

**Merrimack School Board Meeting
Merrimack Town Hall Meeting Room
February 20, 2012**

PUBLIC MEETING MINUTES

PRESENT: Chairman Vaillancourt, Vice Chairman Ortega and Board Members Barnes, Markwell and Thornton, Superintendent Chiafery, Assistant Superintendent McLaughlin, Business Administrator Shevenell and Student Representative Yates.

1. Call To Order

Chairman Vaillancourt called the meeting to order at 7:30 p.m.

Chairman Vaillancourt led the Pledge of Allegiance.

2. Approval of February 6, 2012 Minutes

Board Member Barnes moved (seconded by Board Member Thornton) to approve the minutes of the February 6, 2012 meeting.

Board Member Barnes requested the following changes to the minutes:

- Page 2 of 10, section 5, paragraph 4, change “on line” to read “online”
- Page 5 of 10, section 8, paragraph 1, line 5, change “Attorney Bragdon” to Senator President Bragdon” and change “for the State” to “for the Senate”
- Page 5 of 10, last paragraph, change the word “criteria” to “criterium”
- Page 8 of 10, paragraph 4, line 3 change “Reeds Ferry” to “the high school”
- Page 8 of 10, add a second sentence to paragraph 9 to read “The court must be maintained for recreational purposes unless they can get the state to inactivate the space.”

Student Representative Yates requested the following changes to the minutes:

- Page 8 of 10, Section 11, the name “Cortemanche” should read “Courtemanche”
- Page 9 of 10, second line from bottom of section 11, the name “Mueller” should read “Muller”

Board Member Markwell requested the following changes to the minutes:

- Page 3 of 10, change “September 4” to “September 3”
- Page 3 of 10, change “Dec 21 – Jan 1” to “Dec. 24 – Jan 1”
- Page 4 of 10, the spelling of the word “paraeducator” should be consistent
- Page 6 of 10, a comment from Chairman Vaillancourt was not recorded. The comment referenced that the board needs to work on the criteria or a plan for a criteria right away.

Chairman Vaillancourt requested the following changes to the minutes:

- Page 3 of 10, remove “February 18, Presidents’ Day” from the list of no school days.
- Page 3 of 10, add “April 9, Teachers’ Workshop Day” to the list of no school days.
- Page 5 of 10, paragraph 4, line 3, change “work before” to “work to be done before”
- Page 5 of 10, section 8, paragraph 1, sentence 2 should read “She stated that when she spoke with Senate President Peter Bragdon and the Senate Attorney to ask if the law superseded the contract, they advised her to speak with the District’s attorney regarding the intent of the Senate Bill 196.”

The motion passed 4-0-1 with Vice Chairman Ortega abstaining.

3. Public Participation

Chairman Vaillancourt cautioned individuals wanting to speak to the School Board in opposition to the School Board's formal vote on February 6, 2012 as it pertains to the reduction in force per the new law (SB196) effective July 1, 2011 not to reference a specific teaching position or a specific teacher in the district. She explained that SB 196 required the school district to develop second criteria for reduction in force procedures. She encouraged all individuals to view the February 6, 2012 School Board meeting.

The following people spoke in opposition to the second criteria pertaining to the reduction in force procedures.

- James W. Roy of 97 Belmont Drive spoke as a retired educator.
- Jessica Chase of 16 Dalton Court spoke as a resident, taxpayer, second grade teacher and Vice President of the Merrimack Teachers Association.
- Michael Loverme of 16 Reeds Ferry Way spoke as a taxpayer.
- Karen Freed of 1 Andrea Circle spoke as a resident, taxpayer, teacher and the Secretary of the Merrimack Teachers Association.
- Danielle Service of 19 Kimberly Drive spoke as a resident and taxpayer.
- Heather Davis of 36 Joppa Road spoke as resident, taxpayer and educator.
- Jenifer Robinson of 34 Cabot Road spoke as a resident, taxpayer, parent and teacher.
- Kathy Theriault of 3 Old Blood Road spoke as a teacher.
- Catherine Goodman of 19 Courtland Drive parent, taxpayer and teacher.
- Jeanne Wagner of 4 Cowan Road spoke as a resident, taxpayer, parent and educator.
- Randall White 6 Partridge Lane spoke.
- Dr. Beth Englesman of 31 Crammer Hill Road spoke as a parent.

4. Consent Agenda

- School Calendar for 2012-2013

Board Member Barnes moved (seconded by Board Member Thornton) to approve the consent agenda.

The motion passed 4-1-0 with Board Member Markwell in opposition.

5. Confer with School District Moderator Lynn Christensen

Preparation for Deliberative Session:

Chairman Vaillancourt announced that later in the meeting the Board would determine which board members would move and second the individual warrant articles at the deliberative session. A copy of the list will be given to School District Moderator Christensen.

Chairman Vaillancourt asked for clarification on the rules that apply if a voter wanted to change the wording and/or money of a warrant article at the deliberative session.

School District Moderator Christensen responded that the subject matter of the warrant article can not be changed. A warrant article to raise and appropriate funds can not be turned into a bond article because of the regulations for a public hearing prior to the deliberative session. Voters can change the intent of a warrant article or the intent of a warrant article subject matter can be reversed but the purpose cannot be changed. Voters can even put forth an illegal warrant article.

Chairman Vaillancourt asked Moderator Christensen to provide an example of a reversed subject matter warrant article.

School District Moderator Christensen provided an example of a reversed subject matter using the current petitioned warrant article. She stated that it could be worded to establish confidence in the work that the budget committee has done.

Reconsideration of the Polling Site:

School District Moderator Christensen stated that the agenda item, reconsideration of the polling site, served as a public notice in the event the school board wanted to reconsider the high school as the sole polling site or discuss other polling site options.

School District Moderator Christensen informed the Board that if the high school were to be used as the sole polling site, the presidential primary election, which occurs every four years, could be relocated to the upper elementary school during a school day. She also informed the Board of a Senate Bill that could change the month of the primary elections every other year from September to August.

Chairman Vaillancourt referenced the decision to combine the St. James Methodist Church precinct with the James Mastricola Upper Elementary School precinct. She asked School District Moderator Christensen to provide the board with the logistics of the day.

School District Moderator Christensen added that the November Election day would be a challenge at the upper elementary school because of the number of people expected to vote on that day.

6. Discussion about Legislative Issues with Merrimack's Delegation

Senior Representative D. Chris Christensen introduced Senator Ray White and Representatives Cathy Stroud, Dick Barry, Tony Pellegrino, Jeanine Notter and Joe Thomas.

Representative Christensen reported that Representatives Hawkins and Barry will discuss pension related matters pertaining to SB 229 at the March 5th School Board meeting.

Representative Christensen reported that the deadline for the early bills, bills needing to go to a second committee, is February 21, 2012. Amendments and committee positions will not be known until later in the week. He explained bills are executed during the legislative executive sessions which are open to the public. He also reported that House bills cross over to the Senate and Senate bills cross over to the House the third week of March.

Representative Christensen stated that CACR stands for Constitutional Amendment Concurrent Resolution. If it passes successfully it would go on the ballot for vote at the next general election. The House passed CACR 12 a year ago then it went to the Senate. The Senate tabled it for awhile and kept it in committee and recently passed it with an amendment. The Senate is now sending it back to the House. The House can agree to the Senate language or disagree and send it to a committee of conference or disagree and kill the bill entirely.

Representative Christensen explained that constitutional amendments aimed at school funding are not to increase or decrease funding but to allow more flexibility in how the state distributes the funding. Aid

can not be targeted to districts that need it the most nor can aid be withheld from districts that do not need it. The intent of CACR 12 is to allow aid to be targeted and allow the legislature to have the final determination over the distribution of funds. CACR 12 would prevent the courts from distributing money as non-elected people. He added the monetary formula is not part of this bill.

Board Member Thornton questioned how the process for distributing the aid would be determined.

Representative Christensen responded by stating the reality would be a separate bill every year. Factors could include the tax base, demographics and student population.

Board Member Barnes asked how much lead time would there be to educating the public before it appears on a ballot.

Representative Christensen responded from July 1st to the day of the November general election.

Chairman Vaillancourt stated she had concerns with CACR 12. She stated that the courts became involved because legislation was not working for several school districts. She asked the legislators to keep in mind that Merrimack School District currently receives 10.4 million dollars in state assistance for education.

Representative Christensen reported that HB 1413 and HB 1517 relates to No Child Left Behind. The two bills were tabled and will require two thirds vote of the House to take them off the table, which is unlikely.

Superintendent Chiafery asked if the determining factor for the table status was the notion that New Hampshire would lose too much money.

Representative Barry responded that the loss of money and not knowing what would take its place were of concern to him.

Chairman Vaillancourt cited HB 533, HB 604, HB 1199, HB 1564, and SB 383 building aid and reference to catastrophic aid.

Representative Barry reported that HB 533 has gone through a public hearing, went to committees and will go to executive session on March 20th. He reported a public hearing for HB 604 on March 8th.

Vice Chairman Ortega asked for the relationship of building aid to the project and how it plays out in terms of time.

Business Administrator Shevenell stated that building aid has been suspended for new projects. It has been around for decades and was the financial assistance that school districts could count on. He stated that he would prefer to have an up front payment, to avoid having to bond the entire cost, if building aid were to be reinstituted.

Chairman Vaillancourt expressed her desire that legislation not eliminate building aid for projects that had already been approved by voters.

Representative Barry stated that his understanding of the bill was that it did not change the process nor change the percentages. Current projects will continue to receive the committed building aid. The bill specifies that any new project will go through a prioritization process before committing money to it.

Chairman Vaillancourt cited HB 1607 and SB 372 the education tax credit.

Senator White stated that the education tax credit bill represents only .25% of the amount of education spent in New Hampshire.

Board Member Barnes asked for clarification between BET and BPT.

Senator White responded that the business enterprise tax is put upon all businesses based on the payroll of the business. The business profits tax was instituted because many small businesses were not captured by the business enterprise tax of either no payroll or a small payroll. The intent was to capture every business entity in the state of New Hampshire and have them pay relatively fair and equitable taxes.

Representative Barry clarified that the credit is for the businesses that provide a scholarship to a student.

Chairman Vaillancourt stated that it would result in more money being taken away from public schools and that she was not comfortable with it.

Senator White stated that SB 373, Retention of Surplus Funds for School Districts, was a budgetary flexibility bill. He stated that currently it is not legal for the school districts to retain money at the end of the budget year. SB 373 will allow school districts to accumulate up to a maximum of 2.5% for a subsequent year.

Business Administrator Shevenell noted the Department of Revenue Administration recommends that towns retain a surplus of between 5% and 10% of the total gross budget for the town and the school district. He noted that there is no law preventing school districts for retaining a surplus now and there is no RSA that says the town can retain the surplus. He stated that currently the Town of Merrimack has approximately a 2% surplus. A 5% surplus for the Town of Merrimack would be about 4 million dollars.

Business Administrator Shevenell stated that if the school district were to retain a surplus, it would take the pressure off the municipality entirely and provide the school district with an opportunity to improve future financial stability.

Vice Chairman Ortega spoke in support of Business Administrator Shevenell's comments.

Board Member Barnes added that the same sentiment was echoed at the NHSBA Delegate Assembly. The Delegate Assembly discussion included the fact that a New Hampshire town's bond rate was affected because of the lack of financial stability.

Chairman Vaillancourt added that a school district surplus would help with uncertainties at the State level that affect the budget after it is approved.

Representative Christensen noted that the bill specifies that a surplus could be used for emergencies, but it does not define an emergency. He also questioned how the school district would be allowed to expend surplus funds without exceeding the appropriation level of the budget.

Business Administrator Shevenell stated that the school district is authorized to exceed the amount of the operating budget for an emergency. The process requires that the Superintendent with support from the School Board notify the Commissioner of Education in writing and specify in a warrant the plan to address the emergency.

Representative Pellegrino asked for an example of an emergency.

Business Administrator Shevenell responded examples of an emergency might be the failure of boilers, the failure of a ventilating system or an increase in expenditure(s) after the budget is approved.

Vice Chairman Ortega noted that currently the only way to save money is through a capital reserve fund on the warrant.

Representative Notter explained that HB 1713, an act of Abolishing the Department of Education, would transfer all functions, duties and responsibilities to the Commissioner of Education and the State Board of Education. It restructures the Department of Education to save 50 million dollars per year and eliminates 435 million dollars per year in school building aid obligations. The hearing took place on February 2nd and will go to the executive session February 21st.

Superintendent Chiafery expressed her concern over the potential of a shift in costs and responsibilities to the local level.

Representative Pellegrino added that the bill was very lengthy and that many discussions are expected to follow.

Business Administrator Shevenell felt the HB 1713 was extreme and expressed caution.

Representative Christensen stated that it would not surprise him if the House voted to send HB 1713 to interim study. If the bill goes to interim study it would stay at the committee level for reconsideration and a report in November.

Chairman Vaillancourt expressed caution to the Delegation regarding HB 1713.

Representative Christensen reported that Representatives Dick Hinch and Lynette Peterson had prior obligations and were not able to attend the meeting.

7. English for Speakers of Other Languages (ESOL): Program Update

Assistant Superintendent McLaughlin introduced teachers Sigita Clifford, Cecily Eldridge, and Maryna Gurova.

Cecily Eldridge reported 46 students within the district represent 19 different languages (Arabic, Bosnian, Chinese, Czech, French, Greek, Haitian Creole, Hindi, Korean, Mandarin, Nepali, Portuguese, Russian, Slovak, Spanish, Swedish, Tagalog, Urdu, and Vietnamese).

Maryna Gurova demonstrated by speaking in Russian what an English language learner might experience during a day at school.

Sigita Clifford explained that the teachers of English language learners provide support to students in areas other than academics. Areas of support may include the understanding of body languages, facial expressions, slang expressions, social media, clothing, food, and peer conflicts.

Assistant Superintendent McLaughlin summarized the presentation by stating Merrimack has great challenges but it has a team of teachers who do a fantastic job supporting the challenges of students and create a welcome community for the public.

Vice Chairman Ortega asked what methods and techniques are used to help students, in the most extreme cases, understand the English language.

Sigita Clifford responded that basic techniques such as pantomime, picture cards, and translation software can help convey information.

Vice Chairman Ortega asked how long students typically stay in the program and what are the metrics for longevity.

Maryna Gurova responded that it depends on the level of the student. For example a third grade student can be proficient in speaking English, but have low reading and writing levels. Language domains are mastered at the students' own pace. Programs are tailored to meet the needs of each student.

Board Member Barnes asked how various student needs are dealt with in large group settings.

Maryna Gurova responded that the students need to be at the same proficiency level for effective learning in group settings.

Sigita Clifford noted that differentiated instruction can be effective in large group settings.

Board Member Barnes asked if there was English support for students while at home.

Sigita Clifford responded that parents are encouraged to converse in their native language if they are not comfortable speaking the English language.

Cecily Eldridge added that speaking a native language at home can provide students with a much needed break from the English language.

Board Member Thornton emphasized that Merrimack has 46 students that represent 19 different languages.

Board Member Markwell asked how many students speak better English than they can read or write English.

Maryna Gurova, Cecily Eldridge and Sigita Clifford all responded that it can vary from year to year. Students have to learn two types of skills. Basic interpersonal communications for simple communication is easier to learn than the cognitive academic learning proficiency needed to comprehend a text book or follow directions for a test.

8. Outcome from Transportation Bid Process

Business Administrator Shevenell reported that the transportation bid process was complete. Student Transportation of America (known as Goffstown Trucking) was awarded the transportation contract for the regular education transportation and Provider was awarded the contract for the special education transportation.

Business Administrator Shevenell reported the total of the two contracts was approximately \$200,000 under budget exclusive of sports transportation, summer transportation and any unknowns due to the first time the contract has been split between two carriers.

Business Administrator Shevenell noted that the intent is for both carriers to employ as many of the current First Student bus drivers provided they are in good standing. Both carriers are planning a reception for First Student drivers.

Chairman Vaillancourt stated that Business Administrator Shevenell informed the budget committee of the \$200,000 reduction in transportation costs. The budget committee voted down a motion to reduce the operating budget by \$200,000. The Budget Committee discussed the possibility of the school board supporting a motion by an individual board member to reduce the operating budget by \$200,000 at the deliberative session.

Vice Chairman Ortega added that the motion failed because in many cases the amounts that the district budgets for doesn't go into effect until after the budget is ratified by the voters, the \$200,000 is a small percentage of the entire School District budget and the \$200,000 could be returned to reduce taxes should there be a surplus at the end of the budget year.

Business Administrator Shevenell clarified that there is a verbal agreement at this time for the transportation contracts. The actual transportation contracts have not been signed off as yet.

Board Member Barnes stated that she would not support a motion at the deliberative session that would reduce the operating budget.

Chairman Vaillancourt requested that consideration be given to those routes where students are on the bus for the greatest length of time.

Chairman Vaillancourt noted that if the action taking place in the courts regarding the retirement system goes away, it could result in an increase in expenditures for the school district in the amount of \$500,000.

9. Readdress Votes on Articles(s) on 2011-2012 Warrant

Chairman Vaillancourt explained that in Article 3, the Merrimack Educational Support Staff Association collective bargaining agreement, there was a typo in the amount of savings for the contract and the affect it would have on the operating budget. The amount of savings will be \$188,401 rather than \$181,401.

Chairman Vaillancourt asked the board for a new vote on Article 3, the MESSA contract, and Article 7, the operating budget.

Vice Chairman Ortega moved (seconded by Board Member Barnes seconded) to recommend Article 3 as written. The motion passed 5-0-0.

Board Member Markwell moved (seconded by Board Member Barnes) to recommend Article 7 as written. The motion passed 5-0-0.

10. Warrant Presentations for Deliberative Session on March 6, 2012

Chairman Vaillancourt announced that the School District Deliberative Session would be held on March 6, 2012 at the James Masticola Upper Elementary School in the all purpose room beginning at 7:00 p.m.

The board determined which board members would present, move and second each of the seven warrant articles at the deliberative session.

11. Presentation of Petitioned Warrant Article

Business Administrator Shevenell read Article 6, the petitioned warrant article.

“Shall the District, pursuant to RSA 32:14,V, rescind the adoption of Article 7 of the 2006 School District Warrant that established a school district budget committee?”

12. 2011 New England Common Assessment Program (NECAP) Results

Assistant Superintendent McLaughlin reported significant growth in reading and math over the last six to seven years. He noted moderate growth during some years. The District’s commitment to the collaborative assessment project from year to year is a factor. He also reported a reduction in the number of students below and partially proficient in reading and math.

Vice Chairman Ortega asked if the results indicated any variance across the various elementary schools.

Assistant Superintendent McLaughlin replied during a year of growth, the growth is generally across all schools. He stated that the centralized district focus was an important element.

Board Member Barnes noted that Math Night would be held tomorrow night from 6:00 p.m. to 7:30 p.m. The event will provide activities that show how math is taught at the elementary school level.

13. First Reading of Policy

• School Board Action, Decision, Ethic

Superintendent Chiafery introduced a current policy being transferred to the new number system. She read the School Board Action, Decision, Ethics policy for a first review.

Board Member Barnes asked if Attorney Christina had commented on how this policy compares to similar policies within the state.

Superintendent Chiafery responded that Attorney Christina felt it was reflective of a School Board’s work. She added that the “Code” that is signed annually by board members is a result of School Board Action, Decision, Ethic policy.

Vice Chairman Ortega suggested that the four points at the top of the page one were regulated by law and questioned if the legal obligations needed to be spelled out in the policy or could they be cited as a legal reference on the last page of the policy.

Superintendent Chiafery agreed to confer with Attorney Christina and provide the board with a report at the second review of the policy.

14. Other

a) Correspondence

Chairman Vaillancourt announced that the entire board received correspondence from a town resident who is also a bus driver for the contractor for the District requesting that the School Board consider contacting State Representatives regarding HB 1443.

b) Comments

Student Representative Yates announced the following high school events:

- The theater department will present a winter talent show February 22nd at 7:00 p.m. in the little theater. Tickets can be purchased at the door.
- Random Acts of Kindness conducted a community outreach project, Jeans for Teens. Two hundred pairs of jeans were collected and will be donated to charities across the state.
- Senior Curtis Provencher was crowned Mr. Merrimack High School.
- Students participated in the Small Group Festival at the University of New Hampshire.

15. New Business

There was no new business to report.

16. Committee Reports

Vice Chairman Ortega reported the Budget Committee met on February 14th, held a public hearing on the budget and moved the budget forward.

Board Member Markwell reported that the Healthcare Cost Containment Committee met on February 8th. Guests from Southern New Hampshire Medical Center presented details about the immediate care services at its Merrimack facility.

Board Member Markwell reported that the Professional Development Committee met on February 9th. Plans for the half day teacher workshop on February 24th were discussed. The next half day teacher workshop will be held on April 10th.

Board Member Markwell reported that the Planning and Building Committee met on February 13th. He was asked to relay to the board that the committee members are not opposed to having their meetings video taped. Cameras were welcomed at their current meeting location. The Planning and Building Committee will present to the school board on March 19th regarding turf, track and an administrative building. The committee received information from Sullivan Construction on steel construction. The cost of a steel construction building would be approximately \$300,000 less than a previous quote.

Chairman Vaillancourt stated that Chairman of the Planning and Building Committee Rich Hendricks agreed to provide the board with the new cost estimate for an administration building and review the plan and have more formal discussion at a future meeting.

17. Public Comments on Agenda Items

There were no public comments on agenda items.

18. Manifest

The Board signed the manifest.

At 10:30 p.m. Board Member Markwell moved (seconded by Board Member Barnes) to recess to non-public session per RSA 91-A:3,II (a), (b), (c).

The motion passed 5-0-0 on a roll call vote.

At 10:45 p.m. Board Member Markwell moved (seconded by Vice Chairman Ortega) to adjourn the meeting.

The motion passed 5-0-0.