

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

January 4, 2010

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: Consent Agenda

We had previously discussed the idea of a consent agenda. I believe that some BOE members had a chance to talk to other fellow BOE members at the tri-conference and to ask more questions at inservices about a consent agenda. To review, we would put all previously discussed items and regularly scheduled approvals in a consent agenda. There are some items that, due to financial consideration, are not allowed to be on a consent agenda. Also, any BOE member, at any time, is allowed to pull an item from the consent agenda at the start of the meeting for more discussion or to approve (or not approve) it separately.

I have attached a brief chapter regarding from IASB regarding consent agendas for your review.

Again, I am not personally tied to having to do a consent agenda. I am just looking for ways to make more time available for more lengthy, significant discussion items. If you choose to do them, that is fine. If not, that is fine, too. We can always try them and go back to not using them if you decide you do not like this approach.

Appendix C

Items on Consent Agenda Need School Board Standards

State law requires the school board to take official action on a wide variety of matters that often include routine duties delegated to the superintendent and staff. However, because many of these duties are essential to the day-to-day functioning of the district, the school board cannot fail to act on them.

The presence of these board duties on the agenda explains in large part why many people find school board meetings to be deadly dull. Duties in this category include the formal approval of such things as minutes of the previous meeting, bills for payment, all contracts (including employment contracts), numerous reports to the regional and state superintendents of education, teacher transfers, and notices to remedy teacher misconduct or performance.

Although most of these essential but routine tasks fall in the category of "staff work," they can consume an inordinate amount of time at board meetings. In fact, some boards appear to focus their discussions primarily on work that must be (or already has been) performed by the superintendent and other staff.

(A good test of whether a task is staff work — and a candidate for the consent agenda — is whether the board must rely on the superintendent to put the item on the board meeting agenda.)

It does appear that the trend is for boards to spend decreasing amounts of time on these routine actions, perhaps because they find so many other matters demanding their attention. Some boards ensure that required actions are disposed of in short order simply by adopting the superintendent's recommended actions with little or no discussion.

One growing practice is for school boards to roll many of the routine items into a single vote, using what is known as a "consent agenda." That is, members of the board agree that none of the items on the consent agenda require separate discussion or action. The board adopts all of the measures with one vote.

Boards with consent agendas treat items on that agenda as essentially "staff work" and devote most of their meeting time to dealing with major policy ques-

tions, developing goals, refining and checking for compliance with school board policies, and monitoring district progress.

One critical aspect: It is critical that the term "consent" imply that every member consents to the consent agenda. Any member of the board must be empowered to remove any item from the consent agenda to be dealt with separately for any reason or no reason at all. Most boards wisely allow any member to pull any item from the consent agenda without a vote.

Once removed from the consent agenda, an item is then treated the same as any separate agenda item.

On the negative side, it is easy for a board to overlook the importance of clearly communicating to the superintendent and staff what it expects in the handling of these routine consent agenda items. That is, some or all members of the board may have some minimum standards in mind that the staff is expected to meet as a condition for routine board adoption. But if the board does not express those standards in advance, the superintendent and staff have no opportunity to address them.

Waiting until it is time to vote at a board meeting for a member to voice those expectations is a form of second-guessing likely to cause a rift between board and staff. If there is any chance, therefore, that an item placed on the consent agenda might become a topic of board questioning, then the school board should provide the superintendent with policy guidance in advance.

Moreover, the concept of "due diligence" suggests that board members need to know what they are voting upon. For that reason, board members often need to ask questions.

When a board member has questions about any agenda item — including any item on the consent agenda — good practice suggests a telephone call to the superintendent or other knowledgeable administrator who can answer the question. Getting questions answered in advance will save meeting time and should enable the board member to vote yes or no with a clear understanding of the issue.

What are some of the routine board actions that

continued

might reasonably be placed on a consent agenda and what sorts of standards might a board establish to govern them? Consider these:

Approve the annual school calendar

Board policy can direct the superintendent to develop a calendar that has the support of the teachers union (it may be a negotiated item), provides adequate emergency days, articulates with other key schools and other community groups, and meets all legal requirements. If the board wishes to judge the annual calendar by any other criterion, that criterion should be added to the policy by board vote. With these standards in place and with assurances from the superintendent that the recommended calendar complies with those standards, the calendar should be appropriate for the consent agenda.

Approve bills for payment

Bills represent legal obligations and ordinarily must be paid, but the treasurer needs board action authorizing payment. Moreover, routine expenditures that were included in the budget when the board approved it have, as a policy matter, already been authorized. Any substantial expenditure that is unbudgeted was most likely addressed prior to the actual expenditure (or should have been). If the board is concerned about the staff's spending decisions, the focus should be on standards for such decisions that can be written into policy and the matter addressed as a separate item.

On the other hand, a small district may not have the financial expertise and staffing essential for thorough internal controls. Sometimes only one person — the superintendent or the superintendent's secretary — is available to sign off on an expenditure. In these situations, board members may feel a need to review expenditures listed among approved bills and to let the superintendent know if they have questions or concerns. (Again, these issues should be handled with a phone call prior to the meeting.) Board members should feel comfortable with the bills, regardless of whether they review them personally or know that they are reviewed with sound internal procedures.

Approve contracts for goods and services

Contracts of all kinds must be approved by the board and signed by the board president, including employment contracts as well as contracts for goods and services. Before putting contracts on the consent agenda, it would be prudent for the school board to enact policies

that stipulate the dollar amount of contracts that the superintendent can authorize (even though the board must give final approval) and set forth any standards the board might want, such as those banning conflicts of interest and requiring compliance with state laws.

Approve employment contracts

Staff positions should usually be included in the approved budget, so the only real issue is who will be selected for employment. Most boards prefer to hold the superintendent accountable for hiring and developing a competent staff so they do not become involved in employment decisions. However, such boards often use policy to state their intent for the district to hire the best and avoid favoritism. In the hiring of coaches, for instance, a board might set forth in policy its goals for the athletic program, indicating whether winning is more or less important than wide participation and the teaching of values. If compliance with such policies is checked from time to time, employment contracts may be prudently added to the consent agenda.

Select textbooks

Although a school board rarely has the expertise necessary to select textbooks — and would be ill advised to take this choice away from its teachers even if it did — a board does need to ensure that the selection meets certain standards. First, it may be prudent for board policy to address the process for selecting textbooks—that is, who should be involved in the decision. The board might want to stipulate that no parent group should react unfavorably to the selection, or that textbooks must meet certain standards of both morality and academic excellence.

Once the board's criteria are expressed in policy, the staff can be turned loose with the task of textbook selection. The staff's final choice can be put on the board's consent agenda if the superintendent believes that the board's criteria have been met.

Approve budget and tax levy

The superintendent and staff must do the heavy work of projecting expenses and estimating income for the annual district budget. Members of the board can pore over the budget and usually come up with ways to cut a few dollars here and there. However, in the final analysis, the budget belongs to the superintendent and staff. They know most about what is in the budget and they have to live with it. The board must approve a

budget, and then approve a tax levy to provide the local share of the budgeted revenue. Some boards also work hard at establishing priorities to guide the budget making process.

Budget development involves endless talking and consulting, including a public hearing on a tentative budget. Even the tax levy may require a truth in taxation hearing.

Notwithstanding — even though the talking and discussing may be over by the time the board finally votes to approve — the budget and tax levy probably should **not** go on the consent agenda. Both items are just too big and important. Moreover, the tax levy requires a carefully worded resolution that may not lend itself to a consent agenda.

However, the district budget needs a clear statement of board policies governing staff choices. That is, does the board insist on a balance between income and expenditures? A surplus? Is the budget expected to reflect school board goals? What are the criteria by which the school board judges the budget — and can the superintendent assure the board that the budget meets those criteria? Some school boards test the budget primarily by evaluating the assumptions on which the staff based its projections for enrollment, expenses, revenue and other key factors.

Other decisions that a school board might consider for a consent agenda:

- approve employment decisions - hiring, transfers, layoffs, notices to remedy, dismissals;
- set salaries (usually as negotiated with unions);
- approve borrowing — bonds, notes, etc. — although bond counsel is likely to insist on a separate resolution;
- adopt resolution putting public policy issue on the ballot (i.e., tax rate increase);
- suspend/expel students;
- approve construction and repair of buildings;
- approve school boundary changes.

Note that many of these issues involve weighty choices. Some of them reach the voting stage only after several months of discussion and public and staff involvement. Whether any of these decisions call for separate action or can go on a consent agenda probably depends on how big the decision is and the comfort level of the individual board and superintendent.

Avoid the rubber stamp: Regardless of what the board puts on its consent agenda, the board president should regularly explain to the community what is on the agenda, why it is there, the kind of preparation that preceded placement of the issue on the consent agenda, and any relevant board policies governing the matter.