

**Merrimack School Board Meeting  
Merrimack School District, SAU #26  
Merrimack Town Hall – Matthew Thornton Room  
October 21, 2019**

**6:00 P.M. – NON-PUBLIC SESSION RSA 91-A:3, II (a) (b) & (c) – in Training Classroom**

- **Student Welfare**
  - **Staff Welfare**
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**7:00 P.M. – PUBLIC SESSION**

**Present:** Chair Barnes, Vice Chair Guagliumi, Board Members Schoenfeld, Nunez, and Schneider. Also in attendance were Superintendent McLaughlin, Assistant Superintendent of Curriculum and Instruction Fabrizio, Assistant Superintendent for Business Shevenell, and Student Representative Johanna Koroma.

**1. Call to Order/Pledge of Allegiance**

Chair Barnes called the meeting to order at 7:00 p.m.

Chair Barnes led the Pledge of Allegiance.

**2. Public Participation**

There was no public participation.

**3. Request to Conduct a Survey of Merrimack High School Parents  
Regarding the Vision of the Graduate**

Chair Barnes invited Ms. Eileen Banfield, English Teacher at the Merrimack High School to the table. Ms. Banfield stated she had previously been before the School Board and asked permission to conduct a survey with students and parents with regard to the first part of the NEASC (New England Association of School and Colleges) process. She explained that every ten years the high school went through an accreditation process where they were evaluated on how well they were doing.

Ms. Banfield stated the “self-reflection” process was the first part which they did the previous year and out of that came a visit from the NEASC (New England Association of School and Colleges) Committee and after they evaluated them they reported a piece was missing from their

accreditation process and it was a piece called the “Vision of a Graduate” from which everything in the NEASC (New England Association of School and Colleges) standards stemmed from. She further said they started gathering information as NEASC wanted them to survey all of the stakeholders in the process which included the students, the staff, the families, and the community.

Ms. Banfield shared that it was time to get information from the parents and the community.

Chair Barnes asked what the timeline was for conducting the survey. Ms. Banfield replied their decennial visit was not until the spring of 2021, but the survey was paramount to continuing their work. She said the hope was to have the Vision of the Graduate completed by the beginning of the year. Chair Barnes asked if that included the dissemination, compilation, and the analysis. Ms. Banfield replied it would.

Board Member Schneider asked how parents would receive the survey and how the results would be compiled at the end. Ms. Banfield replied it would be through e-mail and she thought there would also be something on the school’s website.

Ms. Banfield further replied the surveys would be read upon receipt and then they would begin to compile the answers. She said the information would be given to the committee which would be made up of parents, community members, students, and faculty.

Board Member Schneider asked if there would be a check and balance in place to ensure they were truly getting parent responses. Ms. Banfield replied they would have to rely on the fact that they had the parent’s e-mail addresses.

Board Member Schoenfeld suggested that in the future the District may want to look at different types of survey software that allowed a one-link/one-answer type of an arrangement.

Board Member Schneider moved (seconded by Board Member Nunez) to allow the survey to move forward and to waive the two-week rule.

**The motion passed 5-0-0.**

#### **4. Response to Receipt of Additional State Adequacy Aid**

Chair Barnes shared the School Board had been invited to Town Hall the previous Friday to join Governor Sununu regarding the additional state adequacy aid that was afforded to the Merrimack School District. Chair Barnes pointed out that adequacy aid was additional aid and not additional revenue.

Assistant Superintendent for Business Shevenell stated the first payment was received the previous Friday and it was approximately \$600,000. Chair Barnes said it was a ceremonial check and not a real check and also stated the Merrimack School District had very specific rules regarding state adequacy aid and they were not in a position to do anything with it except to return it to the taxpayers.

Superintendent McLaughlin commented he felt there may have been some who interpreted receiving the adequacy aid as being great because the District could use it for things they needed. He further commented it was important to clarify that was completely untrue and as the budget season approached it could not be taken into account when the budget was presented to the School Board.

Chair Barnes reiterated as she had in previous meetings, that the School Board never retained a surplus.

Vice Chair Guagliumi said the long and the short of it was that the tax rate would be lower than originally anticipated for two years. Assistant Superintendent for Business Shevenell replied the amount they would estimate for Medicaid funds, due to the ruling changes, would go down less than “this” was going up. It would be a net increase.

Vice Chair Guagliumi commented that they needed to be mindful of that because in two years if the money did not continue that would be when the taxpayers will notice the (inaudible).

Assistant Superintendent Shevenell recalled 15 years ago the District received \$10.1 Million in adequacy funds followed by a reduction to \$7.3 Million compared to the current \$8.1 Million and \$8.3 Million in adequacy funds.

## **5. State Requirements and Best Practices Concerning Class Size and Student/Teacher Ratio**

Superintendent McLaughlin commented that one of the things that had a big impact on the budget had to do with staffing, pointing out staffing was in relationship to the enrollments.

Superintendent McLaughlin began by referencing ED 306.17 of the New Hampshire Department of Education Minimum Standards surrounding class size. He said the state had issued the following requirements relative to class size:

- Kindergarten through Grade 2 – 25 students per educator or fewer and each school shall strive to achieve the class size of 20 students or fewer.

- Grade 3 through Grade 5 – 30 students or fewer and each school shall strive to achieve 25 students or fewer.
- Middle School and High School – 30 students or fewer.
- Science and/or Career and Technology Education – In no case could a class exceed 24 students if there was a lab.

Superintendent McLaughlin said he felt it was important to understand the staffing recommendations were guided by state requirements and they would be what was used as the budget was put together.

Superintendent McLaughlin stated in addition to state requirements there were things that made logical sense, for example, theoretically, the smaller the class size, the more likely it was that a student would achieve excellent instruction.

Superintendent McLaughlin commented the Merrimack School District did other things to provide teachers with the flexibility to encourage their adaptability to student needs. He also commented individualized instruction was encouraged and in addition to that, the current and previous School Boards were very supportive as were the citizens of the Town of Merrimack.

Superintendent McLaughlin noted the Universal Design for Learning Program (UDL) was one of the biggest initiatives the Merrimack School District had undertaken in a long time in an effort to get to the heart of good, quality instruction by identifying barriers to learning and trying to overcome them in concrete, consistent and determined ways.

Superintendent McLaughlin stated as of the previous year their class size ratios were as follows:

- Grades 1 through 2: 18.5
- Grades 3 through 4: 20.3
- Grades 5 through 8: 24.2 (not including lab classes)

Superintendent McLaughlin noted the data showed, on average, 25 to 26 students per class at the high school with notable exceptions for some electives which were considerably smaller and AP (Advanced Placement) courses which generally had a smaller enrollment. He said the Merrimack School District was in line with the state's requirements around the minimum standards and were trying to have a specific number which was lower than the maximum-minimum standard.

Chair Barnes asked if there were Board members who had questions or comments. There were no questions or comments.

## **6. School Enrollment Trends**

Superintendent McLaughlin stated there was a decline in enrollment from the 4,500 students in the 2008-2009 school year and the low point occurred in the 2016-2017 school year where they reached 3,680 students.

Superintendent McLaughlin stated in the 2017-2018 school year the numbers climbed to 3,755 students and in 2018-2109 it was 3,789. He further stated the enrollment chart which the Board had copies of reflected the current enrollment which was 3,915 students as of October 1<sup>st</sup>.

Superintendent McLaughlin explained the District had commissioned a study with NESDEC (New England School Development Council) regarding enrollment projections and the District had used them for many years. He further explained that Mr. Don Kennedy, Director of Planning, was the person who conducted the enrollment projections for the Merrimack School District.

Superintendent McLaughlin read aloud a letter from Mr. Kennedy as summarized below:

*Although the District is experiencing eleven fewer births per year than in the past, there are many new families moving in. The District K-12 enrollment is expected to rise by 30 to 50 students each year for the next several years up to five years.*

Superintendent McLaughlin stated the Merrimack School District welcomed all students with every kind of need and had a place for each one.

Chair Barnes asked if there were members of the Board who had questions or comments.

Assistant Superintendent for Business Shevenell commented they did their own internal studies on enrollments and pointed out that their data almost completely matched that of Mr. Kennedy's.

Board Member Schneider asked if Mr. Kennedy's projections included the increase in housing? Superintendent McLaughlin replied in the affirmative.

Board Member Schneider asked how the students who were homeschooled or chose to attend charter schools were accounted for. Assistant Superintendent for Business Shevenell replied they never included students who were homeschooled in the enrollment projections. Board Member Schneider said the dynamic that had changed was that during the last ten years there had been a significant increase in charter schools so the fact that their population dropped and then was increasing while there were still people who resided in town who were attending either private or charter schools showed they were not sacrificing one for the other but that everything was growing together. Assistant Superintendent for Business Shevenell replied that it was a true statement.

Vice Chair Guagliumi asked if it were true that charter schools had increased over the past ten years. Superintendent McLaughlin replied they had increased.

Vice Chair Guagliumi clarified that it sounded like the dip in the District's declining enrollment hit its low and for the past two years the trend was going up and expected to go up even further. Superintendent McLaughlin replied that was correct.

Vice Chair Guagliumi requested the administration put the information on a graph and place it on the website as she felt it was a good resource for the community to have.

## **7. Review of School Board Policy KHC, Distribution and Display of Information at Schools**

Superintendent McLaughlin pointed out there were a number of rulings at the state level and beyond that caused the District to believe that the current policy might not fit the changes which were the product of the rulings. He said it was important to be consistent with the law and what the requirements were.

Superintendent McLaughlin read aloud from the new policy as summarized below:

### **Distribution and Display of Information at Schools**

*One of the strongest links of communication between the Merrimack School District and parents is the student in the classroom. Failure to provide parents with appropriate information may lead to misinformation about our schools.*

*It is the goal of the Merrimack School Board that information regarding school activities, programs, events, and organizations be properly disseminated to parents. The Board also recognized that community-based organizations may wish to display or distribute materials related to educational or recreational opportunities for students. However, such display and/or distribution must not interfere with the smooth operation of any school or be disruptive to the educational purposes of the District.*

#### **A. Permitted Distribution and Display**

*The District shall permit informational materials from the following organizations/entities to be sent home with students or displayed in schools or school District buildings:*

- 1. Merrimack School District, including individual schools and recognized clubs, teams, etc.*
- 2. Merrimack School District parent/teacher groups.*
- 3. Government agencies (local, state, and federal)*

4. *Community non-profit organizations promoting or offering educational and/or recreational opportunities for students.*

*Requests to display or distribute materials must be submitted to the SAU (School Administrative Unit) office, which will approve the request and forward the material to the applicable school(s) for display or distribution. Organizations wished to distribute materials must supply a sufficient number of copies.*

### ***B. Prohibited Material***

*Information published by the School District, an individual school, an employee organization or union, a recognized parent/teacher group, or any other individual, group or organization which advocates a particular position on bond issues, political matters, labor relation issues, or School District budgets will not be distributed through students or displayed in schools.*

*The Superintendent shall prohibit distribution or display of any material which would interfere with the smooth operation of any school or disrupt the educational purposes of the District unless such material is constitutionally protected.*

Superintendent McLaughlin said the biggest difference was that currently the policy was written in such a way that the School Board was given authority through the Superintendent to make reasonable decisions based on what was or was not allowed unless the School Board or Superintendent found reasons which were offensive to the District.

Superintendent McLaughlin stated that the revised policy said the School Board would have to decide whether it would allow any distribution of materials or none. He said it could be the ruling of the School Board, just to make it simple information just would not be distributed from any entity. Superintendent McLaughlin said the other option would be that the School Board could say yes information could be distributed under the specified conditions and then it would be up to the Superintendent to prohibit the distribution of materials which would interfere with the smooth operation of the school or School District unless the material in question would be constitutionally protected.

Board Member Schoenfeld asked Superintendent McLaughlin to clarify the difference between the materials that would be covered by the types of things at the building level that were disseminated regularly? She said the first item on the list was the Merrimack School District, including individual schools; she said wondered if it inadvertently meant that anytime a school or teacher wanted to send anything home it had to go through the SAU (School Administration Unit) office. Superintendent McLaughlin replied if a teacher were to put out a message that said: "don't forget to wear sneakers tomorrow for field day" that would not need approval from the School District. He further replied if a parent group or youth supporting groups wanted to put forth a promotion for a fundraiser then it would need approval from the School District.

Board Member Schoenfeld questioned whether or not the wording as written made that difference clear. Superintendent McLaughlin replied he would seek clarification regarding it.

Vice Chair Guagliumi said she had heard feedback over the years with regard to bibles being handed out to the students. She said she felt it interesting that political materials were prohibited and asked if they were able to prohibit religious materials and if they could not if someone wanted to hand out Quran's or something else, would they be entitled to do that as well. Superintendent McLaughlin replied that was a very specific and qualitatively different case because the individuals who had sought to distribute bibles once per year did not do it on the District's property. Further, Superintendent McLaughlin explained the group had been instructed to stand on town property and not the School District's property. He said given that fact they were in no position to authorize their distribution or not. He also said for a number of years the group had given the SAU (School Administration Unit) office a courtesy call to let them know they intended to do it on a given day and because of that, it implied that the District had oversight over it but they never did. Superintendent McLaughlin explained every year when they called they were reminded they could not stand on school property and to the best of his knowledge they had not. He added he had consulted with legal counsel regarding the situation.

Vice Chair Guagliumi asked if the group sought the Town's approval to pass out bibles on town property. Superintendent McLaughlin replied he could not speak to the Town's position on it.

Superintendent McLaughlin stated the issue had been raised that the District had been saying yes for years and the response was that the District had no jurisdiction to say yes or no.

Chair Barnes asked if there were further questions. There were no further questions.

Chair Barnes indicated there would be a second reading of the policy at the next meeting and it would be on the Consent Agenda at the meeting after that unless tangible reasons arose which warranted the content to be readdressed.

#### **8. Final Response to Town Council Requesting Easement for Sewer Line on Madeline Bennett Lane**

Chair Barnes read the following prepared statement into the record:

*In the matter of the Merrimack Middle School sewer line, history, facts, and content matter. As the School Board takes yet another affirmative vote on granting the sewer line back to the Town, we wish to set the record straight on the matter once and for all.*

*When the Merrimack Middle School was built the construction of the sewer line, typically a public works project, and therefore, funded by the Town was undertaken by and paid for by the School District because at the time the Town did not wish to pay for the project. The then Director of Public Works, Mr. Ed Chase, required that the sewer line be built essentially large enough to allow for potential future development. Even though this was the school's project the Town's requirement had to be heeded so the District built a sewer line to accommodate the need of the town and not the more limited need of one school. This resulted in the construction of a sewer line that is essentially bigger and more complicated than its current usage requires; meaning that the sewer line flow is not also efficient to flush the system as it was constructed. The School District has maintained the sewer line ever since. It serves the needs of the Merrimack Middle School, it does function as needed, and it will continue to serve the needs of the Merrimack Middle School indefinitely.*

*Over a period of the last twelve years or so the Town has requested the School District grant the sewer line to the Town and on each of those occasions the School Board, representing the District at the time, accepted the request and voted to grant the sewer line to the Town at its request. This happened in 2007 and again in 2011. Each time after the Town made the request the Town then rejected the School Board's offer of the line.*

*This brings us to this past August when the Town again asked the School Board to grant them the middle school sewer line anticipating a significant new development requiring town access to the sewer line. At a special meeting of the School Board, expressly to address the latest request from the Town, which was held on August 26, 2019, the School Board voted unanimously to grant the town the sewer line under the condition that they accept the sewer line and adjacent road immediately so as to no longer continue an unnecessary of back and forth between the two entities. The Town's unwillingness to accept that condition brings us to the following place; the School Board wants to partner with the Town and assist the developer's goals to building a development that can access town sewer. The School Board will withdraw its conditions despite repeated attempts to give and then have the Town refuse our sewer line. We make the motion tonight in the spirit of partnership with the Town in its effort to support local development. We will continue to closely monitor the proposed construction to ensure the safe and continuous operation of the middle school as is our responsibility and hope that the motion, a significant compromise, will put an end to the multiple*

*year cycle of granting requests only to have the favorable response rejected. We hope after tonight's vote of the School Board that the Town will take "yes" for an answer.*

Chair Barnes said on August 26, 2019, there was a three-part motion and the first part was the part she wished to act on.

Chair Barnes made a motion (seconded by Vice Chair Guagliumi) to amend the August 26, 2019, motion offering the transfer of ownership of the Madeline Bennett sewer line to the Town of Merrimack by replacing stipulation #1 with the following:

1. The town shall assume ownership and responsibility for the Madeline Bennett sewer line upon the successful completion of the repair and/or the replacement of the sewer line by the Town.

**Discussion:**

Board Member Schneider commented that he agreed with doing the right thing to make sure that the Town could move forward with the development but he was concerned because "the monkey was still not off their back" because there was nothing at the end of the motion that said the Town would take ownership. He further commented if the School Board was going to show good faith then he felt Town Council should provide a statement that indicated good faith in return.

Vice Chair Guagliumi commented in the spirit of collaboration it was the right thing to do because at the end of the day the School Board and the Town Council were all supporting the taxpayers. She said she felt if the School Board "made the repairs" and then gave the sewer line back she was okay with it.

Board Member Schneider said his point was if the repairs were made and the Board attempted to give it back and the Town didn't want it there was nothing in the motion that stated they had to take it back.

Superintendent McLaughlin explained the motion was one part and there was an accompanying agreement that was being worked out between the attorneys of the two entities. He further explained that the issue Board Member Schneider was referring to was contained more specifically in the agreement.

Chair Barnes commented the attorneys were taking a very active role in making sure the language met their expectations and addressed their concerns.

Chair Barnes read aloud from page two, as summarized below:

Upon successful completion of the Madeline Bennett sewer replacement project:

- a) The Town shall convey and transfer and the Town shall accept ownership and control of the Madeline Bennett sewer.
- b) The school shall convey and transfer and the Town shall accept Madeline Bennett Lane up to the circle at the intersection with Old Blood Road as a Class 5 town-owned highway.
- c) The Town shall issue a full Certificate of Occupancy for the Merrimack Middle School.

**The motion passed 5-0-0.**

Mr. Tom Koenig, Chairman, Merrimack Town Council, addressed the Board and asked if the motion, as stated, meant the School Board agreed to the Memorandum of Understanding. Chair Barnes replied the School Board's attorney would send the Town Council's attorney the language needed which would be in the spirit of what the Town was asking for but with some consideration of School District operations.

Superintendent McLaughlin commented the revised Memorandum of Understanding would be shared with the Town's attorney the following day.

Board Member Nunez commented while she was in full support of collaboration, she did not think past history should serve as a roadblock in moving forward for both the Town and School District.

**9. Approval of September 16, 2019, Minutes**

Board Member Schneider made a motion (seconded by Board Member Nunez) to approve the meeting minutes from September 16, 2019, as amended.

Page 5, line #189 – Replaced with - “Vice Chair Guagliumi commented she was very excited about having on-campus tennis courts because the current courts are not in close proximity to the high school.” – Guagliumi

Page 6, line #206 – Replace with - “Vice Chair Guagliumi said she felt one option is to consider one of the other houses for community (adult) education or tutoring.” – Guagliumi

**The motion passed 4-0-1 (Abstained – Board Member Schoenfeld)**

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

- Guild of New Hampshire Woodworkers to Merrimack High School for \$1,171.00

Assistant Superintendent for Business Shevenell stated the Guild of New Hampshire Woodworkers, Mr. Jim Forbes, Treasurer, had gifted \$1,171.00 to the Merrimack High School to supply tooling for the new Powermatic 35 x 20 woodworking lathe.

Board Member Schneider made a motion(seconded by Vice Chair Guagliumi) to accept the gift from the Guild of New Hampshire Woodworkers with the School Board's sincere appreciation.

**The motion passed 5-0-0.**

## **11. Other**

### a) Correspondence

Chair Barnes stated a parent had e-mailed her regarding questions about the School Board's role for advocacy on an issue out of school with a parent. She further stated she guided her through the governing process.

Board Member Schneider stated he received an e-mail with regard to ensuring that all of the state aid the Merrimack School District received would be used to offset taxes and not used for anything else.

### b) Comments

Vice Chair Guagliumi commented she had noticed quite a few requests to conduct surveys had come before the School Board and their questions always seemed to be the same. She suggested there be a form that would be attached to the requests which indicated the basic questions that the Board typically asked, for example, privacy and how the parents would be notified. Chair Barnes replied she felt it was a great idea.

Vice Chair Guagliumi commented she felt reviewing policies were a main component of the School Board's job and responsibility. She further commented it took her back a bit when she saw policies that were last reviewed eight or nine years ago. She said she felt the Board should review the policies even if they just signed off on the fact that they were not going to make any changes. Vice Chair Guagliumi also commented that she felt putting the policies in front of the Board may probe some questions that might allow the Board to

exhibit a leadership position within the state should certain things come up that maybe no other Board had stumbled upon.

Chair Barnes commented she was in favor of having a Policy Committee but in the past, it had not been the will of the School Board.

Board Member Schneider commented he felt there were some misconceptions with regard to money (the adequacy aide) that the School District received and at the end of the day it was to offset taxation and had nothing to do with schools which was somewhat frustrating.

Board Member Schneider also commented about the discussion regarding the plan for the proposed campus and noted it was to look at what they could do with having a new SAU building in the area around the front of the high school for future planning. He further said there was no current commitment.

Board Member Nunez said she felt there was a lack of understanding as to what went on from a Board perspective.

Board Member Nunez read aloud from a prepared statement as summarized below:

*Communication has greatly improved this year but while it is better I would like to see "us" continue to grow in the area. When I use the word "us" I am not just speaking to the administration but to the public. As a member of the Merrimack community, I am truly saddened by the lack of formal communication our community chooses to use. Social media does have its place and I appreciate the use of social media to quickly convey your message to a mass audience. Not all communication should be done to the masses yet as a community that seems to be our method of communication when discussing our District, teachers, the administration, and this Board. I am not suggesting that our community no longer share via social media, I am, however, suggesting that direct, formal, and productive communication has its place as well. My e-mail address is public and yet my inbox is empty. We as a Board sit here every other week and usually the general public is few. The reality is that we are one community and one district. We all have the same goal, to improve our District and provide excellence in education while keeping the tax burden at the top of their minds. We may have differences in opinion as to how to achieve that goal but it is still one goal. While I ask the administration to continue to improve in this area, I respectfully encourage and challenge the public to do so as well.*

## **12. New Business**

Assistant Superintendent of Curriculum and Instruction Fabrizio noted there was no Consent Agenda although they had a plan to move forward and talk about the grant for Universal Design for Learning Program (UDL) through the Chan Zuckerberg Foundation. Unfortunately, Assistant Superintendent of Curriculum and Instruction Fabrizio said they received notice that out of 270 schools that applied the Merrimack School District did not receive the grant. Further, he thanked Mr. Bill Wilmot and Mr. Adam Caragher for presenting and they would keep trying to get other opportunities and grants. He said the feedback they received was that they were still very young in their stages of the implementation of Universal Design for Learning Program (UDL) and they were looking for more of an established school that had multiple years involved in the project.

## **13. Committee Reports**

Board Member Schneider reported the previous Monday was the monthly SERESC (Southeastern Regional Education Service Center) Board of Director's meeting. He said he was excited to share that a person accepted their job offer to be the new Program Director.

Board Member Schneider stated Board Member Schoenfeld was no longer available to be the liaison to the Wellness Committee due to a work conflict. He asked if anyone was interested to please let him know. Board Member Nunez replied she was available to take on that task.

Assistant Superintendent for Business Shevenell stated he was a member of the Town Center Committee and there was a meeting the previous Friday in which he conveyed to them the School Boards conservation as well as the School District's Planning and Building Committee's conversation regarding the overall planning strategy for the high school campus area. He said Nelson Disco, Chairman of the Town Center Committee as well as all of the other members accepted the concept in a very positive way and supported it.

Board Member Nunez commented that she had met with Assistant Superintendent for Business Shevenell and a few others regarding a school bus stop concern and they were looking into it.

Chair Barnes shared that the Parks and Recreation Committee would hold the Town's Halloween Party and would be at Wasserman Park on Friday, October 25<sup>th</sup> from 4:30 p.m. to 8:30 p.m.

**14. Public Comments on Agenda Items**

There were no public comments.

**15. Manifest**

The Board signed the manifest.

At 9:48 p.m. Board Member Schoenfeld made a motion (seconded by Board Member Nunez) to go into non-public session pursuant to RSA 91-A:3, II (a) (b) (c).

The motion passed 5-0-0 by roll call vote.

At 9:30 p.m. Board member Schneider moved (seconded by Board member Nunez) to adjourn the public session.

**The motion passed 5-0-0.**