

**Merrimack School District/SAU 26
School Board Meeting
Preliminary Agenda
February 21, 2022
Merrimack Town Hall – Matthew Thornton Room**

Send public comments to: publiccomment@sau26.org. Comments must be received between the start of the meeting on February 21 at 7:00 p.m. and Agenda Item #11. Based on the volume of public comments received, the board chair will determine if all public comments can be read. If not, they will be incorporated into the meeting minutes.

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

- Staff Welfare

PUBLIC MEETING

7:00 p.m. 1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

7:05 p.m. **2. PUBLIC PARTICIPATION**

3. RECOGNITIONS

7:20 p.m. 4. INFORMATIONAL UPDATES

- Superintendent Update
- Assistant Superintendent for Curriculum Update
- Assistant Superintendent for Business Update
- School Board Update
- Student Representative Update

7:30 p.m. **5. OLD BUSINESS**

- a. Social Emotional Learning: Strategies for Success in School and Beyond Fern Seiden, Jamie Cordeiro, Rebecca Lessard, Kyleigh Rousseau, Sherry Rosswaag, Bunny Saranita, Parents and Students

8:10 p.m. 6. NEW BUSINESS

- | | |
|--|------------------|
| a. Discussion with School District Moderator Lynn Christensen
in Preparation for Deliberative Session | Cinda Guagliumi |
| b. Preparation for Warrant Presentations for Deliberative Session | Cinda Guagliumi |
| c. Competency Assessment and Grading Discussion | Kimberly Yarlott |
| d. First Reading of Revised Student Conduct, Discipline and Due Process Policy (JICD) | Everett Olsen |
| e. Other | |

8:45 p.m. 7. POLICIES

- a. Second Review of Revised Drug-Free Workplace/Drug-Free Schools Policy (GBEC) Matt Shevenell
b. Second Review of Employment References and Verification Matt Shevenell
(Prohibiting the Aiding and Abetting of Sexual Abuse Prohibiting) Policy (GADA)

8:55 p.m. **8. APPROVAL OF MINUTES**

- a. February 7, 2022 Public Minutes and Non-Public Minutes (6:30pm)

9:00 p.m. 9. **CONSENT AGENDA**

- a. Approval of Investment Policy (DFA)

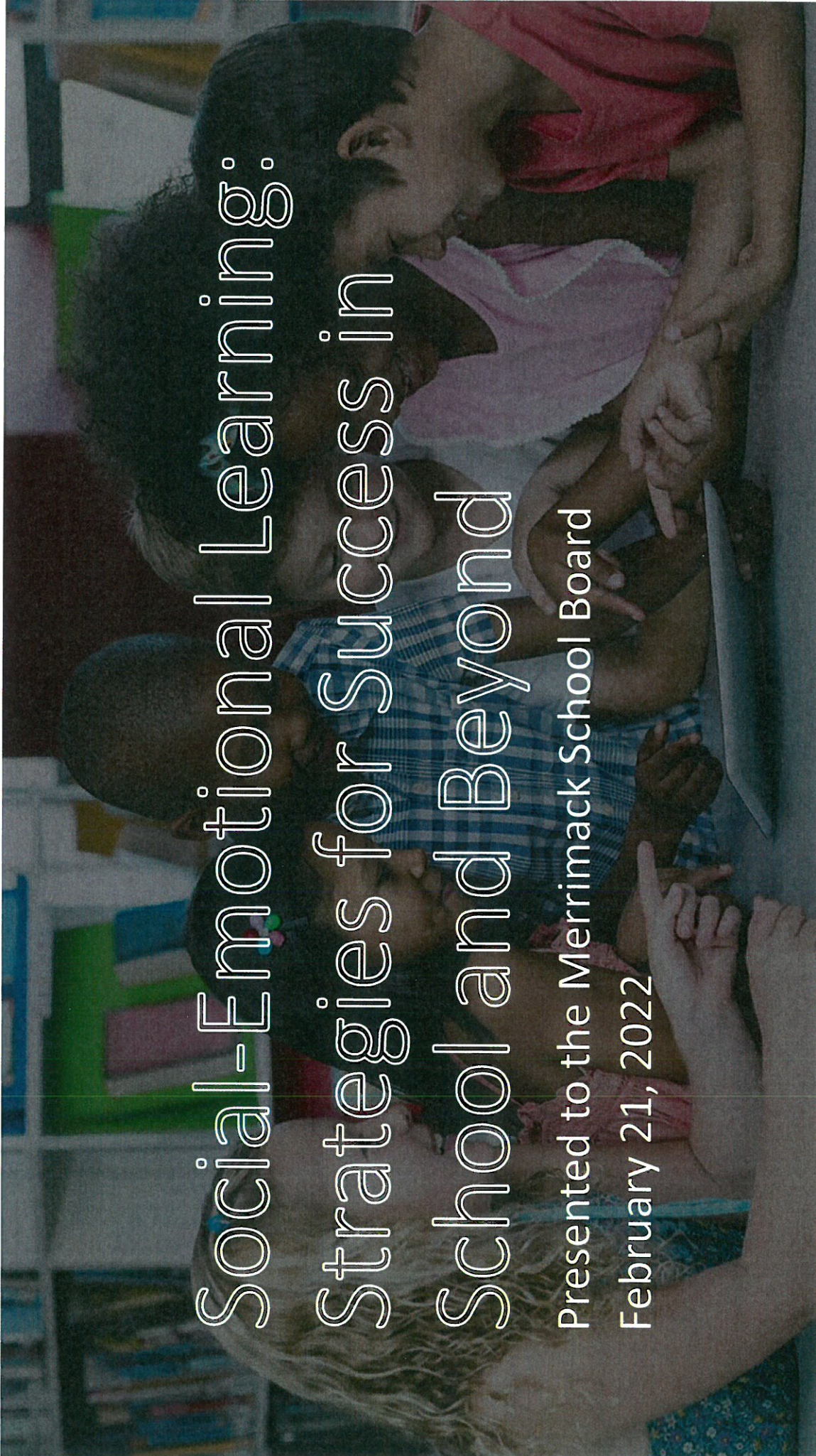
9:10 p.m. 10. OTHER

- Committee Reports
- Correspondence
- Comments

9:20 p.m. 11. PUBLIC COMMENTS ON AGENDA ITEMS

9:30 p.m. 12. ADJOURN

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

A group of diverse young children, including a girl with blonde hair, a boy with a black cap, a boy with a shaved head, and a girl with dark hair, are sitting around a table. They are all looking at a tablet computer that is lying flat on the table. The children are dressed in casual clothing like t-shirts and a checkered shirt. The background is slightly blurred, showing what appears to be a classroom or library setting with shelves. The text is overlaid on the image in a white, outlined font.

Social-Emotional Learning: Strategies for Success in School and Beyond

Presented to the Merrimack School Board

February 21, 2022

Contributors and Presenters

Kaitlyn Bernier, Parent

Jamie Cordeiro, Grade 4 Teacher, Mastricola Elementary School

Jessica Gott, Library -Media Specialist - MMS

Kristen Hrubowchak, Health and PE Teacher, Merrimack High School

Rebecca Lessard, Grade 3 Teacher, Thorntons Ferry School

Pam Foster, Technology Director, Merrimack High School

Sherry Rosswaag, Kindergarten Teacher, Reeds Ferry School

Kyleigh Rousseau, Kindergarten Teacher, Reeds Ferry School

Bunny Saranita, Instrumental Music, James Mastricola Upper Elementary School

Zoe Schwalje, Grade 8 English Language Arts Teacher, Merrimack Middle School

Fern Seiden, Director of Student Wellness

Whitney Tave, Parent

What is SEL?

Prioritizing positive educator – student relationships.

Teaching and integrating evidence-informed strategies and skills that help students learn.

Helping kids to develop necessary skills for success in the workplace.

Intentionally creating a school climate that supports connectedness, belonging, and equity.

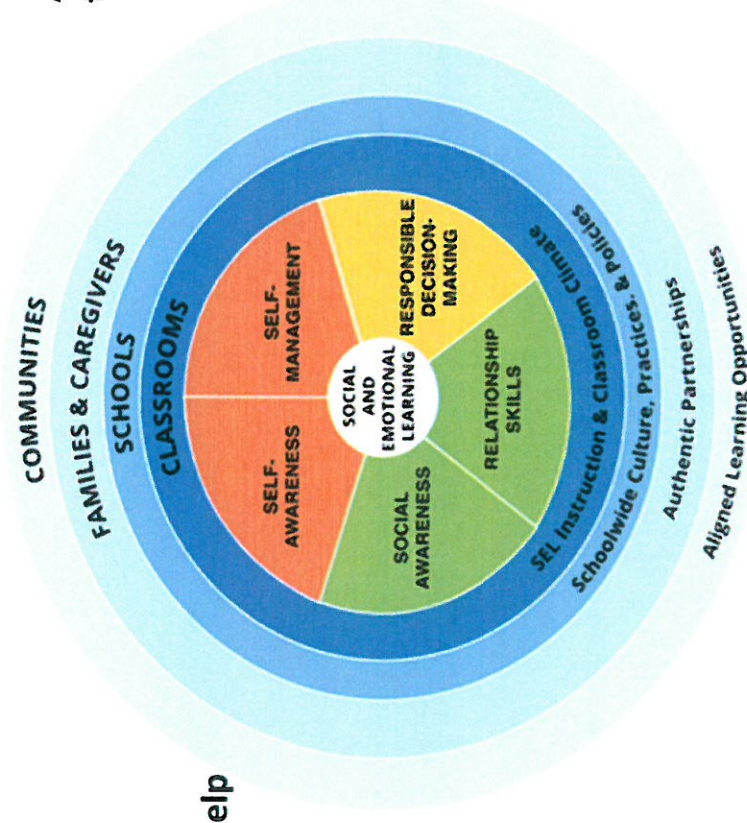
What it is not.

A trade off with time spent teaching an academic subject.

Teaching personal beliefs.

Mental health assessment, data collection and counseling.

Leaving parents and caregivers out of the SEL equation.



**Partnering with caregivers
and the community.**

Students, Teachers and Parents Speak about
SEL




Leveraging SEL for a Better Tomorrow

- Preparing for success in the workforce
- Mitigating the impact of SEL/COVID needs through universal supports
- Drawing on evidenced-based approaches to build learning and life skills

Employers in the 21st Century report that “soft skills” are as important as technical or “hard skills” – these include emotional intelligence, communication, problem solving, teamwork, motivation, and trust.
(Dean & East, 2019)

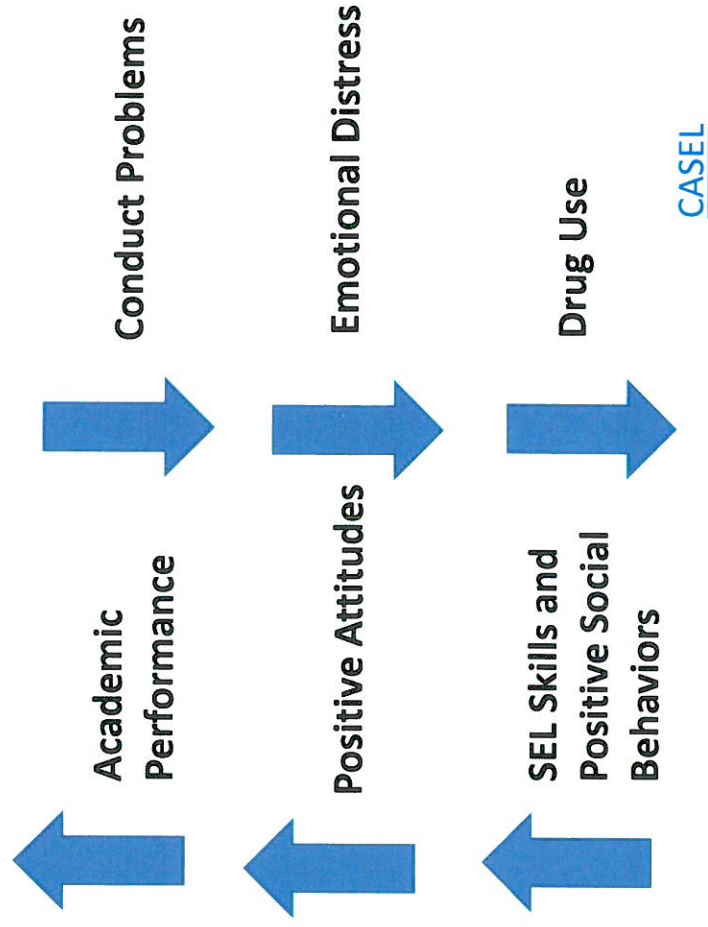
**“Workers are
‘hired on the
hard skills and
fired on the soft
skills.’”**

- EdSurge

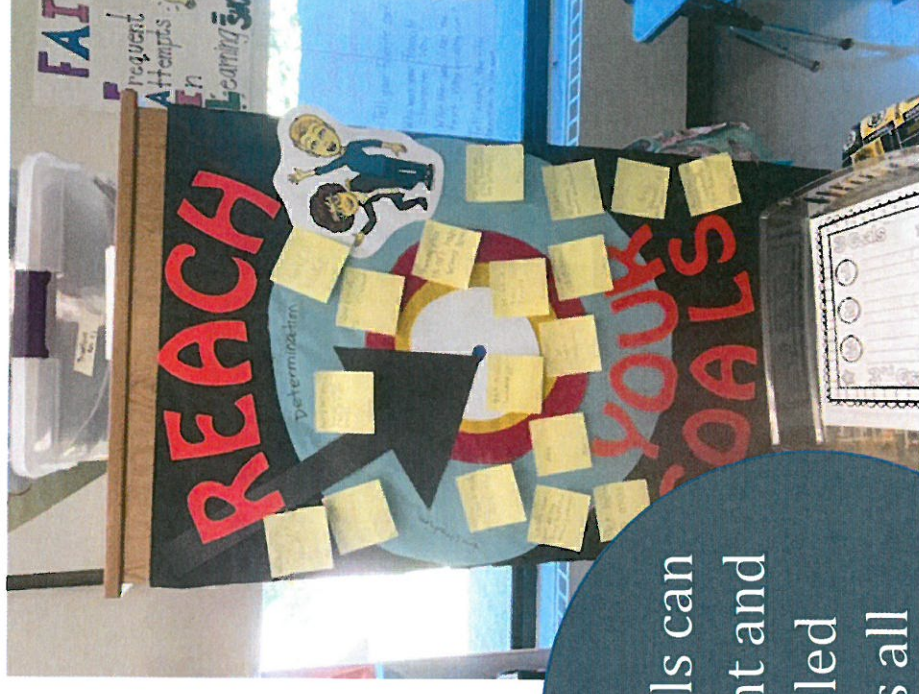
A photograph of a classroom scene. A female teacher with long brown hair, wearing a white long-sleeved shirt, is leaning over a table, smiling and interacting with a group of young students. The students are sitting on the floor or at the table, some looking at the teacher. The classroom is filled with educational materials, including bookshelves with books, a blue storage unit with many small drawers, and various toys and supplies on the floor. The lighting is bright, suggesting a sunny day. A large, semi-transparent teal circle is overlaid on the bottom right of the image, containing white text.

SEL is not therapy
for mental health
issues, but a way to
teach the skills that
help youth build
resilience and well-
being.

A 2017 study following the impact of 82 SEL programs on over 97,000 students found that programs benefited students over time, for 6 months to 18 years.



[CASEL](#)



SEL Skills can be taught and modeled across all settings.

Research has shown statistically significant associations between SEL skills in Kindergarten and long-term positive outcomes. Students with SEL Skills in Kindergarten are:

More Likely to...

**Graduate from
high school**

**Complete a
college degree**

**Obtain stable
employment
as young
adults**

A 2015 study found that for every \$1.00 spent on an SEL program, communities could expect an \$11.00 saving on interventions.

[CASEL](#)

We can leverage SEL to meet the challenges faced by children and youth.

Questions?

Teachers offer explicit instruction as well as integrate SEL. School climate is a part of SEL.

SEL connects to student engagement, readiness to learn, student performance, growth mindset and overall wellness.

SEL supports the growth of coping skills that equip students with the strategies they need to support high school and post graduate success.

There is research that demonstrates the impact of SEL on student success. SEL has been important in supporting students during the Pandemic.

SEL occurs in and out of school.

Warrant Presentations
for
Deliberative Session on March 8, 2022
(March 10, 2022 backup date)

Article	Board Member Responsible to Move and Present the Article	Board Member Responsible to Second the Article
2 Gifts/Property		
3 MTA Contract		
4 MTA Contract Trailer		
5 Market Adjustment		
6 TFS Roof		
7 Year End Unassigned General Funds		
8 School District Operating Budget	To be done by the Budget Committee	

Merrimack School District

School District Warrant

March 8, 2022 (Deliberation)

and April 12, 2022 (Voting)

STATE OF NEW HAMPSHIRE

To the inhabitants of the School District in the Town of Merrimack, County of Hillsborough, New Hampshire, qualified to vote in School District affairs:

You are hereby notified to meet at the James Mastricola Upper Elementary School in said District on Tuesday, March 8, 2022, at 7:00 p.m. for Session 1 (Deliberation), to discuss the matters to be voted on by official ballot; and to meet at the designated polling sites, James Mastricola Upper Elementary School, Merrimack Middle School, or St. John Neumann Church on Tuesday, April 12, 2022, Session 2 (Voting) for the choice of School District officers elected by ballot and any other action required to be inserted on said official ballot. The polls for the election of school district officers and other action required to be inserted on said ballot will open on said date at 7:00 a.m. and will not close earlier than 7:00 p.m. to act upon the following subjects:

ARTICLE 1 To elect all necessary school district officers for the ensuing year. (Vote by Ballot.)

ARTICLE 2 Shall the Merrimack School Board be authorized to accept on behalf of the District, without further action by the voters, gifts, legacies and devises of personal or real property which may become available to the District during the fiscal year? (Majority vote required). (Recommended by the School Board Vote: 5-0-0).

ARTICLE 3 Shall the District approve the cost items included in the collective bargaining agreement reached between the School Board and the Merrimack Teachers Association which calls for the following net changes in salaries and benefits at the current staffing levels over the amount paid in the prior fiscal year:

Year	Estimated Amount
2022-2023	\$1,247,930

and further raise and appropriate the sum of One Million Two Hundred Forty Seven Thousand Nine Hundred Thirty Dollars (\$1,247,930) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at the current staffing levels? (Majority vote required (Recommended by the School Board Vote: 5-0-0). (Recommended by the Budget Committee Vote: 11-0-0).

ARTICLE 4 Shall the District, if Article 3 is defeated, authorize the School Board to call one special meeting, at its option, to address Article 3 cost items only? (Majority vote required). (Recommended by the School Board Vote: 5-0-0).

ARTICLE 5 Shall the District approve the cost items included in the collective bargaining agreement reached between the School Board and the Merrimack Teachers Association which calls for the following net changes in salaries and benefits at the current staffing levels over the amount paid in the prior fiscal year for a market adjustment added to base salary beginning in 2022-2023 to position the Merrimack Teachers Association at competitive rates in regards to surrounding districts in the amount of up to Nine Hundred Fifty Thousand dollars (\$950,000), said sum not to exceed Twenty Five Percent (25%) of the unencumbered surplus funds remaining at the end of fiscal year 2021-2022? (Majority vote required (Recommended by the School Board Vote: 5-0-0). (Recommended by the Budget Committee Vote: 11-0-0).

NOTE: This Article represents a one-time salary adjustment to the scale for the fiscal year 2022-2023 and if approved will be imbedded into the salary schedule from 2022-2023 forward. It is not cumulative.

ARTICLE 6 (Special Warrant Article) Shall the District raise and appropriate the sum of One Million Six Hundred Thousand Five Hundred Dollars (\$1,600,500) for the purpose of roof replacement at Thorntons Ferry Elementary School? (Majority vote required). (Recommended by the School Board Vote: 5-0-0). (Recommended by the Budget Committee Vote: 11-0-0).

ARTICLE 7 Shall the District vote to authorize the School Board indefinitely, until specific rescission of such authority, to retain year-end unassigned general funds in any fiscal year, in an amount not to exceed 5% of the current fiscal year’s net assessment, in accordance with RSA 198:4-b,II? (Majority vote required). (Recommended by the School Board Vote: 4-1-0).

ARTICLE 8 Shall the District raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$83,439,166? (Should this article be defeated, the default budget shall be \$ 83,174,461 which is the same as last year, with certain adjustments required by previous action of the District or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only)? (Majority vote required). (Recommended by the School Board Vote: 5-0-0). (Recommended by the Budget Committee Vote: 11-0-0).

Given under our hands at said Merrimack this ____ day of February, 2022.

_____	Cinda Guagliumi
_____	Laurie Rothhaus
_____	Shannon Barnes
_____	Jenna Hardy
_____	Lori Peters
	SCHOOL BOARD

A true copy of warrant - attest:

_____	Cinda Guagliumi
_____	Laurie Rothhaus
_____	Shannon Barnes
_____	Jenna Hardy
_____	Lori Peters
	SCHOOL BOARD

I certify that on the ____ day of _____ 2022, I posted a copy of the Annual School District Warrant at the place of meeting within named and a like copy at the Merrimack Town Hall being a public place in said pre-existing.

_____ Everett V. Olsen, Jr.	_____ Date
Personally appeared the said Everett V. Olsen, Jr. and made oath the above certificate signed by him is true.	
	_____ Notary Public

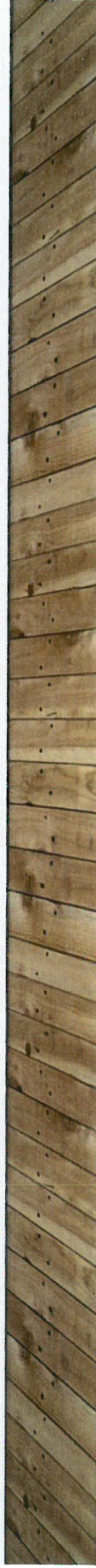
MEASUREMENT OF KNOWLEDGE

TRADITIONAL GRADING SCALE -
PERCENTAGES

Traditional Grading Scale (using percentage correct)	
Letter Grade	%
A	90 - 100 %
B	80 - 89 %
C	70 - 79 %
D	60 - 69 %
F	0 - 59 %

COMPETENCY GRADING SCALE -
PROGRESS ON A LEARNING
CONTINUUM

Standards-based Grading Scale	
Points	Notes
4	Exceeds standards
3	Meets standards
2	Works toward standards
1	Performs below standards



LEARNING PROGRESSIONS

TRADITIONAL

- Students are expected to master grade level college and career ready standards
- Students advance at educator's pace regardless of mastery

COMPETENCY-BASED

- Students are expected to master competencies aligned to college and career ready standards with clear, transferable learning objectives.
- Students access customized support to ensure mastery.



GRADING

TRADITIONAL

- Grades are norm-referenced, reflect course standards, are typically based on weighted quarters and a final exam.
- Grades are a final result.
- Based on assessment methods (tests, quizzes, projects)

COMPETENCY-BASED

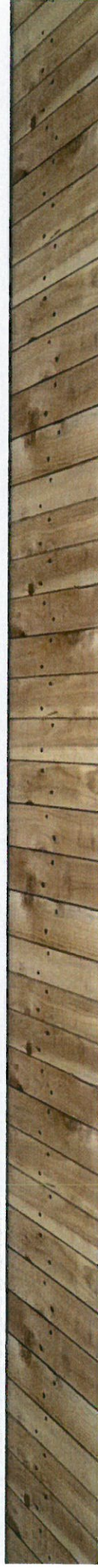
- Grades reflect the degree of mastery of competencies. Instead of students needing to re-take a whole course when struggling, they would re-learn specific competencies.
- Grades provide specific feedback that directs learning.
- Based on learning goals and performance standards.



Competency-based education is a system in which:

- Students are empowered daily to make important decisions about their learning experiences, how they will create and apply knowledge, and how they will demonstrate their learning.
- Assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence.
- Students receive timely, differentiated support based on their individual learning needs.
- Students progress based on evidence of mastery, not seat time.
- Students learn actively using different pathways and varied pacing.
- Strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems.
- Rigorous, common expectations for learning (knowledge, skills, and dispositions) are explicit, transparent, measurable, and transferable. A competency-based school should implement all seven elements of the definition. Strong implementation also requires policies, pedagogy, structures, and culture that support every student.

From Aurora-institute



Current work with competencies in Merrimack:

- NEASC work is being done at the high school, which includes work on curriculum, assessments, instruction and content.
- Essential Learning Competencies (ELCs) are used K-6 as the standards- based report card.
- ELCs are in place at the middle school and are used for performance assessments and inform the report card/grading system.
- ELCs have been developed for some of the content areas at the High School. Competencies were developed years ago for the HS, however, there is a need for refinements and alignments.



Next Steps for MMS and HS:

- Identify steering committees for the continuation for the work
- Provide professional development to teams.
- Develop common formative and summative assessments, and performance tasks.
- Link this work to NEASC, the Vision of a Graduate and UDL.
- Determine grading system - full competency? Dual grading system?



MERRIMACK SCHOOL DISTRICT
School Administrative Unit #26
36 McElwain Street
Merrimack, New Hampshire 03054
Tel. (603) 424-6200 Fax (603) 424-6229

KIMBERLY YARLOTT
Assistant Superintendent for Curriculum

EVERETT V. OLSEN, Jr.
Interim Chief Educational Officer

MATTHEW D. SHEVENELL
Assistant Superintendent for Business

To: Cinda Guagliumi
Laurie Rothhaus
Shannon Barnes
Jenna Hardy
Lori Peters
Kaitlyn Vadney

From: Everett V. Olsen, Jr.

Date: February 17, 2022

Subject: Revision to Student Conduct, Discipline and Due Process Policy

I am proposing the adoption of a new Student Conduct, Discipline and Due Process policy that has been recommended by our legal counsel. Our current policy was adopted in March, 2007. New Hampshire's statute governing student discipline, RSA 193:13 has been amended and Merrimack's policy needs to be revised to be in compliance with the law. Merrimack's Civil Rights Counsel, Attorney Dean Eggert has recommended the new policy that is enclosed. I have also included our current (2007) policy.

According to Attorney Eggert, "student discipline, once defined exclusively by the educator, is now increasingly defined by the law". I want to thank you for reviewing this revised Student Conduct, Discipline and Due Process Policy. Your approval will allow us to maintain compliance with RSA 193:13.

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.

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

- *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

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

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.
- *Withdrawal of Materials* - If a student misuses a material, the material is taken away for a specified amount of time.
- *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. The district will not require apologies but will work with students to understand the need to repair harm caused in relationships.
- *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

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

any disciplinary consequences that will be implemented as a result of their inappropriate behavior.

- *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

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

behavioral standards of the District, which threaten to, and/or endanger the health, safety, or welfare of students or staff.

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:

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

- 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.

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;
- Behavior or misconduct that results in significant harm to the health, safety, or welfare of the student, or other students or staff; or
- 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).

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

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.

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:

- 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.

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

- 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.

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

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

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

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

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

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.

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

STUDENT BEHAVIOR, CONDUCT, DISCIPLINE AND DUE PROCESS

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

2nd Review:

Revised:

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS**A. Drug-Free Workplace**

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
 - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS

successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

Legal References:

41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients
RSA Chapter 193-B Drug Free School Zones
N.H. Admin. Code, Ed. Part 316

Policy Revision

1st Reading: May 3, 2010
2nd Review: May 17, 2010
Adoption: June 8, 2010

1st Reading: February 7, 2022
2nd Review: February 21, 2022
Revised:

**EMPLOYMENT REFERENCES AND VERIFICATION
(PROHIBITING THE AIDING AND ABETTING OF SEXUAL ABUSE POLICY)**

The District shall act in good faith when providing employment references and verification of employment for current and former employees.

The School District, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and
3. At least one of the following conditions applies:
 - a. The matter has been officially closed;
 - b. The District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
 - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
 - d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Legal References:

20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act

1st Reading: February 7, 2022

2nd Review: February 21, 2022

Adoption:

**Merrimack School Board Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
February 7, 2022**

**6:30 p.m. – Non-Public Session pursuant to RSA 91-A:3, II (a) (b) (c)
Merrimack TV Training Classroom**

- **Staff Welfare**

Present: Chair Guagliumi, Vice-Chair Rothhaus, Board Member Hardy, Board Member Peters, and Board Member Barnes. Also present were Assistant Superintendent for Business Shevenell, Interim Chief Educational Officer Olsen, and Student Representative Vadney.

Not Present: Assistant Superintendent of Curriculum Yarlott - Excused

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

Chair Guagliumi pointed out that the School Board would accept public comment via email and to do that members of the public could send emails to publiccomment@sau26.org.

2. PUBLIC PARTICIPATION

Mr. Ken Martin, Woodward Road, addressed the Board and said he was grateful that Interim Chief Educational Officer Olsen's contract was extended as he felt he had a professional, calm demeanor.

Ms. Lindsay Thibeault, 19 Pleasant Street (Board Member Barnes read the following email into the record)

I am writing in to ask for the mask policy once again to be changed to completely optional, and for normal practices to be reinstated. There are surrounding towns changing their masks policies to optional for students and staff. We are at a point where we have the tools to combat Covid and we need to return to normal for the sake of our children, in all aspects. The Litchfield superintendent stated just last week that masks would now be optional and that they are moving to "a greater degree of normalcy and learning to live with the virus" I would really hope that Merrimack can do the same. It is time.

Ms. Nicole Arp, 329 DW Highway (Board Member Barnes read aloud the following email into the record)

After doing a lot of research and speaking with school administrators, other parents, and the Interim Chief Educational Officer, I would like to know if the mask policy is even legally enforceable. I have asked in an email to show me what legal authority the School Board has over me to make this medical decision for my children. The response was, "I ask that you please work with us and help us get through a virus that is spreading very rapidly." That sounds like a request

51 to wear a mask, not a requirement and they refused to show me any laws that give anyone else
52 more authority over parents. I also asked about the legitimacy and legality of requiring a doctor's
53 note to exempt children from wearing a mask and again, was not answered. I am finding it very
54 difficult to understand why I need anyone's permission to make this decision for my children. Even
55 the legal references listed on the mask policy do not show how this is enforceable. The State of
56 New Hampshire has not been in a state of emergency since June of 2021 and there are not any
57 federal, state, local mandates, or laws regarding mask use. I also asked what the disciplinary
58 action was for students refusing to wear a mask and was ignored by some, however, the principal
59 said that the student would be spoken to, and the parents would be called, but they could not tell
60 me about any further discipline beyond that.

61
62 On the mask opt-out form, the school board made sure they could not be held responsible for any
63 harm by opting your child out of wearing a mask, but what about the reverse? Is the School Board
64 going to be held responsible for any mental or physical harm done to children by making a policy
65 that requires students to wear a mask?

66
67 The CDC has finally announced that cloth and medical masks are not effective against preventing
68 Covid. Even the N95 masks need to be professionally fitted to the wearer to provide some
69 protection. Also, the NH Department of Health and Human Services specifically states on their
70 school and childcare toolkit that they "recommend" face mask use for individuals that desire more
71 protection. Nowhere does it say that schools can require students to wear a mask, even if
72 community or school transmission increases. It only mentions the mask requirement for buses
73 because it is a federal mandate.

74
75 After speaking with other parents, lack of response from school leaders, and no clear disciplinary
76 action explained, I really hope that I am wrong, but it seems like the only way a child can go to
77 school without having to wear a mask is if they are sent to school without one and/or refuse to
78 listen to the teacher if they are asked to put one on. Are children, as young as 5 years old,
79 responsible for standing up for themselves if they do not want to wear a mask at school? Why
80 cannot parents advocate for their own children's health and spare them the harassment from
81 teachers and administrators telling them to put their masks on? Children will listen to the teachers
82 even if the rule they must follow may not be justifiable or make them feel uncomfortable. I really
83 do not understand how any of this is ok, ethical, or even legal. No one is answering any of my
84 questions and all parents deserve to know what gives the School Board the power to make this
85 policy and enforce it, especially when so many people oppose it and feel it is harmful to
86 their children.

87
88 After repeated attempts requesting questions to be answered, the school board needs to provide
89 actual legal references that prove that the mask policy is legally and ethically enforceable
90 regardless of the School Board member's personal views.

91
92 Ms. Sheana DeBourke, 89 Belmont Drive, (Board Member Barnes read aloud the following email
93 into the record)

94
95 Bret Weinstein has said, "No healthy society takes health from young people to protect the old
96 and infirm...not an acceptable and ethical trade." But that is what we have been doing, sacrificing
97 our children's mental and physical health so that adults can "feel" safe, regardless of whether they
98 actually are any safer. We all know cloth masks do not prevent the spread of COVID-19. The
99 CDC even finally admitted it. I do not know why we have to continue to repeat ourselves, but we
100 will. Current hospitalizations are down. 244 today, three weeks ago it was at 426, a month prior
101 to that there were 475. We have fewer hospitalizations today than on November 16th, when there
102 were 260. COVID-19 is a seasonal virus, and masks in the school setting do not stop

transmission. There is no data that shows conclusively that masks make any difference, yet you continue to force our children to wear them. Fortunately, all of the schools are well below the 5% mark for cases, and that is on-trend. I sent the superintendent an email on January 25th but received no response. I still expect an answer, and the community deserves an answer, as to why the decision was made to use a 2-week timeframe once a school has hit one single day of 5%. Bill stated at the January 18th meeting that "2 to 3 days does not constitute a valid trend." If that is the case, why would we use a single day at 5% to constitute the removal of the opt-out? So, I ask you to remove the mask mandate completely. It is time to unmask the children. Parents who wish their children to continue to wear a mask can certainly do so, but there is no need for required masks in the classroom or in the hallways. It is also time to unmask the teachers if they wish to do so. If not now, then when? When will kids get to actually see their teachers' faces? How can anyone minimize the importance of that? Masking is a barrier to communication. Even Dr. Leana Wen, a medical analyst for CNN, has stated that "cloth masks are little more than facial decorations."

If you need more data, South Korea is 99% masked, 85% fully vaxxed, and they use vaccine passports. The number of daily new cases was still higher than they have ever been in January. Washington State has a mask mandate, yet daily new cases per 1M a couple of weeks ago were 7 times higher than when mandates were reinstated in August of 2021. You cannot mask your way out of COVID cases.

Again, I will also ask you to review the policy you've implemented in which a child who is "up-to-date" with vaccination can go to school if in close contact with a sick family member, but a child who has not been vaccinated, or is not up to date, regardless of whether or not he's had COVID, has to be quarantined. Please explain to me how that makes any kind of sense. If it did, you would not allow a grace period. So where is the off-ramp? When does it end? When do you finally admit that masking children has no bearing or impact on cases in the schools?

Ms. Rebecca Statz, 11 Bradford Drive, addressed the Board and said she did not think the School Board should request children to wear a piece of medical equipment, such as an N95 mask, on their faces.

Mr. Alan Beebe, 81 Wire Road (Board Member Barnes read aloud the following email into the record)

End the mask requirements. You are creating a mental health crisis in the community. Thank you.

3. RECOGNITIONS

There were no recognitions.

4. NEW BUSINESS

a. Update on Concession Stand at Merrimack High School

Dr. Ralph Wolf was present on behalf of a small Merrimack charity called Laura's World Fund. He said the previous year the Board gave the charity permission to upgrade the concession stand at the high school football field. He said he was before the Board to ask permission to let students place personalized bricks on the walkway around the concession stand.

Dr. Wolf said he would like permission to send out a mailing to students and alumni and then perhaps put flyers in the cafeteria when it came closer to laying the bricks.

Vice-Chair Rothhaus commented she felt it was a wonderful idea, but she felt the Planning & Building Committee should also have some input. Board Member Barnes replied she did not feel the Planning & Building Committee needed to weigh in on the proposed project.

Board Member Barnes, regarding the proposed mailing, said she was concerned with student confidentiality. She said there was something called "Shared Mail" that might be helpful as it was a zip code targeted mailing service.

Chair Guagliumi noted Dr. Wolf was welcome to put flyers in the cafeteria and they could send a document out districtwide.

MOTION: Board Member Barnes made a motion to approve that the Laura's World Fund communications be promoted through the district's email notification system as well as the district's website for the brick walkway. Board Member Hardy seconded the motion.

The motion passed 5 – 0 – 0.

5. INFORMATIONAL UPDATES

a. Superintendent's Update

Interim Chief Educational Officer Olsen thanked the Board for increasing the rate of pay for substitutes. He said there were 40 recent applications.

Interim Chief Educational Officer Olsen thanked the Board for their confidence and said he very much enjoyed working with the entire team.

b. Assistant Superintendent of Curriculum Yarlott Update

Interim Chief Educational Officer Olsen said they had a great discussion with Mr. Jay McTighe regarding "Understanding by Design." He said the district was working with Mr. McTighe to implement the Understanding by Design model.

Interim Chief Educational Officer Olsen said the first "Visioning" meeting would be held on February 17th, and the "School Calendar" meeting would be held later in the week and hoped to make the calendar a little bit more user-friendly.

Interim Chief Educational Officer Olsen added he would be distributing a document that he developed that came primarily from the University of Missouri to staff regarding a Guide to Cultural and Religious Observances. He said it provided staff with some insight as to what students and their families experience when they celebrated different occasions.

Interim Chief Educational Officer Olsen shared that there would be a vaccine clinic on February 16th and February 17th from 4:00 p.m. to 7:00 p.m. at the Merrimack High School cafeteria.

Interim Chief Educational Officer Olsen said each year Operation Homefront presented the Military Child of the Year Award to one outstanding young person from each military branch. He said of the nearly 2 million military children who served the nation alongside their parents, Alexis Possion was selected as a semi-finalist from the air force branch. He also said the National High School Academic Squad was announced and he noted that the list included several Tomahawks and wished them congratulations.

Interim Chief Educational Officer Olsen added that two times defending Granite State Challenge team won its first match the previous Saturday and would move on to the next round, the girls' Varsity basketball team finished the season at 10 – 8 and would host the first round of the playoff games the following evening against Dover, and two music students had attended the New Hampshire All-State Jazz Festival on February 4th.

Interim Chief Educational Officer Olsen said Thorntons Ferry had raised over \$6,500 in one week for a new playground.

c. School Board Update

Chair Guagliumi said she was happy to share that Interim Chief Educational Officer Olsen's contract had been extended by one year.

d. Student Representative Update

There was no update.

6. OLD BUSINESS

a. Health & Safety Task Force Update

Interim Chief Educational Officer Olsen said the Covid numbers were dropping, although the state still identified Merrimack as an area of high transmission. He said moving forward the school nurses would make recommendations to him instead of the task force.

b. Board's Response to Covid Data

Chair Guagliumi noted that the data was available to School Board members, but a vote was not needed at this meeting.

c. Board's Response to 2022 – 2023 Warrant Articles – Budget Committee Recommendations

Chair Guagliumi stated Vice-Chair Rothhaus was not present at the last meeting where the Board discussed the Warrant Articles. She further stated that Vice-Chair Rothhaus would like to add her vote to the items.

Vice-Chair Rothhaus said she felt it was critical to get the teacher's contract passed.

MOTION: Board Member Peters made a motion to approve the recommendation of Article 2: regarding the Acceptance of Gifts. Board Member Hardy seconded the motion.

The motion passed 5 – 0 – 0.

MOTION: Board Member Barnes made a motion to approve the recommendation of Article 3: regarding the Collective Bargaining Agreement reached between the Merrimack School Board and the Merrimack Teacher's Association. Board Member Hardy seconded the motion.

The motion passed 5 – 0 – 0.

MOTION: Board Member Hardy made a motion to approve the recommendation of Article 4: "if Article 3 were defeated the School Board would be allowed to call one special meeting to address it." Vice-Chair Rothhaus seconded the motion.

The motion passed 5 – 0 – 0.

MOTION: Board Member Peters made a motion to approve the recommendation of Article 5: regarding "Shall the school district approve the cost items included in the Collective Bargaining Agreement reached between the School Board and the Merrimack Teacher's Association which results in net changes in salaries and benefits." Vice-Chair Rothhaus seconded the motion.

The motion passed 5 – 0 – 0.

MOTION: Board Member Peters made a motion to approve the recommendation of the Special Warrant Article, Article 6, regarding "Shall the school district raise and appropriate the sum of \$1,600,500 for the purpose of a roof replacement at the Thorntons Ferry Elementary School. Board Member Hardy seconded the motion.

The motion passed 5 – 0 – 0.

MOTION: Board Member Hardy made a motion to approve the recommendation of Article 7: regarding "Shall the school district vote to authorize the School Board indefinitely, until specific rescission, the authority to retain unassigned funds in an amount not-to-exceed 5% of the current fiscal year's net assessment."

The motion passed 4 – 1 – 0. (Nay – Vice-Chair Rothhaus)

MOTION: Board Member Barnes made a motion to approve the recommendation of Article 8: regarding the operating budget in the amount of \$84,439,166 with a default budget of \$83,174,461. Board Member Hardy seconded the motion.

Discussion:

Assistant Superintendent for Business Shevenell stated that the Budget Committee had voted to increase the operating budget by \$10.00 for the razing of the Brentwood building as a ceremonial placeholder. He said the new total operating budget was \$83,439,166.

Board Member Barnes pointed out that the Budget Committee could add a dollar amount to the bottom line, but they could not money to a specific line item. Assistant Superintendent for Business Shevenell replied that was correct.

The motion passed 4 – 1 – 0. (Nay – Vice-Chair Rothhaus)

MOTION: Board Member Peters made a motion to repeat the vote. Board Member Barnes seconded the motion.

The motion passed 5 – 0 – 0.

7. POLICIES

a. Annual Review of Investment Policy (DFA)

There being no comments on the policy, Chair Guagliumi stated it would be on the next meeting's Consent Agenda.

b. First Reading of Revised Drug-Free Workplace/Drug-Free Schools Policy (GBEC)

Assistant Superintendent for Business Shevenell read aloud the Revised Drug-Free Workplace/Drug-Free School Policy into the record.

Board Member Barnes said she felt criminal activity should also be reported after the date of hire. Chair Guagliumi asked Assistant Superintendent for Business Shevenell to bring that issue to the attorney's attention.

c. First Reading of Employment References & Verification (Prohibiting the Aiding & Abetting of Sexual Abuse (GADA)

Board Member Hardy read aloud the First Reading of the Employment References & Verification (Prohibiting the Aiding & Abetting of Sexual Abuse) into the record.

Vice-Chair Rothhaus stated, regarding the Student Discipline Policy, she did not feel that participating in high school graduation should be used as student discipline. Interim Chief Educational Officer Olsen said the policy was currently being reviewed with the leadership team.

Board Member Peters said graduation was the culmination of a student's entire school career and did not feel a student should be defined by one moment as it pertained to level one through four offenses.

8. APPROVAL OF MINUTES

a. December 6, 2021 – Non-Public Minutes (9:00 p.m.)

MOTION: Board Member Barnes made a motion to approve the minutes from the December 6, 2021, non-Public meeting. Vice-Chair Rothhaus seconded the motion.

The motion passed 5 – 0 – 0.

b. January 11, 2022 – Public Minutes

MOTION: Board Member Vice-Chair Rothhaus made a motion to approve the minutes from the January 11, 2022, public meeting. Board Member Hardy seconded the motion.

The motion passed 5 – 0 – 0.

c. January 18, 2022 – Non-Public Minutes (6:30 p.m.) & Public Minutes

MOTION: Board Member Vice-Chair Rothhaus made a motion to approve the minutes from the January 18, 2022, non-public and public meetings. Board Member Hardy seconded the motion.

The motion passed 4 – 0 – 1. (Abstained – Vice-Chair Rothhaus)

9. CONSENT AGENDA

Educator and Administrator Nominations

- Ms. Athena Tsourvakas, Tech Ed Teacher, Merrimack Middle School
- Ms. Alice Kerr, Special Ed Teacher, James Mastricola Elementary School
- Mr. Kyle Masson, Social Studies Teacher, Merrimack High School
- Mr. John Mullen, III, Science Teacher, Merrimack High School
- Mr. Stephen Claire, Principal, Merrimack High School

MOTION: Board Member Barnes made a motion to accept the Consent Agenda as presented. Vice-Chair Rothhaus seconded the motion.

The motion passed 5 – 0 – 0.

10. ACCEPTANCE OF GIFTS/GRANTS UNDER \$5,000

- Nancy A. Miller Trustee to Merrimack High School for \$2,500 to purchase Lacrosse equipment for the players.
- The Alex Bronchuk Memorial Foundation to Merrimack High School for \$3,000 to purchase Lacrosse equipment for the players.

MOTION: Vice-Chair Rothhaus made a motion to accept the donations with the School Board's sincere appreciation. Board Member Hardy seconded the motion.

The motion passed 5 – 0 – 0.

11. OTHER

a. Committee Reports

Board Member Peters said the Budget Advisory Committee had met and discussed razing the Brentwood building. She said the Budget Advisory Committee wanted to send a very strong message that they would like to see the Brentwood building gone.

Board Member Peters said the other item that came up was regarding the request from the Technology Director's to look for a lease option for some important technology equipment that needed to be replaced versus a purchase option.

Board Member Peters requested a comparison of teachers that had resigned the current year versus in the previous years, especially as it pertained to teachers leaving to work for other school districts with a larger salary. She added there was a public hearing scheduled for February 8, 2022.

Board Member Hardy said there was a Curriculum, Instruction & Assessment Committee meeting on January 20th and one of the items on the agenda was the update for the NEASC (New England Association of Schools & Colleges) visit to be held May 15th through May 18th. She said they also discussed the Health Curriculum update (K through 12).

Vice-Chair Rothhaus said the Parks & Recreation Committee met on January 26th and the updates were:

- Looking for summer camp counselors.
- The Annual Winter Carnival to be held on Saturday, February 26th.
- Working with the school district regarding the shortage of field space.

b. Correspondence

- The Board received correspondence regarding a non-affiliated school group that wanted access to the Merrimack Middle School for cheerleading.
- A parent had concerns about the accuracy of the dashboard.
- Received multiple emails that were “for” or “against” masking.
- Communication received regarding being able to bid on an afterschool program.

c. Comments

Vice-Chair Rothhaus commented she was having hearing issues and noted some members of the Board had been taking their masks down while they spoke so she could read their lips.

Board Member Hardy requested that a presentation on the CTE Program be added as a future agenda item.

12. PUBLIC COMMENTS ON AGENDA ITEMS

Ms. Kathy Komar, Belmont Drive, asked who would vet what was written on the bricks regarding the proposed project at the concession stand at the high school. She also asked if the donation given for Lacrosse was for both male and female teams. Assistant Superintendent for Business Shevenell replied he would find out.

Ms. Michelle Karakaedos, Swift Lane (Board Member Barnes read aloud the following email into the record)

I recently pulled my youngest from Thornton's Ferry after one day of the mask mandate. She was anxious, had stomach pains, a headache, and said she hates school and never wants to go back. This is not like her. She had compromised all fall with before and aftercare and hallway masking and we went to the eye doctor, regular doctor, and could not figure out why she had headaches. That day it hit me, the masking is causing issues for my child and now as a first grader she wanted nothing to do with school. As a school counselor and former preschool teacher for years, this broke

my heart. I pulled her because her safety is my priority. My oldest is in middle school and wants to start to be with her friends. I am asking you to drop this mandate before I pull another child. We are seeing even schools in Massachusetts that were stricter than NH starting to allow kids to be mask-free. Everyone who wants to be vaccinated has had the chance now. We need to be done with this madness and abuse.

Ms. Sara Locke, Cota Road (Board Member Barnes read the following email into the record)

Thank you all for your patience, and for still showing up to do your jobs. I know it is not easy to be on a School Board these days, and your dedication has not gone unnoticed.

Tonight, I just want to say thank you: there were no recognitions earlier, but I have recognized so much good lately.

Thank you to Julie DeLuca and Michaela Champlin, for being champions for the kids in so many ways, and in every way necessary regardless of it being “their job” or not.

Thank you to the DPW and district facilities employees for their work in super annoying weather conditions to keep our school properties safe, and accessible.

Thank you to Hailey Fallon, the school counselor at TFS, for her relationship-building with the kids — and killer dedication shown when teaching boring things like parts of the brain when they have way cooler things happening, like camping day.

Thank you to Bill Olsen for stepping in when necessary and playing mediator to ensure the best interests of the kids is on record.

Thank you to the PTF for your incredible dedication to TFS and aggressive goals to create the most inclusive school we can have.

May we all remember to say thank you and remember that our kids are our future, and they deserve all of this.

Mr. Alan Beebe, 81 Wire Road (Board Member Barnes read the following email into the record)

It is absolutely insane to me that this school board meeting will end with the mask mandate STILL in place.

To pass the buck and put this on the school nurses is a total lack of leadership.

I fully support every single parent that sends their kids to school without a mask starting tomorrow. I will be joining you as I always have. This whole debate is over, and it is incredibly sad that you are continuing it.

At approximately 8:35 p.m. Vice-Chair Rothhaus made a motion to adjourn. Board Member Barnes seconded the motion.

The motion passed 5 – 0 – 0.

MERRIMACK SCHOOL DISTRICT MONTHLY ENROLLMENTS 2021-2022
February 7, 2022

Enrollment On

February 7, 2022	PRE	K	1	2	3	4	Total	5	6	Total	7	8	Total	9	10	11	12	Total	ODP	HSS	TOTALS
MES	59	77	73	74	80	68	431														431
RFS	30	88	75	77	92	81	443														443
TFS	40	93	97	106	102	95	533														533
MUES								247	270	517	275	281	556	263	278	274	321	1136			517
MMS																					556
MHS																					1136
PR-12 Total																					3616
Student Services ODP**																			17	133	17
Home Study (HSS)																					133
Total	129	258	245	257	274	244	1407	247	270	517	275	281	556	263	278	274	321	1136	17	133	3766

**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 1, 2021	126	259	246	257	275	244	1407	246	267	513	276	281	558	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

BUS SUSPENSIONS FOR THE MONTH OF JANUARY

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