

**Merrimack School District/SAU 26
School Board Meeting
Preliminary Agenda
June 20, 2022
Merrimack Town Hall – Matthew Thornton Room**

- 6:30 p.m. NON-PUBLIC SESSION RSA 91-A:3, II (a) (b) (c) (l)– Merrimack TV Training Classroom**
- Staff Welfare

PUBLIC MEETING

- | | |
|---|------------------|
| 7:00 p.m. 1. CALL TO ORDER and PLEDGE OF ALLEGIANCE | Laurie Rothhaus |
| 2. PUBLIC PARTICIPATION | Lori Peters |
| 3. RECOGNITIONS | Lori Peters |
| 7:10 p.m. 4. INFORMATIONAL UPDATES | Lori Peters |
| a. Superintendent Update | |
| b. Assistant Superintendent for Curriculum Update | |
| c. Assistant Superintendent for Business Update | |
| d. School Board Update | |
| e. Student Representative Update | |
| 5. OLD BUSINESS | Lori Peters |
| 7:20 p.m. 6. NEW BUSINESS | Lori Peters |
| a. Middle School Student Highlights | Adam Caragher |
| b. High School Student Highlights | Steve Claire |
| c. High School NEASC Visit Summary | Steve Claire |
| d. Other | |
| 8:00 p.m. 7. POLICIES | |
| a. Student Behavior, Conduct, Discipline and Due Process (JICD) | Everett Olsen |
| 8:15 p.m. 8. APPROVAL OF MINUTES | Lori Peters |
| a. May 21, 2022 Public Minutes | |
| b. June 6, 2022 Non-Public Minutes | |
| 8:20 p.m. 9. CONSENT AGENDA | Kimberly Yarlott |
| a. Educator Resignations | |
| b. Educator Nominations | |
| c. Administrator Nomination | |
| d. Administrator Renewals | |
| 8:25 p.m. 10. OTHER | Lori Peters |
| a. Committee Reports | |
| b. Correspondence | |
| c. Comments | |
| 8:35 p.m. 11. PUBLIC COMMENTS ON AGENDA ITEMS | Lori Peters |
| 8:45 p.m. 12. ADJOURN | Lori Peters |

* These times are estimates and may vary depending on discussion.

MERRIMACK SCHOOL DISTRICT
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KIMBERLY YARLOTT
Assistant Superintendent for Curriculum

EVERETT V. OLSEN, Jr.
Interim Chief Educational Officer

MATTHEW D. SHEVENELL
Assistant Superintendent for Business

To: Laurie Rothhaus
Lori Peters
Jenna Hardy
Naomi Halter
Ken Martin
Kaitlyn Vadney

From: Everett V. Olsen, Jr.

Date: June 16, 2022

Subject: Suggested Revision to the Proposed Student Discipline Policy

We have discussed the proposed Student Behavior Conduct, Discipline and Due Process (JICD) Policy at several meetings. This policy complies with the State's amended RSA 193:13.

At our last review and discussion, there was concern expressed over the inability of a student and parent to appeal a short-term suspension (1-10 days).

I have previously distributed to you the concerns that Attorney Dean Eggert has expressed regarding incorporating an appeal process with a short-term suspension. In an effort to reflect your concerns about the lack of an appeals process (short-term suspension) and be cognizant of Attorney Eggert's concerns, I am proposing the language (in red print) on pages 7 and 8. This will encourage some dialogue between an administrator and parent which could possibly alter the length and nature (in-school vs out-of-school) of the short-term suspension.

I will be glad to discuss this with you on Monday evening.

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS**Policy Statement**

The School Board is committed to promoting a safe, healthy, and supportive school and learning environment for all students. To achieve this goal, the Merrimack School District plays a significant role in supporting positive student conduct and behavior with respect to students, district personnel, and members of the community. This expectation extends to when students are on District property, on property within the jurisdiction of the School District (including vehicles), or while attending school activities.

In order to promote a safe, healthy, and supportive school and learning environment, this policy prohibits student conduct and behavior that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, constitutes a crime or a violation of the Safe School Zones Act, or violates the District's established expectations for student conduct and behavior. Responses to violations of established expectations for student conduct and behavior will be designed to maximize academic, emotional, and social success while at the same time ensuring the safety of all students, staff and school visitors. To attain this objective, the Board endorses the adoption of a Multi-Tiered System of Supports (MTSS) as the underlying framework for implementing a system of graduated responses which incorporates in-school supports and disciplinary consequences.

Established Expectations for Student Conduct and Behavior

The School Board delegates to the Superintendent, in consultation with building administrators, the responsibility of adopting and implementing age-appropriate expectations for student conduct and behavior for each school. These will include school-wide approaches, as well as small group and individualized interventions that target a student's specific areas of need.

In-School Supports

Whenever appropriate, and consistent with safety concerns, the Merrimack School District shall seek to improve student conduct and behavior through alternatives other than the use of exclusionary discipline practices (i.e., suspension or expulsion).

The District maintains a proactive, progressive response system of age-appropriate supports which are designed to promote acceptable behavior, correct student misconduct, reduce incidents of future misconduct, and safeguard the health, safety, and welfare of students and staff. The following are examples of in-school supports that may be offered to students before, in conjunction with, or after disciplinary consequences:

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS**A. Elementary School In-School Supports**

The supports offered to students at the elementary schools include, but are not limited to, the following:

- *Preventive Classroom Management* - Preventive classroom management includes the implementation of a variety of strategies that support students to be successful in the classroom (e.g., having an organized classroom, establishing clear routines and procedures, setting high expectations, stating expected behaviors positively, modeling expected behaviors).
- *In-Class Regulation Support* - Students are supported to build and practice a “toolbox” of regulation strategies that they can select from when they feel dysregulated (e.g., breathing strategies, movement/sensory activities, mindfulness strategies, positive time away from the class).
- *Precorrection* - A precorrection is a quick reminder that describes the expected behavior for a task, activity, or transition that is about to happen. The goal of precorrection is to proactively prompt expected behavior before problem behaviors occur.
- *Active Adult Supervision* - Staff circulate among and interact with students, acknowledging when students demonstrate expected behaviors by providing positive reinforcement.
- *Conference* - Teachers or administrators meet with students and/or their parents/guardians to debrief a particular situation or incident in order to support students to reflect on a particular situation or incident, etc.
- *Reflection* - Students reflect on what happened, what they were thinking/feeling, what action they took, what their action accomplished, and what they would do differently next time.
- *Adult Mentorship* - Staff members serve as mentors who coach students to make positive behavior changes, monitor the students’ behavior, and provide the presence of a trusted adult at school (e.g., Check In/Check Out).
- *Social Skills/Behavior Instruction* - A social skills curriculum is targeted to address specific areas of need for an individual student or a small group of students (e.g., asking for help, taking turns, sharing, initiating play, making friends).
- *Reinforcement Systems* - Reinforcement systems include providing instruction on the expected or desired behavior and then developing a plan for reinforcing that behavior such as:
 - *Token Economies* - Students earn tokens when they exhibit the expected behavior. Tokens can be used to obtain an item or a preferred activity.
 - *School-to-Home Communication* – Daily/weekly communication, typically via a home to school notebook, identifying daily/weekly successes and challenges. When students meet a daily/weekly goal for behavior, the school calls home or sends a positive note home.

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- *Schedule Modification* - This involves modifying student schedules to better support their readiness to learn and demonstrate appropriate behaviors (e.g., build regular movement breaks into a student's schedule, build a weekly time with the school counselor into the student's schedule).
- *Functional Behavior Analysis (FBA)* - FBA is an assessment that is designed to uncover the reason(s) why students are engaging in problem behaviors.
- *Behavior Intervention Plan (BIP)* - Following an FBA, intervention plans are designed to support students in reducing problem behaviors through the use of appropriate replacement behaviors.
- *Wrap-Around Services* - This intervention involves developing a plan of support that organizes systematic and integrated services across school, home, and community settings.

B. Middle and High School In-School Supports

In addition to the supports listed for elementary school, the supports offered to students at the middle and high school include, but are not limited to, the following:

- *Social Skills/Behavior Instruction* - A social skills curriculum targets specific areas of need for an individual student or a small group of students (e.g., organizational skills and goal setting, interpersonal communication skills, problem-solving, coping with feelings).
- *Restorative Meeting* - Restorative meetings focus on implementing a victim-sensitive process for problem solving that shows the school community members involved how they can deal with the consequences of the wrongdoing and repair the harm done.
- *Counselor Intervention* - The School Counselor and Student Support Counselor provide social-emotional support and/or services that enable students to progress consistent with the educational, social-emotional, career, and transitional goals of all students. Support services are provided in 1:1 meetings, in small groups, and in co-taught, in-class environments.
- *Schedule Modification* - This involves modifying student schedules to better support their readiness to learn and demonstrate appropriate behaviors (e.g., rearrange class schedule).
- *Youth Employment and Empowerment Services (YEES)* - YEES is a state-certified program that facilitates communication between the family, school, and community and coordinating resources that are available to identified students.
- *Wrap-Around Services* - Involves developing a plan of support that organizes systematic and integrated services across school, home, and community settings.

In-school supports are not considered disciplinary consequences. Any educator or staff member may refer a student to an administrator for in-school supports. The examples listed above are not exclusive, and administrators may implement other supports that they deem appropriate. The

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decision to provide in-school supports is final and not appealable. Except in the case where a support requires parental consent and the parent has withheld consent, a student's refusal to accept or participate in an in-school support may constitute cause for the administrator implementing a disciplinary consequence or an additional disciplinary consequence.

Graduated Disciplinary Consequences

The Merrimack School District maintains a system of graduated disciplinary consequences that are available for implementation when responding to student misconduct that does not warrant suspension or expulsion. When an administrator determines that a disciplinary consequence is warranted, the administrator may determine, at their sole discretion, an appropriate consequence. Administrators will seek to implement graduated disciplinary consequences (sanctions) and, when doing so, will not be detrimental to the health, safety, or welfare of students or staff. The following are examples of graduated disciplinary consequences that may be administered. When appropriate, graduated disciplinary consequences may be paired with in-school supports.

A. Elementary School Graduated Disciplinary Consequences

The graduated disciplinary consequences that may be administered at elementary schools include, but are not limited to, the following:

- *Planned Ignoring* - The student remains in the setting, but the teacher appears to ignore the student misbehavior rather than allow it to gain time and attention.
- *Time Away from Activity/Group* - Students are able to observe, but cannot participate in, an activity for a specified amount of time.
- *Loss of Privilege* - Students are not allowed to use a specific material or piece of equipment as a result of a misbehavior. For example, if a student repeatedly walks up the slide on the playground, the student may be told that they cannot use the slide for the rest of the day or week. Students may not be allowed to participate in a particular activity. For example, a student may not attend an extra-curricular activity as a result of their misbehavior.
- *Apology* - Students may be asked to provide a verbal or written apology to those impacted by their misbehavior.
- *Restitution/Community Service* - Students are responsible for repairing the harm or damage done as a result of their inappropriate behavior.
- *Parent Contact* - The teacher, administrator, counselor and/or behavior specialist contacts a parent/guardian to let them know about their child's inappropriate behavior, as well as any disciplinary consequences that will be implemented as a result of their inappropriate behavior.

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- *Time in Office* - Students are removed from the classroom and need to spend time in the office so that the administrator, counselor or behavior specialist can talk with the student about their inappropriate behavior.
- *Administrator Letter to Parent* - Inappropriate behavior by students is documented and shared with parent(s)/guardian and becomes part of their disciplinary record.
- *During-School Detention*
During school reteaching (elementary level)
- *After-School Detention*
Lunch reteaching (elementary level)
Recess reteaching (elementary level)

B. Middle and High School Graduated Disciplinary Consequences

In addition to the graduated disciplinary consequences identified for elementary school students, graduated disciplinary consequences that may be administered for middle and high school students include, but are not limited to, the following:

- *Temporary Removal from Class* – Referral to school counselor or resource officer.
- *Academic Consequence* - Such action may include requiring students to redo an assignment or retake an assessment for a reduced grade when caught cheating.
- *Police Report* - A report to police is made when a student may have committed a criminal act on school property or while attending a school-sponsored activity.
- *Superintendent Involvement*

These graduated disciplinary consequences shall be administered in a manner which does not result in the student's loss of access to their educational programming. Any staff member may refer a student to the administrator for disciplinary consequences. The decision of an administrator shall be final and shall not be appealable.

Neither in-school supports nor graduated disciplinary consequences shall be deemed a precondition for a suspension or expulsion which is permitted under the law without prior in-school supports or graduated discipline.

Suspension of Students

It is the stated objective of the Merrimack School District to reduce the need for suspensions and expulsions through the use of responses such as in-school supports and graduated disciplinary consequences. The District reserves suspension for those matters which threaten and/or disrupt the educational community, which represent repeated or significant violations of the conduct or behavioral standards of the District, which threaten to, and/or endanger the health, safety, or welfare of students or staff.

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There are three forms of suspension: short-term suspension of five (5) days or fewer, short-term suspensions between six (6) and ten (10) days, and long-term suspension for more than ten (10) days.

Standards for Short-Term Suspension up to Five (5) School Days [Level One]

A short-term suspension of up to five (5) school days shall be reserved for:

- Misconduct that presents a low level, yet significant, detriment to the health, safety, or welfare of the student committing the act and a low level of detriment to the health, safety, or welfare of other students or staff.
- Repeated and willful disregard of the rules of the school that has not been remediated through in-school supports and graduated lesser forms of discipline.
- Such other infraction as the school administrator deems to warrant a short-term suspension of up to five (5) days.

Examples of misconduct which may result in a suspension of up to five (5) days include, but are not limited to, the following:

- Nicotine Products/Paraphernalia
- Social Media Violations/Harassment
- Vandalism
- Bullying
- Physical Assault
- Fighting
- Sexual harassment without unwanted physical contact
- Possession of a controlled drug without a valid prescription
- Repeated violation of any conduct standard
- Conduct that is repeatedly disruptive to classroom or school activities
- Dishonesty, including cheating on school assignments or assessments

The examples provided above are not an exhaustive list, and any similar form of misconduct may result in a suspension of up to five (5) school days. The school administrator shall have discretion in determining the number of days that the misconduct warrants, up to five (5) days.

In addition, school administrators shall have the discretion to refrain from issuing a suspension when they determine that student conduct may be remediated through in-school supports and/or a lesser consequence. In considering the length of the suspension, school administrators shall consider:

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- The extent to which the conduct presented a threat or risk to, the health, safety, or welfare of other students or school personnel, the integrity of the educational process, or the functioning of the school.
- Whether the conduct was disruptive to the school environment and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident.
- In the case of a student with a disability, whether the issuance of a suspension is consistent with Section 504 and the IDEA.

The administrator may implement the suspension on the day of the infraction, depending on the nature and severity of the violation. Suspensions of no more than five (5) days may be made by an administrator. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student. A suspension of five (5) days or fewer is not appealable. **However, the administrator is encouraged to speak with the student's parent(s) or legal guardian(s) to determine if there is an underlying reason that may have contributed to the suspendible offense. Based on this conversation, the administrators may decide to alter the length of the suspension.**

Standards for Short-Term Suspension up to Ten (10) School Days [Level Two]

A short-term suspension between six (6) and ten (10) school days shall be reserved for:

- Behavior or misconduct that threatens significant harm to the health, safety, or welfare of the student, or other students or staff;
- Repeated and willful disregard of the expectations for behavior that has not been remediated through in-school supports and graduated lesser forms of discipline (which may include a Level One suspension).
- Misconduct that involves or threatens disruption of the school environment.
- Such other infraction as the principal deems to warrant a short-term suspension between six (6) and ten (10) days.

Examples of misconduct which may result in a Level Two suspension, include but are not limited to, the following:

- Multiple Level One infractions, whether in combination or repeated infractions
- Drug/alcohol policy violations
- Assault resulting in physical injury
- Repeated bullying
- Repeated sexual harassment
- Sexual harassment involving unwanted physical contact
- Disruption of the school day (Threats of Violence)
- Possession of an object that could be considered a weapon (i.e. jack knife).

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The examples provided above are not an exhaustive list, and any similar form of misconduct may result in a suspension of between six (6) and ten (10) school days. The school administrator shall have discretion in determining the number of days that the misconduct warrants. In addition, the school administrator shall have the discretion to issue lesser forms of discipline when they determine that the student conduct may be remediated through in-school supports and/or a lesser consequence. In considering the length of the suspension, the school administrator shall consider:

- The extent to which the conduct presented a risk to the health, safety, or welfare of other students or school personnel.
- Whether the conduct was disruptive to the school environment, and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident and whether prior disciplinary measures have been unsuccessful.
- In the case of a student with a disability, whether the issuance of a Level Two suspension is consistent with Section 504 and the IDEA.

The administration reserves the right to implement the suspension during the day of the infraction, depending on the nature and severity of the violation and/or the potential results of the violation. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student.

The decision of the School administrator is final and there is no right of appeal of a suspension of ten (10) days or fewer. **However, the administrator is encouraged to speak with the student's parent(s) or legal guardian(s) to determine if there is an underlying reason that may have contributed to the suspendible offense. Based on this conversation, the administrators may decide to alter the length of the suspension.**

Interventions after Suspension

Students who are suspended for bullying shall be provided with targeted interventions, which shall also be considered remedial measures. These may include, but are not limited to, the in-school supports bulleted above. Students who engage in repeated substantiated bullying after such targeted interventions may be subject to long-term suspension or expulsion, depending on the misconduct.

Standards for Long-Term Suspensions [11 to 20 days] [Level Three]

The Superintendent is designated and authorized by the School Board to extend a suspension for a period of ten (10) additional consecutive school days up to a total of twenty (20) consecutive school days (including the prior ten (10) days) following a hearing before the Superintendent for the following misconduct:

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- High level misconduct that threatens or results in significant harm to the health, safety, or welfare of the student, other students, or the school staff.
- Misconduct that causes, or threatens to cause, substantial disruption to the school environment.
- Criminal conduct on school property or at a school function

The Superintendent or their designee is authorized to extend a suspension for a period from an eleventh (11th) day up to twenty (20) days based on the extreme nature of a situation.

Examples of misconduct which may result in a total suspension of up to twenty (20) days include, but are not limited to, the following:

- Any substantial threat to the school community
- Persistent and continual disregard of district policies
- An act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D [The Safe School Zones Act]
- Bullying pursuant to school district policy when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student
- Possession of a firearm [pending an expulsion recommendation], BB gun, paintball gun, or look-alike weapon
- The sale of drugs, either on or off campus
- Sexual assault, other than a felony if committed by an adult
- Possession of a knife or other weapon on campus or at a school activity
- Physical injury to staff or another student
- Any misconduct which is pending the Superintendent's recommendation for an expulsion hearing

A student who repeats any of the long-term suspension infractions listed above may be referred to the School Board for an expulsion hearing. A student who has been referred to the School Board for expulsion may be subject to either a Level Two or Level Three suspension as an interim disciplinary measure, pending the hearing before the School Board.

Any time a student is suspended more than ten (10) school days in any school year, upon the student's return to school, the District shall develop an intervention plan designed to proactively address the student's misconduct.

Prior suspensions for drug/alcohol, weapons, or fighting violations may be considered aggravating factors in making disciplinary decisions.

When the District contemplates a suspension which will result in cumulative suspension days for the school year of more than twenty (20) days in total, the District shall arrange for and provide alternative educational services to the student for the duration of their suspension. The alternative educational services shall be designed to enable the student to advance from grade to grade.

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No student shall be penalized academically solely by virtue of missing classes due to suspension.

Before any long-term suspension [more than 10 days] may be implemented, except as provided for below, students and their parent/guardian must be informed in writing of the charges, and a hearing must be scheduled before the Superintendent or designee, at which the student shall be permitted to be represented by a parent, other adult, or counsel (at student expense) to refute any charges or evidence against them, offer evidence, explanations or mitigating circumstances, cross-examine witnesses, and call witnesses of their own. The long-term suspension process shall comply with the requirements of Ed 317, as amended from time-to-time by the New Hampshire Department of Education. The failure on the part of students and/or their parent/guardian to show at a hearing without just cause shall constitute a waiver of the right to a hearing.

Long-term suspensions are appealable to the School Board unless determined by the Board. Any appeal of a long-term suspension to the Board shall be made in writing and received by the Superintendent within ten (10) business days after the issuance of the decision being appealed.

The Board shall hold a hearing on the appeal. The long-term suspension shall remain in force while the appeal is pending, unless the Board stays the suspension while the appeal is pending. The Board may affirm, reverse, shorten, lengthen, or otherwise modify the terms of the long-term suspension, and, when appropriate under the law of the state, may expel the student. The decision of the School Board shall be in writing.

Standards for Expulsion of Students

Expulsion decisions may only be made by the School Board after written notice of the Superintendent's recommendation for expulsion has been provided to the student's parent/guardian or to the adult student. The written recommendation shall set forth the basis for the Superintendent's recommendation.

Additionally, expulsion may only occur after a hearing by the Board which affords the minimum due process required by the regulations of the State Board of Education. The hearing shall be conducted in a nonpublic session unless the parent/guardian or adult student requests a public hearing.

Any student may be expelled from the District by the Board for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that would otherwise warrant long term suspension but for its repetition
- Any act of physical or sexual assault that would be a felony if committed by an adult
- Any act of violence pursuant to RSA 651:5, XIII
- Criminal threatening pursuant to RSA 631:4, II(a)
- An act of theft, destruction, or violence in a Safe School Zone
- Possession of a pellet or BB gun, paintball gun, rifle, or handgun
- Any act of similar or greater severity as those acts listed above

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Furthermore, any student who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code on school campus, on school transportation, or to any District activity or event as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of no less than twelve (12) months.

In considering whether expulsion is warranted, the Board shall consider:

- The student's age
- The student's disciplinary history
- Whether the student is a student with a disability
- The seriousness of the violation or behavior committed by the student
- Whether the school district has implemented positive behavioral interventions subsequent to a ten (10) day suspension
- Whether a lesser intervention would properly address the violation or behavior committed by the student

A student expelled from school in another New Hampshire school district or another state shall not be eligible to enroll in the Merrimack School District for the period of such expulsion. If the expulsion is for an indefinite period, the student or their parent/guardian may petition the School Board for enrollment provided they reside in the District or agree to pay tuition. If the student is denied enrollment, the expulsion may be appealed to the State Board of Education. The Superintendent is authorized to modify an expulsion and any reenrollment requirement on a case-by-case basis.

Any expulsion shall be subject to review by the School Board if requested prior to the start of each school year. Any parent/guardian or adult student has the right to appeal any such expulsion by the School Board to the State Board of Education at any time while the expulsion remains in effect.

Implementation and Notice

The Superintendent shall ensure that established expectations for student conduct and behavior shall be published annually in each school's student handbook, which are submitted, reviewed, and approved annually by the School Board.

These expectations will be made available to parents/guardians at the beginning of the school year and be publicly available on the school or district website. Expectations for student conduct and behavior will also be made available in another language or presented orally upon request.

Additionally, building principal(s) shall ensure student awareness of the established expectations for student conduct and behavior and other District policies through print, postings and/or periodic announcements.

The Superintendent shall designate personnel to explore and pursue relevant State or Federal grants, technical assistance, and professional development opportunities available to facilitate the implementation of a Multi-Tiered System of Support (MTSS) for social, emotional, and behavioral health and wellness.

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Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the established expectations for student conduct and behavior.

Parental Notification of Simple Assaults

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring notice to parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposely or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

Disciplinary Removal of Students with Disabilities

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to students with disabilities, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01 and federal law.

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

18 U.S.C. § 921, Et seq., Firearms

20 U.S.C. § 7151, Gun-Free Schools Act

RSA 631:4, Criminal Threatening

RSA 651:5, XIII "Act of Violence"

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

1st Reading: February 2, 2007

2nd Review: March 5, 2007

Adoption: March 19, 2007

Policy Revision

1st Reading: February 21, 2022 Review: June 20, 2022

2nd Review: March 7, 2022

3rd Review: March 21, 2022

4th Review: April 18, 2022

5th Review: May 2, 2022

Revised: May 2, 2022

**Merrimack School Board Special Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
May 16, 2022**

Present: Chair Rothhaus, Vice-Chair Peters, Board Member Halter, and Board Member Martin. Also present were Assistant Superintendent for Business Shevenell, Assistant Superintendent for Curriculum, Instruction & Assessment Yarlott, Interim Chief Educational Officer Olsen, and Student Representative Vadney.

Not Present: Board Member Hardy - Excused

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice-Chair Peters called the meeting to order at approximately 7:00 p.m. and led the Pledge of Allegiance.

2. PUBLIC PARTICIPATION

Ms. Heather Robitaille, 45 Springfield Circle, addressed the Board and asked the Board to reconsider accepting public comments via email.

Mr. Chuck Mower, 4 Depot Street, addressed the Board and said as Chairman of the School Board Budget Committee, he looked forward to forging a closer relationship with the Board. He encouraged the School Board to focus their charge and find the items most important to start with and avoid unnecessary entanglements.

3. RECOGNITIONS

a. High School Robotics Team

Interim Chief Educational Officer Olsen said the Chop Shop 166 Robotics Team had competed in Houston for the FIRST (For Inspiration and Recognition of Science & Technology) World Championship. Interim Chief Educational Officer Olsen and Chair Rothhaus presented each member of the team with a certificate of recognition.

4. INFORMATIONAL UPDATE

a. Superintendent Update

Interim Chief Educational Officer Olsen said on Saturday, May 7th, four members of the Merrimack Middle School concert band and one member of the chorus participated in the New Hampshire Music Education Association South Central District Honor Band and Chorus Festival. He congratulated those students who participated.

Interim Chief Educational Officer Olsen stated that the previous Saturday the Granite State Challenge team faced off with Portsmouth and said the Merrimack came up just a little bit short and did an outstanding job. He said on Sunday some of the same students participated in the New Hampshire Quiz Bowl league and they were undefeated.

Ms. Bunny Saranita, Music Teacher, James Mastricola Upper Elementary School, had been awarded the 2022 Outstanding Band Director Award by the New Hampshire Band Director's Association.

b. Assistant Superintendent of Curriculum Update

Assistant Superintendent of Curriculum Yarlott said the Science Committee had met to work on revising the Science Committee including the Next Generation Science Standards, identifying central learning competencies, and following that they would develop performance tasks that would be a common assessment for all students. She also said the Social Studies Committee was making great progress with its curriculum.

c. Assistant Superintendent for Business Update

Assistant Superintendent for Business Shevenell said on May 9th they had a meeting with the district's Planning & Building Committee and reviewed a preliminary schematic of the high school redesign of the master plan. He also said they would do a full survey the following summer.

d. School Board Update

Chair Rothhaus said the School Board's first goals meeting would be held on June 28th at Buckley's Steakhouse. She also thanked all teachers and staff who were retiring.

e. Student Representative Update

Student Representative Vadney said the prom was a very successful event with over 400 students in attendance. She thanked all of the teachers who chaperoned.

5. OLD BUSINESS

Board Member Martin suggested that the Board discuss the recently passed Discipline Policy at its goals meeting, particularly in the area of parental appeal.

6. NEW BUSINESS

a. Summer School Highlights

Ms. Heather Barker, Director of Student Services; and Ms. Fern Seiden, Director of Student Wellness reviewed the activities designed for the summer as summarized below:

- Summer Learning Program for grades K - 4 – Focus on Reading & Math – RFS
Reeds Ferry Elementary School (July 5th through July 28th) Tuesday – Thursday
In-person instruction.

- Title I Digital Reading Academy for grades 5 through 8 – Customized Reading Skills (July 5th – August 11th) Remote instruction with flexible scheduling.
 - High School 8.5 – Available to any incoming ninth grade who would like to participate. To prepare students for their time at the high school. (July 5th – August 11th) Monday – Thursday. In-person instruction.
 - Credit Recovery Program – Earn up to 1 credit for courses previously failed. Two 130-minute classes each day. (July 5th through August 11th) Monday through Thursday. In-person instruction.
 - ESY Program – Pre-K through grade 6 at the James Mastricola Elementary School & the James Mastricola Upper Elementary School – For students who had experienced substantial regression during school breaks, and disruptive learning due to the pandemic. Practice & maintain previously learned skills. IEP is required and transportation is available.
 - ESY Program – Grades 7 through 12
 - Summer PASS Program for grades 5 through 7 who received specially designed services and instruction already in their IEP's. (July 5th through August 4th) In-person instruction.
- b. Universal Design for Learning (UDL) Presentation

Assistant Superintendent of Curriculum Yarlott introduced Mr. Bill Wilmot, UDL Implementation Specialist at CAST (Center for Applied Special Technology) who was running the team of educators throughout the district on various stages of implementation of UDL (Universal Design for Learning) practices. Along with Mr. Wilmot, the following people provided an update on the progress.

Ms. Marissa Ricard, 1st Grade Teacher, James Mastricola Elementary School
 Ms. Holly Lubelczyk, Language Arts Coordinator, James Mastricola Elementary School
 Ms. Julie DeLuca, Principal, Thorntons Ferry Elementary School
 Ms. Jane Calnan, Language Arts Coordinator, Thornton Ferry Elementary School
 Ms. Barbara DeFrancisco, Grades 3 & 4, Multiage Teacher, Thorntons Ferry Elementary School
 Ms. Laura Livie, Assistant Principal, Reeds Ferry Elementary School
 Ms. Jeanette Cote, Language Arts Coordinator, Reeds Ferry Elementary School
 Ms. Nicole Rheault, Assistant Principal, James Mastricola Upper Elementary School
 Ms. Laura Piccolo, Language Arts Coordinator, James Mastricola Upper Elementary School
 Ms. Bethany Taylor, Digital Learning Specialist, James Mastricola Upper Elementary School
 Ms. Nicole Diggins, Language Arts Coordinator, Merrimack Middle School
 Ms. Kristen Peterson, 8th Grade Social Studies Teacher, Merrimack Middle School
 Ms. Christine Reinart, Department Head, Special Education, Merrimack High School
 Ms. Naomi Halvorson, Department Head, English, Merrimack High School

Assistant Superintendent of Curriculum Yarlott shared that the presentation, in its entirety, was available on the district's website.

c. Merrimack Hawks Request

Ms. Shannon Rand, Board Member at Large for the Merrimack Hawks and Ms. Shannon Herrmann, Program Administrator for the Merrimack Hawks were both present to request that their organization could become an allied organization to ensure equal opportunity for the youth of Merrimack. Ms. Rand said their previous request to use the gym space had been denied and had to find alternative places for 106 athletes which could be costly for a non-profit organization. She requested access to the gym at the Merrimack Middle School Monday through Friday between the hours of 5:00 p.m. to 9:00 p.m. from September 1st through November 30th.

Assistant Superintendent for Business Shevenell said many years ago the school district had agreed with the Merrimack Youth Association (MYA) to partner with them to provide them with alternatives to physical education programs. He said the MYA took care of Merrimack kids exclusively and the School Board decided to give them preference because there was a partnership. He said for the short-term, the middle school gym could be available to them but there would be times when there could be school volleyball games and basketball games and the gym would not be available.

Assistant Superintendent for Business Shevenell asked if the intent was to work with the existing school sports schedule at the middle school. Ms. Rand replied in the affirmative.

Vice-Chair Peters said they would take the matter into consideration and would place it on a future agenda.

d. Goal Setting Meeting

To be held on June 28. Plans were being made with Primex to arrange for a facilitator.

e. Other

There was none.

7. POLICIES

a. Use of Masks by Students and Staff Policy (EBCVM)

Interim Chief Educational Officer Olsen stated he had met with the school nurses regarding the mask policy and pointed out that they felt there was no further need for a mask policy and that it should be rescinded with the stipulation that if in the future there was a resurgence of a variant of COVID-19 that could cause health concerns it may be reinstated.

MOTION: Board Member Martin made a motion to rescind policy (EBCVM) Use of Masks by Students and Staff. Chair Rothhaus seconded the motion.

Discussion:

Board Member Halter asked if it made sense to have an affirmative policy protecting the ability to wear masks. Interim Chief Educational Officer Olsen replied wearing a mask was completely optional for each individual and that masks were welcome.

The motion passed 4 – 0 – 0.

182 **8. APPROVAL OF MINUTES**

183
184 a. May 2, 2022 – Public & Non-Public Minutes

185 **MOTION:** Chair Rothhaus made a motion to approve the public and non-public minutes from
186 May 2, 2022, as presented. Board Member Martin seconded the motion.

187
188 **The motion passed 4 – 0 – 0.**

189
190 **9. CONSENT AGENDA**

191
192 a. Teacher Nominations

- 193
194
 - Ms. Marina Nickerson, Special Education Teacher, Merrimack Middle School
 - 195 • Ms. Emily Jacy, Grade 4 Teacher, James Mastricola Elementary School
 - 196 • Mr. Jaxon Dillard, Special Education Teacher, Merrimack Middle School
 - 197 • Ms. Megan Shevenell, Guidance Counselor, Reeds Ferry Elementary School
 - 198 • Ms. Tamara O'Neil, Special Education Teacher, Merrimack High School
 - 199 • Ms. Patricia Zink, Special Education Teacher, Merrimack High School
 - 200 • Ms. Amy Fine, Special Education Coordinator, Thorntons Ferry Elementary School
 - 201 • Ms. Savannah Robert, Grade 4 Teacher, Thorntons Ferry Elementary School

202
203 b. Educator Resignations

- 204
205
 - Ms. Stephanie Brann, Speech Teacher, Merrimack Middle School
 - 206 • Ms. Carissa Carrier, Grade 4 Teacher, James Mastricola Elementary School
 - 207 • Ms. Alisha Chapman, Physical Education Teacher, Merrimack Middle School
 - 208 • Ms. Morgan Ireland, Grade 2 Teacher, James Mastricola Elementary School

209
210 **MOTION:** Board Member Martin made a motion to accept the Consent Agenda, as presented.
211 Board Member Halter seconded the motion.

212
213 **The motion passed 4 – 0 – 0.**

214
215 **10. OTHER**

216
217 a. Committee Reports

218
219 There were no Committee Reports.

220
221 b. Correspondence

222 Chair Rothhaus said she received correspondence regarding supporting the contract with the
223 MYA. (Merrimack Youth Association)

224
225 Board Member Martin said he received correspondence regarding the discipline policy.
226

c. Comments

Board Member Martin commented the following Thursday at 6:30 p.m. would be the final concert for Ms. Pat Cunningham who had been teaching in the district for 36 years.

11. PUBLIC COMMENTS ON AGENDA ITEMS

Mr. Paul Goodridge, 68 Wire Road, stated he founded the MYA 50 years ago and served on the School Board for nine years. He said he recommended that the School Board not become involved in scheduling individual activities of the MYA.

Mr. Chuck Mower, 4 Depot Street, addressed the Board and said he needed to defend the district's budget, and while he appreciated the great demand for all of the facilities in Merrimack but felt they needed to guard the conduct of the business in the school district to not be engaged in unanticipated difficulties.

Ms. Shannon Rand addressed the Board and said she was requesting again, to become an allied partner.

12. NON-PUBLIC SESSION

MOTION: At 10:05 p.m. Board Member Martin made a motion to go into a non-public session. Board Member Halter seconded the motion.

- Staff Welfare
- Student Welfare
- Legal

The motion passed 4 – 0 – 0.

MOTION: At 10:26 p.m. Chair Rothhaus made a motion to adjourn the non-public session and return to the public session where the meeting was adjourned. Board Member Martin seconded the motion.

The motion passed 4 – 0 – 0.

MERRIMACK SCHOOL DISTRICT MONTHLY ENROLLMENTS 2021-2022
June 6, 2022

Enrollment On		June 6, 2022												HSS	TOTALS						
	PRE	K	1	2	3	4	Total	5	6	Total	7	8	Total	9	10	11	12	Total	ODP	HSS	TOTALS
MES	62	77	72	76	79	67	433														433
RFS	28	88	75	78	91	82	442														442
TFS	42	94	100	108	102	95	541														541
MUES								248	270	518											518
MMS											270	283									553
MHS																					1122
PR-12 Total																			17		3609
Student Services ODP**																					17
Home Study (HSS)																					135
Total	132	259	247	262	272	244	1416	248	270	518	270	283	553	261	278	270	313	1122	17	135	3761

**Out-of-District Placement

MONTHLY ENROLLMENTS 2021-2022

Month	*PRE	K	1	2	3	4	Total	5	6	Total	7	8	Total	9	10	11	12	Total	SSP	HSS	TOTALS
September 13, 2021	118	253	245	258	277	248	1399	242	264	506	274	286	560	262	279	276	352	1169	14	134	3782
October 1, 2021	118	256	245	258	277	246	1400	242	264	506	274	282	556	263	280	271	344	1158	13	136	3769
October 4, 2021	118	256	245	258	277	246	1400	242	264	506	274	282	556	263	280	270	344	1157	13	136	3768
November 1, 2021	122	256	246	256	276	243	1399	244	263	507	275	281	556	262	281	272	342	1157	15	136	3770
December 6, 2021	126	259	246	257	275	244	1407	246	267	513	276	281	557	263	280	273	332	1148	14	137	3776
January 3, 2022	126	259	246	257	273	244	1405	248	269	517	276	282	558	263	277	272	327	1139	17	133	3769
February 7, 2022	129	258	245	257	274	244	1407	247	270	517	275	281	556	263	278	274	321	1136	17	133	3766
March 1, 2022	129	258	247	256	274	244	1408	247	270	517	271	281	552	260	278	272	319	1129	17	134	3757
March 7, 2022	130	259	248	258	274	246	1415	247	270	517	271	281	552	262	278	272	319	1131	17	135	3767
April 4, 2022	131	258	248	259	273	246	1415	249	271	520	271	281	552	261	278	270	315	1124	17	135	3763
May 2, 2022	134	258	248	261	273	245	1419	249	271	520	271	283	554	261	278	270	314	1123	17	135	3768
June 6, 2022	132	259	247	262	272	244	1416	248	270	518	270	283	553	261	278	270	313	1122	17	135	3761

BUS SUSPENSIONS FOR THE MONTH OF MAY

	MHS	MMS	JMUES	MES	RFS	TFS
Fighting					1	
Vandalism						
Disrespect/Disruption				2		
Unsafe Behavior						
Other						
TOTAL	0	0	0	2	1	0