or accounting expertise may be needed in one year, legal expertise in another, educational experience in another, etc. However, adding more specific evaluation criteria into the Rules could potentially encumber the ability of future NPCs to select the best candidates. Accordingly, the ARC unanimously reaffirms that the general qualifications included in the current rule are appropriate and should stand without modification. (See also Section 6(B) which also addresses this topic).



## 2. Voting Procedures for Nomination of School Board Candidates

The ARC considered whether the Rules are sufficiently specific regarding the voting process by which the NPC selects its candidates for open school board positions. The former NPC members on the ARC noted that, every year, the NPC revisits the topic of voting procedures. The ARC determined it would be worthwhile to examine whether the voting processes used in the past have been fair and effective.

Rule III(11) states the following regarding voting procedures:

*Voting for Committee nominees shall be by ballot. To be designated a Committee nominee for a Board vacancy a candidate must receive at least fourteen (14) affirmative votes. A motion to make the designation unanimous can be defeated by one negative vote.*

The ARC reviewed the voting processes followed every year from 2002 through 2008, and interviewed one former NPC member who served from 1993-1995. In almost all years, the voting procedure followed by the NPC was as follows: each NPC member present at the meeting when a vote was to be taken cast his or her votes for all School Board vacancies on a single secret, hand-written ballot. For example, if there were two open seats, each member would vote for up to two candidates on one ballot. These ballots were tallied by the Secretary and Chairperson of the NPC, who did not share the tally with the members of the NPC. Those candidates receiving at least 14 votes were nominated. In all the years from 2002 to 2008, the nomination was decided in a single round of voting. In 1995, however, a second ballot was required when the first ballot resulted in only one candidate receiving the requisite 14 votes for nomination (two seats were open.) In that year, the committee agreed to eliminate at least one candidate prior to the second round of voting. In two of the years examined, there was some deviation from this procedure when it was clear from discussions that the overwhelming majority of the NPC supported one or more incumbent board members who were candidates for re-nomination. Some concern was expressed by a 2004 NPC member who noted that the “two votes on one ballot” procedure does not allow a choice on the second seat to be dependent on the results of the first seat (for example, if an NPC member thought gender balance was important, the member’s choice for the second seat might depend on who was nominated for the first seat). However, the ARC concluded from its interviews that in all years, even years with a large number of candidates, the ultimate outcome of the voting accurately reflected the views of the NPC.

The ARC believes that the existing Rules provide for a fair and efficient voting process, while at the same time providing sufficient flexibility so that the NPC can tailor its specific procedures as needed to reflect any particular circumstances in a given year. The ARC believes that the procedures described above have worked well, although it also recognizes that other procedures that fall within the rules, such as casting ballots for one candidate at a time, could also be fair and effective. The ARC unanimously concludes that it should be left for each NPC to decide each year how balloting will be best conducted in its particular circumstances. The ARC also unanimously endorses the practice of only the Chairperson and Secretary knowing the actual tally.

## 3. Eligible Voters in NPC Elections



The ARC discussed the question of who should be permitted to vote in the annual election of members of the NPC and in particular whether U.S. citizenship should be required.

The ARC also reviewed past NPC practices regarding the distribution of ballots in NPC elections. (Until recently the NPC used the census maintained by the Bronxville School. When the school ceased to maintain that list several years ago, the NPC began to use the list of registered voters provided by the Board of Elections).

The ARC concludes that a citizenship requirement and use of the Board of Elections list are inconsistent with the mandate of the Plan to maximize community participation in NPC elections, but also concludes that flexibility is required from year to year because a fully inclusive list may not always be available.

Accordingly, the ARC unanimously reaffirms what the Plan states in Paragraph 4 -- namely, that all residents of the Village of Bronxville age 18 years or older are entitled to vote for members of the Committee and "United States citizenship is not a requirement." With respect to the mailing list to be used in NPC elections, the ARC unanimously agrees that the following advice be added to the document that is passed each year from the incumbent NPC Chair to his/her successor (known within the NPC as the "Chair Document").

*The NPC should make every reasonable effort to enable all residents to vote. Therefore, the NPC should make reasonable efforts to send ballots to every household in the Village, to include two ballots in each envelope sent, and to provide extra ballots in the Superintendent's Office, to be used by additional members of a household who are eligible to vote in the election. Since the list of registered voters provided by the Board of Elections does not include non-citizens and other non-registered voters, it should be considered as a means to distribute ballots only as a last resort. Instead, assuming it is available, the NPC should rely upon the list of addresses maintained by the Bronxville School, despite the fact that this list is not by name and is not separated into voting districts. If another, better list is available, its use should be considered.*

#### **4. Revisions to the Plan and Rules**

##### **A. The Plan.**

The ARC considered whether the Plan should be amended on the basis that it is outdated, both in language and procedure, and causes confusion. The ARC notes that an amendment to the Plan must be approved by the residents of the village. Following a discussion of the problems presented by the Plan's present language, the ARC unanimously recommends that a referendum be included in next December's NPC election mailing and that the referendum ask the voters to approve Plan amendments using a ballot which summarizes the amendments (see summary below) and refers voters to the School website to view the entire document with highlighted changes (see attached).

The following changes to the Plan are unanimously recommended by the ARC:



1. Revision of Paragraph 3 of the Plan as it relates to the annual election of members of the NPC from each of the seven election districts in the village. Currently, the language in the Plan refers to a December “informal meeting of the Bronxville School District”. In actuality, there is no such meeting and voting is done by mail-in ballot. Various linguistic changes are proposed to memorialize the current practice and remove references to the “informal meeting of the Bronxville School District”.
2. Revision of Paragraph 3 of the Plan as it relates to the procedure by which a person may have his or her name placed on the ballot as a candidate for election to the NPC. Currently, the Plan provides for either nomination by the NPC or the filing of a “Qualifying Petition” with ten signatures from village residents. In current practice, any village resident who wants to run for the NPC and lets that be known to the NPC by completing an information form will have his or her name placed upon the ballot. This is a more open process than previously conceived by the NPC founders. The revised Plan would eliminate all references to the “Qualifying Petition” and would add references to the “Information Form” which all candidates must fill out, giving certain biographical information and a statement as to why they wish to run for the NPC. This Information Form also serves as evidence of the person’s intent to run and enables the Chair to confirm that the candidate meets the requirements specified in the Plan and Rules.
3. Such other incidental changes as are necessary within the Plan to carry out the above changes and to correct or clarify language in the Plan.

#### B. The Rules

Changes to update the Rules were also considered by the ARC.

The ARC unanimously recommends revisions to the Rules to make the following changes:

1. The substitution of the phrase “the local media” in each place where the “local newspaper” appears, and the addition of references to the “NPC website” to references to “the local media” as a place to post public notices regarding the NPC and its work.
2. The removal of the “Qualifying Petition” as a method for getting one’s name on the ballot as a candidate for the NPC and to the addition of the “Information Form” to be filled out by all candidates who wish to have their names placed upon the ballot. (This change will bring the Rules in line with the same changes to the Plan recommended above.)
3. The elimination of all reference to “informal meetings of the Bronxville School District” and the insertion of the mail-in ballot procedure. (This change will bring the Rules in line with the same changes to the Plan recommended above.)
4. Correction of a number of typographical errors.

The Rules may be amended by the affirmative vote of fourteen members of the NPC. A draft of the proposed changes has been sent to the current NPC Chair to facilitate that process and a copy marked to highlight the changes is attached.



## 5. Changes to the Chair's Document

The ARC discussed two other topics in respect of which it concluded that its recommendations should be suggested as “best practices” memorialized in the “Chair Document,” rather than in the Rules or the Plan.

### A. Open Meeting Speakers

The first of these issues was the question of who should be invited to speak at the NPC's Open Meeting held every January. In recent years, only the School Board President (or Vice-President), the Superintendent and one early-tenure school board member have attended and spoken at this meeting. While all ARC members felt that it was important to hear from as many board members as possible to solicit a wide range of perspectives about the issues facing the school district, it was recognized that time constraints at the Open Meeting might make that unfeasible. Accordingly, the ARC unanimously recommends that the following language be inserted into the Chair Document under January in the paragraph which refers to inviting school board members to the Open Meeting:

*In order to solicit a wider range of perspectives about the issues facing the district, the question of how many and which School Board members are invited to speak to the NPC at the Open Meeting and/or other meetings of the NPC in a given year should be discussed and decided upon by the NPC.*

### B. Candidate Rubric

The second issue considered for the Chair Document relates to the question of whether the NPC should develop a rubric for evaluating school board candidates. A rubric establishing a more specific set of qualifications than is included in Rule IV(13) (discussed above) has been used by some recent NPCs. All ARC members were opposed to delineating a specific set of qualifications, because the qualifications needed on the board will vary each year. Rather, the ARC unanimously recommends that the following text be inserted in the Chair Document, under February/March “Search for Potential Candidates”:

*In the past, some NPCs have developed a rubric for evaluating the candidates. Such a rubric, which outlines specific qualifications and skill sets that the NPC feels are most important for the School Board in a particular year, should be created at the outset of the process. The rubric should use the information gleaned from meetings with the Superintendent and School Board members to determine the skills and qualifications that would be of most use for the current Board.*



Adopted and Respectfully Submitted Upon the Unanimous Vote of the 2008 Advisory  
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