

**Merrimack School Board Meeting
Merrimack Town Hall Meeting Room
March 5, 2012**

PUBLIC MEETING MINUTES

PRESENT: Chairman Vaillancourt, Vice Chairman Ortega, 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 20, 2012 Minutes

Board Member Barnes moved (seconded by Board Member Thornton) to approve the minutes of the February 20, 2012 meeting.

Board Member Barnes requested the following changes to the minutes:

- Page 2 of 11, Section 3, second to last bullet, correct the spelling to Randall White
- Page 3 of 11, insert the first names of the guests: Representatives D.L. Chris Christensen, Senator Ray White, Representatives Kathy Stroud, Dick Barry, Tony Pellegrino, Jeanine Notter and Joe Thomas.
- Page 3 of 11, second paragraph from the bottom, remove the number 12 from the first sentence.
- Page 5 of 11, for clarification, paragraph 8, sentence 2 should read, "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."
- Page 5 of 11, paragraph 4 from the bottom, add the word "The" at the beginning of the second sentence.
- Page 6 of 11, paragraph 10, add the names of the Representatives to be Dick Hinch and Lynette Peterson.

Board Member Markwell requested the following changes to the minutes:

- Page 4 of 11, paragraph 6 from the bottom, should be SB 383.

Vice Chairman Ortega requested the following changes to the minutes:

- Page 2 of 11, last paragraph, second to last sentence, add "but the purpose cannot be changed."
- Page 3 of 11, under Reconsideration of the Polling Site, paragraph 3, should read St. James Methodist Church
- Page 4 of 11, paragraph 4, change "education" to "educating".
- Page 4 of 11, paragraph 9, remove the duplicate word "that".
- Page 6 of 11, paragraph 10, change "the Representative" to "that Representative".
- Page 9 of 11, section 12, paragraph 2, should read "various elementary schools".

Student Representative Yates requested the following changes to the minutes:

- Page 10 of 11, under Comments, bullet 3 should read "...Provencher was crowned...."
- Page 10 of 11, under Comments, bullet 4, remove the word "to".

Chairman Vaillancourt requested the following changes to the minutes:

- Page 5 of 11, paragraph 4 from the bottom, after “.....with uncertainties” add the phrase “at the State level”.
- Page 8 of 11, paragraph 3, change the word “Administration” to the word “Administrator”
- Page 8 of 11, paragraph 4, last sentence, remove the word “if”.
- Page 10 of 11, under Committee Reports, paragraph 4, correct the spelling of “opposed”.

The motion passed 5-0-0.

3. Public Participation

There was no public participation.

4. Presentation Regarding NH Retirement System and Pending House Bills

Representative Dick Barry introduced Representative Ken Hawkins from District 8 in Bedford, NH. Representative Hawkins has been a State Representative for 5 terms (10 yrs) and is very knowledgeable regarding the New Hampshire Retirement System (NHRS).

- The NHRS is currently under funded by 4 billion dollars. He explained why there is this deficit.
 - For years employers have paid less than employees. In some years .5% of the payroll went to the NHRS as compared to 11% now.
 - There used to be a special account but the legislature decided that money couldn't be used for pensions.
 - The actuary convinced the NHRS board to use an “open group aggregate” which is like social security. Someone who is coming in today is paying for someone who retired years ago.

Representative Barry asked how long it would take to break even.

Representative Hawkins responded that it is being paid over a 30-year period. If investment returns come in faster, that time would decrease faster.

Board Member Markwell asked why a private 401K was not established, since right now it is burden for the taxpayers for a very long time. He added that “we have to bite the bullet sooner than later”. He suggested that perhaps employees joining the system now and in the future have to pay a higher rate.

Representative Hawkins replied that the employee contribution has been raised by 2% this year, but it could not be done for vested employees. He added that currently the Supreme Court is hearing cases that would eliminate the 2% raise in contributions for some of the employees. He added that instead of a 401K which is voluntary, the state is going with a 414 which is mandatory. He also added that it costs the towns less for the Retirement System to take care of the funds rather than using a brokerage house.

Board Member Markwell stated that he found it very amazing that employees would fight over the 2% increase.

Representative Hawkins responded that NH is one of the few states that require employees pay any portion.

Vice Chairman Ortega spoke about SB 229, and asked what the impact to the town would be in terms of “biting the bullet”. He added that in 2005, 1.3 million dollars was paid into the retirement system and that this year it is 3.2 million dollars.

Representative Hawkins responded that he did not have the figures in front of him but that he would get them to Representative Barry who will get them to Superintendent Chiafery. He noted that rates are given for two years at a time.

Business Administrator Shevenell stated that in the 1980’s employer rates were cut to 8%. He asked if there would be a safeguard in the future.

Representative Hawkins replied that in 2008 a bill was passed that insured employer rates would never be lower than employee rates.

Board Member Barnes asked in light of the information if the budget for this year would be correct regarding the NHRS.

Representative Hawkins replied that the rates for 2012-2013 and 2014-2015 are set in stone. If there were changes it would not be before 2016-2017.

Chairman Vaillancourt asked if the district’s contribution would change because of the pending lawsuit.

Representative Hawkins replied that there was one set of rates in July and then another set of rates for the rest of the year. Money was distributed to districts throughout the state. In reference to the lawsuits, each individual had to file separately so there is not a class action suit.

Business Manager Shevenell pointed out that the district received about \$45,000 from the 3.5 million dollar distribution to the districts from the State.

Board Member Thornton asked what would happen if the employees are no longer required to add the 2% increase and how the deficit would be made up.

Representative Hawkins replied that it depends on how many people want to go through the court process. However, extra money will be coming in because of the investments.

Business Administrator Shevenell asked about the guaranteed rate of return.

Representative Hawkins stated that as of July, the guaranteed rate of return is 7.75%

Chairman Vaillancourt stated that she was happy to hear some of the structural changes that have taken place such as the investment committee, the special account and raising the retirement age. She added that she was appreciative of the work being done in Concord to make the system better. She stressed the importance of the public knowing what it all means in dollars.

5. First Reading of New/Revised Policies and Policies to be Eliminated

• Use of Physical Restraint Policy:

Principal John Fabrizio gave a brief introduction of the policy. The policy was read aloud by Principal Fabrizio, Assistant Superintendent McLaughlin and Business Administrator Shevenell.

Superintendent Chiafery remarked that this was one of the most detailed policies ever developed.

Chairman Vaillancourt asked if the board could expect to review the policy every year.

Superintendent Chiafery responded that it does not necessarily need to be read, but reviewed.

Board Member Thornton questioned the notification to parents within 24 hours of an incident. She felt that the notification to parents should take place sooner than 24 hours.

Principal Fabrizio responded that notification is typically sooner than 24 hours. It is the law that states that notifications take place within 24 hours.

Board Member Thornton spoke about the restrained students being checked out by the school nurse. Her concern was whether the nurse checks out the employees involved.

Principal Fabrizio responded that the forms to be submitted regarding the incident are being worked on. Employees being checked out will be included in these forms.

Board Member Barnes asked about mechanical restraints.

Principal Fabrizio responded that in Merrimack only physical, not mechanical or medical, restraints are used.

Vice Chairman Ortega asked how significant are the changes from the previous policy and how different are the two policies.

Principal Fabrizio responded that the guidelines are very clear. One of the changes is making the reporting process more defined. This policy brings it all together for all six schools in the district.

Vice Chairman Ortega questioned who the “appropriate personnel” are.

Superintendent Chiafery responded that appropriate personnel included administrators and voluntary staff members. The voluntary staff members who take the training would then train other staff members. She added that the training is preventative.

Vice Chairman Ortega asked about the length of the training.

Principal Fabrizio responded that the certification training is 12 hours in length and is valid for two years. The refresher training course is 4-8 hours in length.

Vice Chairman Ortega asked about the composition of the committee that will review the incident reports.

Superintendent Chiafery responded that Principal Fabrizio would put all the documents together to be approved in April. It is important to ensure continuity and consistency. The committee will be composed of personnel from each of the six schools.

Board Member Markwell asked about the school resource officers’ role in the procedures.

Principal Fabrizio responded that as with any behavior system, the school resource officer is always involved.

Superintendent Chiafery added that the school resource officer has not gone through the training. Since the school resource officer is not always available the training has been for educators.

Board Member Barnes stated that when the committee is established it should be referred to a “living continuum” so that a new committee will not have to be formed every year.

- **Wellness Policy (current):** The policy was read by Business Administrator Shevenell.

Superintendent Chiafery explained that the goals have been set. The guidelines are changing to an approved wellness program.

Board Member Barnes asked if a formal vote on the policy was needed.

Superintendent Chiafery responded that on March 19, 2012 a formal vote would be taken as to whether the current wellness policy will be replaced by the proposed wellness policy.

- **Wellness Policy (proposed):** The proposed policy was read by Assistant Superintendent McLaughlin.

Superintendent Chiafery explained that this was a policy statement.

Vice Chairman Ortega noted that the proposed policy was a much better policy.

Board Member Thornton asked if there is a wellness committee.

Superintendent Chiafery explained that there was a group brought together to put guidelines in place in 2006. Currently, the six schools have active wellness committees. The proposed wellness policy would make sure there is representation, which will feed into one committee that will report to the board.

Board Member Markwell stated that as a word of caution, the verbage should be looked at as far as guaranteeing that a child will become healthier through physical activity.

Superintendent Chiafery responded that the verbage could be looked at on March 19th.

6. Second Review of Proposed Policy

Superintendent Chiafery introduced the policy entitled “School Board Action, Decision, Ethics”. She addressed questions that arose from the first reading of this policy.

Board Member Barnes had asked how this policy differed from other such policies across the state. Superintendent Chiafery responded that this particular policy is in line with the New Hampshire School Boards Association sample. It is more comprehensive. A policy like this is used with regularity statewide.

Vice Chairman Ortega raised the issue about the first four statements of the policy. Superintendent Chiafery responded that Attorney Christina said that the basis for the four items is found in statute. The policy is, in fact, more specific than the statute. The legal references are found on page two of the policy. The recommendation is to approve the policy as is, with the legal references and that perhaps the sentence on the top be removed.

Superintendent Chiafery requested that this particular policy be put on consent agenda for the next meeting.

7. Summary of Professional Development Activities

Assistant Superintendent McLaughlin reported on the February 24, 2012 workshop day. The focus was on the NECAP analysis. Also, the para-educators had bullying training for all grades.

8. Scheduling the 2012 Graduation Date

Superintendent Chiafery announced that she and Principal Johnson conferred that graduation would take place on Saturday, June 9th.

Student Representative Yates announced that there are 96 days until graduation.

Board Member Barnes asked if finals for seniors would be completed by that date.

Superintendent Chiafery responded that according to Principal Johnson all finals for seniors would be completed.

9. Board Meeting Schedule in April

Superintendent Chiafery explained that there are five Mondays in April. The board is scheduled to meet on April 2 and April 16. Vice Chairman Ortega and Board Member Markwell will be participating in the high school trip to China. She requested moving the April 16 board meeting to April 30th.

The board agreed that April 2nd and April 30th would be the April meeting dates.

10. Other

a. Correspondence

There was no correspondence.

b. Comments

Board Member Barnes reported that she had attended “Math Night” on February 21st. Approximately 75 parents were in attendance. There were 17 stations set up to reinforce the math curriculum. The parents’ seminar was presented by Southern New Hampshire University.

11. New Business

There was no new business.

12. Committee Reports

There were no committee reports.

13. Public Comments on Agenda Items

There were no comments on agenda items.

14. Manifest

The Board signed the manifest.

At 9:20 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 9:31 p.m., Board Member Barnes moved (seconded by Board Member Markwell) to adjourn.

The motion passed 5-0-0.