

**Merrimack School Board Meeting  
Merrimack School District  
School Administrative Unit #26  
March 5, 2018  
Merrimack Town Hall – Matthew Thornton Room  
PUBLIC MEETING MINUTES**

**Present:** Vice Chair Schneider, Board Members Guagliumi, Thompson and Schoenfeld, Superintendent Chiafery, Assistant Superintendent McLaughlin, Assistant Superintendent for Business Shevenell and Student Representative Puzzo.

Chair Barnes was excused from the meeting.

**1. Pledge of Allegiance**

Vice Chair Schneider called the meeting to order at 7:01 p.m.

Vice Chair Schneider led the Pledge of Allegiance.

**2. Public Participation**

There was no public participation.

**3. Update on Community Development as it Pertains to the School District**

Vice Chair Schneider invited Community Development Director Tim Thompson to the table.

Director Thompson provided the board with a PowerPoint demonstration that began with a review of the projects discussed at a 2015 joint town council/school board meeting. His presentation went on to review the most recent residential projects that could impact the school system's student numbers.

The presentation included aerial views, subdivision maps, site plan specifics, and details on the status of projects. He provided additional details such as traffic impacts for some projects.

The projects and potential impacts to the school district are as follows:

Flatley Project, DW Highway (near Homestead Restaurant and Saint Gobain), Estimated SAC: 41  
Edgebrook Heights Project, permits expired, will re-submit in 2018 or 2019  
Merrimack Park Place Project (near Premium Outlets), Estimated SAC: 13  
Chestnut Hill Cluster Subdivision (near Old Blood Road/Madeline Bennett Ln), Estimated SAC: 47-72  
Tomasian Cluster Subdivision (Tomasian Drive), Estimated SAC: 13-19  
Crosswoods Path Conversion (DW Hwy/Crosswoods Path Blvd), Estimated SAC: 4  
Greenfield Farms Cluster Subdivision (between Wire Road and Whispering Pines), Estimated SAC: 43-66  
Goshen Cluster Subdivision (extension of Watkins Rd off Amherst Rd), Estimated SAC: 8-12  
Executive Park Dr Project (4 & 6 Executive Park Dr), Estimated SAC: 48

Neighborworks Project (off Angelo Dr [location of previously approved 57 unit elderly housing project]) needs approval of both Zoning and Planning Boards, Estimated SAC: 8  
Vice Chair Schneider asked for a copy of the full presentation that included all of the maps and Director Thompson will convert the full presentation to .pdf and forward it to the Superintendent's Office.

Board Member Thompson asked for a timeline for completion. He was primarily concerned about any potential impact on Thorntons Ferry Elementary School.

Director Thompson responded that issues such as the Saint Gobain's water contamination have impacted the Flatley Project. The Executive Park Project looks to be moving ahead as soon as it receives final Planning Board approval.

Board Member Guagliumi questioned the impact of enrollments most likely being spread across many grade levels; therefore, minimizing the staffing impacts.

Director Thompson stated that based on his previous experience that the breakdown can be anticipated as 60/40 elementary/secondary.

Vice Chair Schneider spoke about the declining enrollment and that these projects could potentially slow the decline and keep the student numbers somewhat steady.

Superintendent Chiafery asked if after these projects would the build-out be completed and was told no.

Director Thompson stated that the community population would change from about 25,000-26,000 to about 30,000-32,000 at full build out.

Superintendent Chiafery asked if entities or developers ask about the school system when they appear before the Planning Board.

Director Thompson responded that the overall demographics, quality of life and cost of doing business are the primary areas of interest.

#### **4. Update on Obtaining Contribution from Saint Gobain and TCI for Cost of Installing Water Filters in Schools**

Vice Chair Schneider began by stating that the proposed 2018-2019 school budget contains \$128,000 for the purchase and installation of water filters in all six schools for all water fountains and all potable water. This was a pro-active decision made by the school board.

The school board, through the attorneys, has also reached out to both Saint Gobain and TCI in Amherst requesting reimbursement.

Vice Chair Schneider read an excerpt from a letter from Wadleigh, Starr & Peters, P.L.L.C. in regards to this matter.

The excerpt from page 2 of the letter is as follows:

“The school district’s attorneys did everything they could to obtain contribution toward these filters but Saint Gobain and TCI have refused to contribute. The costs of litigating this case would likely exceed the costs of installing the filters and we do not want to delay installing the filters until the legal process has been resolved.”

Board Member Guagliumi commented that the process was begun with the attorneys around the same time as the operating budget process began. The safety of students and staff is always a primary concern and the board did not want to wait for the legal process to play out before safe drinking water was made available at the schools.

Board Member Thompson agreed and expressed his hopes that the residents of the town recognized the need for this decision by the school board.

Vice Chair Schneider commented that the \$128,000 will be expended across all six schools.

Board Member Thompson commended the administration for their thorough investigation and for finding a more affordable solution.

## **5. Response from the Merrimack Village District regarding Billing Issue**

Assistant Superintendent for Business Shevenell shared the history of the school district’s concerns about the water usage charge for the high school addition. Upon investigation a billing error was discovered that began in 2010 which was attributed to a software error. A refund check of \$36,991.62 will be forthcoming.

Board Member Guagliumi asked what steps will be taken to prevent another occurrence going forward and was told that future water readings will be double-checked.

Assistant Superintendent for Business Shevenell complimented the MVD for their immediate acceptance of responsibility and resolution of the matter.

## **6. First Reading of New Policy**

- **Non-Educational Surveys and Questionnaires**

Superintendent Chiafery read the policy into the minutes.

*Merrimack School Board Policy*

*ILD*

*Non-Educational Surveys and Questionnaires*

*Separate federal and state laws require that written consent be obtained from a parent or guardian before a student participates in a non-educational survey or questionnaire that asks about information not directly related to a student’s academics.*

*Federal law, the Protection of Pupil Rights Amendment, imposes the prior written consent requirement only if the survey, analysis, or evaluation or its administration is paid for or in any way uses federal funds from the federal Department of Education and reveals information concerning the following:*

- 1. Political affiliations;*
- 2. Mental and psychological problems potentially embarrassing to the student or the family;*
- 3. Sexual behavior and attitudes;*
- 4. Illegal, anti-social, self-incriminating, and demeaning behavior;*
- 5. Critical appraisals of other individuals with whom respondents have close family relationships;*
- 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;*
- 7. Religious practices, affiliations, or beliefs of the student or student's parent; or*
- 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).*

*State law, RSA 186:11, IX-d, imposes the prior written consent requirement on questionnaires, or other documents designed to elicit information about:*

- 1. A student's social behavior;*
- 2. family life;*
- 3. religion;*
- 4. politics;*
- 5. sexual orientation;*
- 6. sexual activity;*
- 7. drug use;*
- 8. or any other information not related to a student's academics.*

#### *School District Approval*

*For the purpose of this policy, "non-academic survey" shall include a survey, analysis, or evaluation which seeks any information in the categories listed above. All non-academic surveys must have the prior approval of the Superintendent or his/her designee.*

*Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent and the approval of the School Board as to content and purpose. The results of such approved surveys must be shared with the School Board.*

*No questionnaire or survey requesting sexual information will be administered to any student in kindergarten through grade six unless required by federal or state law or regulation. School personnel administering any such questionnaire or survey will not disclose personally identifiable information.*

#### *Parental Notification*

*Prior written consent from a parent or legal guardian is required to administer a non-academic survey to a student, unless the student is an adult or an emancipated minor who consents.*

*Parents/Guardians will be notified at least ten (10) days prior to administration when a school intends to administer a non-academic survey. Included in the notice will be information regarding the purpose of the non-academic survey, how the survey will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey. Parents or guardians wishing to inspect a non-academic survey will be able to do so in the administrative office. Parents may refuse to give consent for their student to participate, with or without first reviewing the non-academic survey. The school will not penalize students whose parents/guardians decline to provide written consent. The school will take reasonable precautions to protect student privacy during their participation in any non-academic survey.*

#### *Youth Risk Behavior Survey Developed by the Centers for Disease Control and Prevention*

*State law does not require prior written consent from a parent or guardian for administration of the Youth Risk Behavior Survey developed by the Centers for Disease Control and Prevention. Guidance issued by the Centers for Disease Control, United States Department of Health and Human Services concludes that federal law, including the Protection of Pupil Rights Amendment, also does not require prior written consent from parents or guardians because students are not required to participate and the survey is not paid for by the United States Department of Education. As required by both New Hampshire and federal law, the District shall provide parents and guardians with notice at least ten (10) days before the Youth Risk Behavior Survey is administered. Parents may inspect the Youth Risk Behavior Survey at the school's administrative office. Parents or guardians may opt their student out of participating in the Youth Risk Behavior Survey by providing the Principal with written notice. District staff administering the Youth Risk Behavior survey shall insure students understand that participation is voluntary and that students who opt-out will not be penalized.*

#### *Miscellaneous Provisions*

*This policy does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or service for, or to, students or educational institutions, such as the following:*

- *College or post-secondary education recruitment, or military recruitment;*
- *Book clubs, magazines, and programs providing access to low-cost literary products;*
- *Curriculum and instructional materials used by schools;*
- *Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistical data for educational purposes;*
- *The sale of products or services to raise funds for school-related or education-related activities; and*
- *Student recognition programs.*

#### *Legal Reference:*

*20 U.S.C. 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment  
RSA 186:11, IX-d  
2017 CDC YRBS Guidance Manual  
Appendix ILD-R*

*NHSBA note, September 2017: The adoption of Senate Bill 43 by the Legislature in 2017 added a requirement for prior written consent from a parent or guardian before a non-academic survey can be administered. As a result, state law, RSA 186:11, IX-d, requirements are nearly identical to the requirements of the federal Protection of Pupil Rights Amendment. This update, therefore, combines sample policy ILD, Educational Questionnaires, Surveys, and Research with sample policy ILDA, Non-Educational Questionnaires, Surveys, and Research.*

*1<sup>st</sup> Reading: February 19, 2018  
2<sup>nd</sup> Review:  
Adoption:*

Superintendent Chiafery asked that the 1<sup>st</sup> Reading date be changed from February 19, 2018 to March 5, 2018 with a second reading date of March 19, 2018.

Vice Chair Schneider invited questions from board members.

Board Member Guagliumi asked if combination surveys would default to opt-in status.

Superintendent Chiafery responded that it depends on what is being asked in the survey. The Merrimack School District administration has always asked the school board to weigh in on all surveys before they are administered. This policy is a model policy taken from the New Hampshire School Board Association website.

Superintendent Chiafery stressed the need for this policy.

Board Member Schoenfeld would like to see further discussion on the Miscellaneous Provisions section.

Vice Chair Schneider agreed and asked board members to forward questions to the Superintendent's Office for consideration.

## **7. Approval of February 19, 2018 Minutes**

Board Member Thompson moved (seconded by Board Member Schoenfeld) to approve the minutes of the February 19, 2018 meeting.

The motion passed 3-0-1. Board Member Guagliumi abstained.

## **8. Consent Agenda**

Assistant Superintendent McLaughlin presented the following for consent:

### **a) Educator Resignations**

Sarah Croteau, Language Arts Coordinator, James Masticola Elementary School  
Bethanne Rousseau, Special Educator, Thorntons Ferry Elementary School

Board Member Guagliumi moved (seconded by Board Member Schoenfeld) to accept the consent agenda as read.

The motion passed 4-0-0.

## **9. Other**

### **a) Correspondence**

Student Representative Puzzo received correspondence on homework; two for and two against the protocol.

Board Member Thompson received correspondence expressing disfavor with the homework protocol.

Board Member Guagliumi was asked why the Merrimack School District does not set the graduation date earlier. She will follow up with Superintendent Chiafery.

Vice Chair Schneider received correspondence in regards to PFOAs.

Vice Chair Schneider received correspondence in regards to the homework protocol from various residents with split results.

Board Member Guagliumi was asked by a parent about school security protocols in light of the recent tragedy in Florida.

Superintendent Chiafery made an announcement on behalf of instrumental music educator Pat Cunningham. Merrimack High School junior Sarah Heimberg will be performing as a soloist with the New Hampshire Philharmonic Orchestra. Sarah is preparing for a career as a professional trumpeter. The performances are scheduled for March 10 and 11 at Pinkerton Academy in Derry.

It was additionally noted that along with educator Pat Cunningham, senior Zachary Newton and Thorntons Ferry Elementary School educator Anders Swenson also play in this orchestra.

### **b) Comments**

Board Member Thompson wanted clarification on the teachers' position on the homework protocol. Comments made at a prior school board meeting might have given the impression that the survey results gave the feeling that teachers were not in favor of the homework protocol. This question was not asked on the survey and cannot be perceived from the survey.

Assistant Superintendent McLaughlin responded that based on the survey results, it might be extracted that about one third of the teachers are concerned about the protocol.

## **10. New Business**

Superintendent Chiafery asked board members to agree on a date and time for a meeting with a parent to discuss the homework protocol.

The meeting will be held on Monday, March 12, 2018 in the Memorial Room at 7:00 p.m.

Board Member Schoenfeld has a conflict and cannot attend.

## **11. Committee Reports**

Board Member Thompson had attended the Parks and Recreation meeting where the field situation was discussed. He is still reaching out trying to find someone to survey some potential field sites at no charge.

Student Representative Puzzo shared that the Robotics Team will be in an upcoming competition in Brighton, MA.

Student Representative Puzzo shared that the Student Council will be holding Spirit Week next week at the high school.

## **14. Public Comments on Agenda Items**

There were no public comments.

## **15. Manifest**

The Board signed the manifest.

Board Member Thompson moved (seconded by Board Member Schoenfeld) to enter non-public session per RSA 91-A:3,II (c) at 8:07 p.m.

The motion passed 4-0-0.

At 8:59 pm Board member Thompson moved (seconded by Board member Guagliumi) to adjourn.

The motion passed 4-0-0.