

**Merrimack School Board Meeting  
Town Hall Meeting Room  
June 1, 2015  
PUBLIC MEETING MINUTES**

**PRESENT:** Chairman Ortega, Vice Chair Barnes, Board Members Guagliumi and Powell, Superintendent Chiafery, Assistant Superintendent McLaughlin, Business Administrator Shevenell.

**1. Pledge of Allegiance**

Chairman Ortega called the meeting to order at 7:00 p.m.

Chairman Ortega led the Pledge of Allegiance.

Chairman Ortega asked for a moment of silence in memory of School Board Recorder Rhonda (Ronni) Karlsberg who passed away on May 25, 2015.

Assistant Superintendent McLaughlin stated that he represented the Merrimack School District at Mrs. Karlsberg's service last week. He reported she worked hard and tirelessly within her community to support women and children, particularly those in distress. She was also a woman of great faith who worked with people in the religious community in Nashua to support interfaith understanding. He noted that Mrs. Karlsberg loved children and would have loved tonight's presentation featuring students. Despite a number of losses in her personal life Ronni always managed to be a good friend and a kind person with a great sense of humor and smile.

Chairman Ortega noted that Board Member Schneider was excused from the meeting.

Chairman Ortega announced that this is the last school board meeting for Student Representative Crowley. Student Representative Crowley will graduate from Merrimack High School and plans to attend UMass Amherst next fall. He explained that Ms. Crowley served the School Board and Merrimack High School for the last three years which is the longest tenure of any student representative. She did an excellent job representing the students' point of view on relative topics and was an excellent conduit for information back and forth between the student body and the school board.

On behalf of the School Board, Chairman Ortega presented Student Representative Crowley with a gift and wished her well at UMass Amherst next year.

Student Representative Crowley thanked the School Board for the opportunity to represent the student body. The experience help her to grow as a student, become a better public speaker and to have a better understanding of the educational system and politics.

**2. Focus on James Mastricola Elementary School**

Chairman Ortega introduced Principal Carter, Assistant Principal Romein and Students Regan, Amelia, Toby and Owen.

Principal Carter noted involvement of community members with local schools provides role models, mentors, and support for teachers and students. She announced the presentation will

highlight community connections with James Mastricola Elementary School throughout the school year.

Assistant Principal Romein reported a new community relationship with the water department through a Merrimack Water Festival at Wasserman Park.

Students Owen and Toby shared their experiences at the Water Festival. Activities included music followed by water experiments and exhibits. Students had an opportunity to create posters using water as the topic for the water department.

Assistant Principal Romein highlighted a voluntary water science fair. She reported eighteen fourth grade students participated in the water science fair. Four projects were displayed at the Water Festival.

Students Owen and Toby shared details about their water hydroelectric power project which included improvements.

Other community activities throughout the school year included Merrimack Police Reader, Junior Fire Muster, Merrimack Public Library Programs, Merrimack High School Baseball Team, Merrimack High School Science Fair, Merrimack Post Office,

Students Amelia and Reegan explained the Wee Deliver program and delivered letters to the Board via Wee Deliver.

Chair Ortega extended his appreciation to everyone for their very informative presentations. He noted a wealth of benefits exist as a result of the variety of partnerships.

### **3. Approval of May 18, 2015 Minutes**

Vice Chair Barnes moved (seconded by Board Member Powell) to approve the minutes of the May 18, 2015 meeting.

Vice Chair Barnes requested the following change to the minutes:

- Page 1, line 42, remove the word “will” from the second sentence.
- Page 3 of 5, replace lines 107 and 108 with the following three sentences:  
“Board Member Guagliumi noted that it is really neat to see what students are doing as they progress during the four years. Students have different skill sets and different ambitions with different options as they continue their journey. Community involvement is very apparent.”

The motion passed 2-0-2. Board Member Powell and Chair Ortega abstained from the vote.

### **4. Public Participation**

There was no public participation.

### **5. Acceptance of Gifts/Grants under \$5,000**

Business Administrator Shevenell presented a gift from the Lions Club of Merrimack to Merrimack High School Theatre for \$1,000.

Board Member Guagliumi moved (seconded by Board Member Powell) to accept the gift from the Lions Club of Merrimack with gratitude.

The motion passed 4-0-0.

## **6. Consent Agenda**

a) Assistant Superintendent McLaughlin presented the following teacher nominations

- Elizabeth Dodd, Science Teacher, Merrimack High School
- April Doss, Special Education Teacher, Thorntons Ferry Elementary School
- James Kyle Harvell, Science Teacher, Merrimack High School
- Mary-Alice Perdichizzi, Science Teacher, Merrimack High School
- Joe Schwalje, Grade Six Teacher, James Masticola Upper Elementary School
- Brian Tesini, Comprehensive Technology Teacher, Merrimack Middle School

b) Assistant Superintendent McLaughlin presented the following teacher resignations

- Elana Ben-Kerem, World Language Teacher, Merrimack High School
- Susan Treloar, Grade Six Teacher, James Masticola Upper Elementary School

Board Member Powell moved (seconded by Vice Chair Barnes) to accept the consent agenda as presented.

The motion passed 4-0-0.

## **7. Presentation Regarding Use of Physical Restraint/Seclusion Policy**

Chair Ortega introduced Special Services Director John Fabrizio and Attorney Dean Eggert from Wadleigh, Starr and Peters.

Director Fabrizio and Attorney Eggert noted the Physical Restraint/Seclusion Policy is a statutory requirement and every district is required to adopt a policy under RSA 126:U.

The Use of Restraint/Seclusion Policy addresses the following:

- The subject of restraint of students and when it is proper or improper to seclude a child and what to do when there has been intentional physical contact to correct behavior.
- The statute provides guidelines for when it is proper to engage in restraint and the type of restraint or seclusion.
- The statute requires parents be notified when a restraint or seclusion occurs in a timely manner.
- The policy informs educators when it is appropriate for the use of restraint or seclusion.
- The policy sets limits to the nature of restraint and duration of seclusion and provides for a second opinion of (eyes on) from the building administrator.
- It takes any risk of prolonged restraint or seclusion out of the picture without monitoring.

It was noted when people fail to act they create liability for school district. Legal doctrines protect educators and the district.

Attorney Eggert explained much of the content in the policy was taken directly from RSA 126-U. He added that the Merrimack School District has been complying with RSA 126-U for years.

Board Member Powell asked for the structure of the committee that created the policy.

Director Fabrizio responded administrators, two assistant principals, one principal, a special education coordinator, three behavior specialists and one school psychologist.

Board Member Powell asked if there was a reason there was not a parent representative on the committee.

Director Fabrizio explained that the committee representation was the same for this revision as it was when the policy was created.

Director Fabrizio clarified that the policy was intended for any student within the district.

Board Member Guagliumi asked if the committee unanimously agreed upon the policy.

Director Fabrizio explained that the committee did not vote on the policy. The committee developed, reviewed and edited the policy.

Vice Chair Barnes asked Attorney Eggert if other districts had a similar Use of Physical Restraint/Seclusion Policy.

Attorney Eggert affirmed that the Use of Physical Restraint/Seclusion Policy under review was very similar to what other districts have. He noted the internal reporting forms could be different.

Vice Chair Barnes explained the reason for her question was to determine if the expectations would be the same for Merrimack students who attend a school in a different town.

Chairman Ortega thanked Attorney Eggert for his participation and clarification of the policy.

## **8. First Reading of Use of Restraint/Seclusion Policy**

Superintendent Chiafery stated the second review of the policy would occur on June 15, 2015 followed by the adoption of the policy on July 13, 2015. She explained that Attorney Eggert would be available to answer questions, if needed. She stated her goal is to have the policy adopted prior to the 2015-2016 school year.

Director Fabrizio, Business Administrator Shevenell, Assistant Superintendent McLaughlin and Superintendent Chiafery each read aloud pages of the nine page Use of Restraint/Seclusion Policy.

Board Member Powell asked for clarification of the last sentence in the first paragraph on page 1 under the section entitled "Prevention Strategies".

Director Fabrizio explained the sentence was taken directly from the law and that he would check to make sure it was typed accurately and provide clarification. He noted that same question was raised in a committee meeting.

Board Member Powell suggested adding the words “Intentional physical contact” to the beginning of the first two sentences on page 3 for consistency.

Board Member Powell suggested the three sentences on page 9 under the second paragraph in the section entitled “Annual Review Process” be lower case a, b and c for consistency. He also questioned if the roman numerals should be lower case.

Board Member Guagliumi asked if there was a disclaimer that might exclude the intentional physical contact around a child’s head.

Board Member Guagliumi referenced page 3 and asked how the staff knows who is trained and who is not trained and how would the trained staff be accessed in a situation.

Board Member Guagliumi referenced page 4 the section entitled “Prohibition of Dangerous Restraint Techniques” and asked if there was notification or a disclaimer that physical restraint techniques may cross over to criminal charges.

Director Fabrizio explained that was addressed in the procedure that supports the policy.

Board Member Guagliumi referenced pages 6 and 7 of the policy. She asked if the policy included documentation that parents were notified of a physical restraint/seclusion and possibly their reaction.

Director Fabrizio responded parent notification is included in the procedure, which will be updated after the policy is adopted.

Vice Chair Barnes referenced page 9 in paragraph four “Principals will annually identify staff members who serve as school-wide resources ...”. She asked if the school-wide resources are the committee members who worked on the policy.

Director Fabrizio responded the school-wide resources are individuals trained in CPI (Crisis Prevention Institute). The district has individuals who are trained to teach CPI and refresher classes. A data base containing the names of individuals who have been trained in CPI is maintained on a regular basis.

Vice Chair Barnes asked Superintendent Chiafery if there is collaboration between the other school districts in the South Central Region relative to how polices are documented. She noted that some Merrimack High School students attend vocational programs in Hudson and Nashua and questioned if there is access to their restraint policies and documentation of restraint forms.

Superintendent Chiafery responded Director Fabrizio works closely with the other special education directors in the South Central Region. She explained it would be appropriate to ask Hudson and Nashua School Districts for a copy of their physical restraint/seclusion policy in August.

Director Fabrizio explained that all districts in the South Central Region received the same sample policies, attended the same meetings and received the same guidelines. He felt confident that physical restraint/seclusion policies of other districts are very similar because of the law.

Chair Ortega noted a typographical error on page 5 in the section entitled “Limitation on the Use of Seclusion. He suggested that the colon before the letter “U” be removed.

Chair Ortega referenced the section entitled "Training" on page 6. He expressed his concern that there was no definition for the reference to "all appropriate personnel" in the context of being trained in the use of physical restraint procedures and seclusion. He asked that more thought be given to who would be all appropriate personnel.

Chair Ortega thanked Director Fabrizio for his presentation and noted that the next reading of the policy would be at the June 15<sup>th</sup> meeting.

**9. Request to Increase Personnel in the Merrimack Early Education Program at James Mastricola Elementary School**

Chair Ortega introduced Special Services Director John Fabrizio, Principal Emilie Carter and Preschool Director Sheila Demers.

Director Fabrizio reported an increase in the number of preschool students in need of special education for the 2015-2016 school year.

Director Fabrizio presented the following two options for the Board's consideration.

Option 1: Increase the .5 preschool teaching position at James Mastricola Elementary School to a full time teaching position. The budgetary impact would be \$67,330.50 (inclusive of the additional salary, retirement, health insurance, dental insurance and the addition of two .5 paraeducators.

Option 2: Hire an additional .5 preschool teacher to create a new morning classroom. The budgetary impact would be \$53,869.50 (inclusive of .5 salary, two additional .5 paraeducators and additional classroom furniture).

Director Fabrizio felt option 2 would be preferred by most parents because most three-year-olds require an afternoon nap.

Director Demers reported an additional 15 to 17 three-year-old preschoolers for the 2015-2016 school year. She explained most parents of three-year-olds prefer their child attend a morning classes which are at capacity with a wait list of six. Mrs. Demers expressed her concern if an afternoon class were to be added that it would be difficult to find the required number of typical three-year-old preschoolers for the afternoon class because of nap schedules.

Principal Carter reported that there is space at James Mastricola Elementary School for an additional morning preschool class. She also felt a morning class would serve the population better than an afternoon class.

Chair Ortega stated that the two week rule would apply for this request.

Principal Carter clarified space would be reconfigured to accommodate a fourth preschool classroom by combining certain services.

Vice Chair Barnes asked if the intent would be to keep the additional preschool classroom and furniture at James Mastricola Elementary School or would it transfer to Thorntons Ferry Elementary School if a preschool program is approved in the 2016-2017 budget.

Superintendent Chiafery replied it would be the intent to move personnel and furniture to Thorntons Ferry Elementary should preschool be approved in the 2016-2017 budget. The only budgetary impact in 2016-2017 would be preschool playground equipment at Thorntons Ferry Elementary School.

Vice Chair Barnes asked for the approximate cost of the playground equipment.

Business Administrator Shevenell replied approximately \$25,000.

Vice Chair Barnes questioned, other than the playground equipment, why not place the additional classroom at Thorntons Ferry Elementary to avoid having to reconfigure space at James Masticola Elementary School.

Superintendent Chiafery felt it would be easier to increase the preschool program at James Masticola Elementary School by one classroom in 2015-2016 followed by a move to Thorntons Ferry Elementary School in 2016-2017. She emphasized the adjustments at James Masticola Elementary School were positive.

Chair Ortega clarified that the discussion above was applicable to option #2 only.

Chair Ortega asked how an additional preschool class would be funded.

Superintendent Chiafery explained in the year 2000 a capital reserve fund was created to meet unanticipated expenses of educating educationally disabled children and to name the Merrimack School Board as agents to expend from the fund.

Business Administrator Shevenell reported a capital reserve fund balance of \$496,000.

Board Member Powell questioned the use of the capital reserve fund when more than half the preschoolers would be typical students.

Superintendent Chiafery responded the parents of the typical students pay tuition for preschool. The capital reserve fund would be used for educating educationally disabled children.

Board Member Guagliumi asked if the amount included revenue from the tuition from families of typical preschoolers.

Business Administrator Shevenell responded the amount was the gross cost for the preschool program. The tuition is recorded as revenue which would offset the tax impact.

Board Member Powell questioned the concept of using the capital reserve fund for education of educationally disabled children as well as typical students.

Business Administrator Shevenell explained that the preschool program requires a certain number of typical students participate in the program.

Board Member Powell recalled the intent of the capital reserve fund was to be used for an expensive placement that was unanticipated.

Business Administrator Shevenell explained the unanticipated cost is the increase in the preschool enrollment.

Board Member Powell stated that he would feel more comfortable if legal counsel provided the Board with an opinion.

Vice Chair Barnes asked if the savings in salaries from the retirements would offset the required salaries needed for the additional preschool class.

Superintendent Chiafery responded that the retirements are mostly at the secondary level, not the elementary level.

Business Administrator Shevenell explained that it is too early to calculate the exact savings from the retirements.

Chair Ortega stated during the last budget process the board decided not to plan on the salary savings as a result of retirements in the budget in order to lower the budget. One of the draw backs of that decision is having less flexibility.

#### **10. Review HealthTrust Application and Membership Agreement with the Merrimack School District**

Superintendent Chiafery asked the Board to review the HealthTrust Application and Membership Agreement. She explained the Board as the governing body needs to authorize the agreement and the Superintendent would be responsible for executing the agreement. A signed agreement is due to HealthTrust by August 1, 2015. She noted that the Board had received an outline of updated changes since the last Agreement in 2008.

Board Member Powell noted that he read through the summary of changes. He asked if there was any change to the benefits the district is able to offer to its employees by signing this new contract.

Chairman Ortega asked for the district's options if we don't renew the membership agreement.

Vice Chair Barnes noted the term of the agreement will fall into the same time frame as needing to deal with Cadillac taxes. She did not see any reference to dates of the term in the agreement. She was concerned about the district's potential exposure based on what plans are offered through HealthTrust to shop from and if any allow for avoidance of a Cadillac tax.

Vice Chair Barnes wanted to know how HealthTrust would offer plan options to address district financial exposure relative to the Affordable Care Act as it continues to be implemented over the next three years.

Superintendent Chiafery will invite HealthTrust Benefits Specialist Debie Clayton to the next meeting to answer the Board's questions.

#### **11. Summer School Board Meeting Dates**

The Board agreed to meet on July 13 and August 17 during the summer.



## **12. Other**

### **a) Correspondence**

Chair Ortega received two emails from parents regarding their student's situation. One email was from an upper elementary school parent; the other was a high school parent.

### **b) Comments**

Board Member Powell shared his intent to seek a position on the HealthTrust Board of Directors.

Chair Ortega reported he attended the mock DUI (Driving Under the Influence) sponsored by SADD (Students Against Destructive Decisions). He was extremely impressed with the demonstration. The simulation was acted out by students. The presentation provided to the class of 2015 was very realistic.

## **13. New Business**

There was no new business to report.

## **14. Committee Reports**

Student Representative Crowley also attended the mock DUI demonstration. She recognized SADD President Renee Murray for her hard work.

Student Representative Crowley reported National History Day participants will travel to Washington, DC in June.

Student Representative Crowley reported the prom was held last Friday.

Student Representative Crowley reported there were plans to improve the senior court yard.

Student Representative Crowley reported student council elections would take place this week.

Student Representative Crowley noted senior sign out on June 8 followed by senior week activities and graduation on June 13.

Board Member Guagliumi reported the Parks and Recreation Committee met on May 20. She highlighted the dog park contest through pet safe. She encouraged people to vote for a dog park in Merrimack by going to [www.petsafe.net/barkforyourpark](http://www.petsafe.net/barkforyourpark). She noted park inspection visits would take place. The results of those inspections would be reviewed at the June 10<sup>th</sup> meeting.

Board Member Guagliumi reported Camp Naticook is accepting enrollments for summer camp.

Board Member Powell reported the Town Center Committee met on May 22 to discuss Safe Routes to School.

Vice Chair Barnes reported that the District Parent Group reviewed fundraisers and discussed future efforts. SERESC summer programs were also highlighted.

**15. Public Participation on Agenda Items**

There were no public comments on agenda items.

**16. Manifest**

The board signed the manifest.

At 9:40 p.m. Board Member Guagliumi moved (seconded by Board Member Powell) to go to non-public session per RSA 91-A:3,II (a) (b) (c) with a roll call vote.

The motion passed 4-0-0.

At 10:50 p.m. Board Member Powell moved (seconded by Vice Chair Barnes) to adjourn the meeting.

The motion passed 4-0-0.