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December 21, 2021

Dr. David Benderson, Resolution Chair
Ms. Sarah Bell, Resolution Vice Chair
School Board Nominating Committee Administrative Committee
PO Box 172H
Scarsdale, NY 10583

Also sent via email to: dbenderson@gmail.com, sbell@pryorcashman.com

Dear Dr. Benderson and Ms. Bell,

Introduction

The League of Women Voters of Scarsdale (the "League") observes and comments on local governmental processes, such as the process of amending the School Board Nominating Committee ("SBNC") Resolution, in order to help inform voters and to help support the democratic process of civic engagement in Scarsdale. The League thanks Sarah Bell, SBNC Administrative Committee Resolution Vice Chair (the "Vice Chair"), for participating at our information session on December 12, 2021, to explain the proposed amendments to the SBNC Resolution. The League appreciates the thoroughness and care that the Vice Chair put into answering our questions. The League further appreciates the hard work and commitment of all members of the Administrative Committee (the "Committee") for their efforts associated with proposing changes to the Resolution and for their stated goal of increasing transparency and awareness of their procedures.

Overview

The Committee has proposed eight amendments to the SBNC Resolution which will appear on the ballot on January 11, 2022, at the regularly scheduled SBNC election. The Committee made these amendments available to the public on December 3, 2021 and held its own public meeting as required by the SBNC Resolution¹ on December 8, 2021. Some of the proposed amendments codify existing SBNC practices and procedures, whereas others make novel changes, the impact of which is less certain.

¹ Article II, Section C.4(b).

Immediately following the League’s information session, the League conducted a consensus meeting for members only to discuss the proposed changes to the SBNC Resolution for purposes of generating this statement. The League’s comments on the process and the specific amendments are set forth below.

Process

The League is troubled by the limited publicity concerning the proposed changes to the SBNC Resolution and the failure to provide adequate time for community-wide education, community-wide input, and public comment. While the League supports the Committee’s routine annual evaluation of the SBNC Resolution to make appropriate changes, that process should include ample voter education efforts and solicitation of community-wide feedback prior to the January election. Although the Committee may have been contemplating and drafting changes over a span of several months, the first notice to the public that changes were to be proposed was not until Friday, December 3, 2021, when the proposed amendments and summary were posted on the SBNC website and a press release appeared in the local media. The Committee then held the public meeting that is required by the SBNC Resolution in Article II, Section C.4(b) on Wednesday, December 8, 2021, having provided only 5 days’ notice to the public. The meeting is not available for subsequent viewing by those unable to attend. The League had expressed similar concerns over the tight timetable the last time amendments had been proposed and notes that the timetable this year was even more abbreviated than with the 2020 amendments. As previously stated, “[t]he League believes proposed amendments should be finalized and publicized in sufficient time for the community to fully understand the nature of the changes and the rationale behind the decision-making process.”

To prevent this situation from occurring in the future, the League recommends that the Committee consider amending the SBNC Resolution to set forth a more reasonable timetable and corresponding rules to provide sufficient notice to the public of any proposed SBNC Resolution amendments as well as to establish a more meaningful public comment process in which to solicit, receive, and respond to comments from the entire community.

Proposed Amendments²

The League discussed the eight proposed changes to the SBNC Resolution and has offered detailed comments on those amendments below. For ease of reference, the amendments are listed in numerical order as provided in the Summary of Proposed Amendments³ released by the SBNC. We note that the Committee has not proposed an Amendment 5.

The League appreciates the Administration Committee’s efforts to amend the Resolution to provide clear guidelines to SBNC members. At the SBNC public meeting and the League’s membership meeting, the Vice Chair emphasized the need to provide greater specificity in the

² [Markup Showing Proposed SBNC Resolution Amendments.](#)

³ [Summary of Proposed Amendments.](#)

Resolution document regarding the evaluation of prospective candidates in order to direct future classes of SBNC members. We recognize the importance of ensuring consistency over time in the SBNC's work of vetting and nominating candidates to serve on the Board of Education.

Amendment 1 (Article III, Section A.4(d)) would require Nominating Committee members to recuse themselves from all SBNC proceedings if a close relative, as defined in the amendment,⁴ is a potential school board candidate being considered by the SBNC.

The League has consistently observed that conflicts of interest, whether perceived or actual, have a detrimental effect on any democratic process. Efforts to eliminate that perception or reality are in the greater interest of a well-functioning and respected democratic process. Therefore, the League supports this proposed amendment.

Amendment 2 (Article III, Section B.1(a,b)) would establish and set forth the parameters of a formal orientation meeting for new Nominating Committee members.

The League has strongly supported and encouraged the retention and codification of institutional knowledge as a key component in a highly-functioning democratic institution. Therefore, the League supports this proposed amendment.

Amendment 3 (Article III, Section B.3(a,b)) would establish a "Resolution Clarification Committee" to resolve issues of interpretation of or compliance with the SBNC Resolution.

The League neither supports nor opposes this proposed amendment.

Amendment 4 (Article III, Section C.2(a,b,c)) would change the procedures for interviewing candidates by requiring candidates to make an oral presentation to the Nominating Committee and to answer interview questions posed by Nominating Committee members. The proposed amendment requires the SBNC to ask 1) the same initial questions and 2) "individualized and differentiated questions" of all candidates.

According to the Vice Chair,⁵ input from current and former Nominating Committee members as well as previous candidates supported a required interview with the SBNC rather than an optional interview. The Vice Chair noted that a common theme of the feedback reflected the general desire for greater flexibility and interaction with candidates to create a truer "interview" feel in the candidate search process. The proposed amendment offers a general framework in which both initial as well as individualized and differentiated questions must be asked, but it does not enumerate the procedures for formulating and approving interview questions or the manner in which questions will be asked during the interview process.

⁴ The proposed amendment defines "close relative" as a "parent, child, sibling, spouse, parent-in-law, sibling-in-law, child-in-law or domestic partner."

⁵ Vice Chair oral response to League questions, December 12, 2021.

While the League commends the decision to require an interview process allowing the Nominating Committee to better evaluate potential candidates instead of the current optional language in the SBNC Resolution, the League has reservations about the challenges in implementing a procedure for formulating and asking individualized and differentiated questions. Additionally, the League has concerns regarding the potential for bias which may result from such individualized and differentiated questioning.

Due to the above-mentioned concerns, the League neither supports nor opposes this proposed amendment.

Amendment 6 (Article III, Section C.2(d)) would require the SBNC to contact both references provided by, and at least one reference not provided by, each potential school board candidate being considered by the SBNC.

The League supports the proposed amendment.

Amendment 7 (Article III, Section C.2(e, f)) would require the SBNC to discuss objective criteria for evaluating candidates as well as the qualifications and experience of candidates.

We commend the SBNC for providing guidance in evaluating candidates to better ensure that all candidates are treated fairly. The League supports the proposed amendment.

Amendment 8 (Article III, Section C.2(g)) would specify the information SBNC members must keep confidential.

The League supports the confidentiality requirement of the SBNC's nonpartisan nominating process and therefore supports this proposed amendment.

Amendment 9 (Article V, Article I) allows noncitizens residing in Scarsdale to serve on the SBNC and vote in SBNC elections.

The League recognizes the contributions of noncitizen residents who participate in all aspects of community life in Scarsdale and whose children are eligible to attend Scarsdale Public Schools. We approve the expansion of eligibility to vote in the SBNC election and serve on the SBNC as a means to increase opportunities for noncitizen residents to be engaged in local civic activities and to ensure that the composition of the SBNC more closely reflects the community it serves. Diversity, equity, and inclusion are central to creating a more perfect democracy. Accordingly, the League strongly supports this proposed amendment.

However, the League recognizes the potential for this amendment to cause confusion among residents, since, under New York state law, noncitizens remain ineligible to vote in the actual school budget/school board election and are ineligible to run as candidates for or serve on the Scarsdale Board of Education. We urge the SBNC to undertake significant efforts to educate the public regarding this disparity to avoid uncertainty or disappointment at the polls.

Conclusion

The League appreciates the Committee's efforts to improve the SBNC election system. The League believes that a greater effort to educate the public and the provision of additional time to review and comment upon proposed amendments to the SBNC Resolution would increase community engagement and further enhance the nonpartisan School Election System. The League hopes that the Committee will use this consensus statement as a tool to facilitate future discussions. We thank you for your volunteer service.

Jyoti Ruta



School Election System Portfolio Chair
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Alissa Baum



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cc:

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