

Merrimack School District/SAU 26
School Board Meeting
Preliminary Agenda
May 2, 2022
Merrimack Town Hall – Matthew Thornton Room

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

- Staff Welfare
- Legal

PUBLIC MEETING

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

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

3. RECOGNITIONS

7:15 p.m. **4. INFORMATIONAL UPDATES**

- a. Superintendent Update
- b. Assistant Superintendent for Curriculum Update
- c. Assistant Superintendent for Business Update
- d. School Board Update
- e. Student Representative Update

5. OLD BUSINESS

7:25 p.m. **6. NEW BUSINESS**

- a. Universal Design Learning (UDL) Presentation
- b. School Board Committee Assignments
- c. Signing of the MTA Contract
- d. Establish Summer School Board Meeting Dates
- e. Request to Hire at Will
- f. Other

Bill Wilmot and Team

8:15 p.m. **7. POLICIES**

- a. Fifth Review of Student Behavior, Conduct, Discipline and Due Process (JICD) Everett Olsen

8:25 p.m. **8. APPROVAL OF MINUTES**

- a. April 18, 2022 Public and Non-Public Minutes

8:30 p.m. **9. CONSENT AGENDA**

Kimberly Yarlott

- a. Educator Resignations/Retirements
- b. Educator Nominations/Administrator Nominations

8:35 p.m. **10. OTHER**

- a. Committee Reports
- b. Correspondence
- c. Comments

8:45 p.m. **11. PUBLIC COMMENTS ON AGENDA ITEMS**

8:55 p.m. **12. ADJOURN**

9:00 p.m. **NON-PUBLIC SESSION RSA 91-A:3, II (a) (b) (c) (l) – Merrimack TV Training Classroom**

- Staff Welfare
- Legal

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

2022-2023 School Board Assignments

In-District Committee Assignments (* Denotes District Officer; ▪ Denotes Active Engagement)

Assignment	2021-2022	2022-2023
▪School Board Chair*	Cinda Guagliumi	
▪School Board Vice Chair*	Laurie Rothhaus	
▪Budget Committee	Lori Peters	
▪Alternate	Jenna Hardy	
▪ NH School Boards Association (NHSBA) Delegate	Shannon Barnes	
▪Alternate	Cinda Guagliumi	
▪Curriculum/Instruction/Technology (CIT) Committee (2 members)	Jenna Hardy Laurie Rothhaus	
▪School Bus Stop Committee	Lori Peters	
▪ Professional Development Committee	Shannon Barnes	
▪Alternate	Laurie Rothhaus	
▪ Planning & Building Committee:	Lauri Rothhaus	
▪ Wellness Policy Implementation Committee	Lori Peters	
▪ Healthcare Cost Containment Committee	Lori Peters	
▪ District Parent Group	Jenna Hardy	
▪ Alternate	Cinda Guagliumi	
▪ Communications Committee (2 members)	Jenna Hardy Lori Peters	
▪ Superintendent Search (2 members)	Cinda Guagliumi Jenna Hardy	
Collective Bargaining:		
▪ Merrimack Teachers Association #1 (MTA)	Shannon Barnes	
▪ Merrimack Teachers Association #2 (MTA)	Laurie Rothhaus	
Merrimack Education Support Staff Association (MESSA) #1	Shannon Barnes	
Merrimack Education Support Staff Association (MESSA) #2	Lori Peters	
Advise and Confer #1	Cinda Guagliumi	
Advise and Confer #2	Jenna Hardy	

Out-of-District Committee Assignments

Assignment	2021-2022	
▪Grater Woods Subcommittee (SB Rep Position)	Shannon Barnes	
▪Town Center Committee	Matt Shevenell	
▪Parks & Recreation	Laurie Rothhaus	
▪Alternate	Shannon Barnes	
▪Merrimack 275 Anniversary Committee	Laurie Rothhaus	
OTHER BOARD WORK (as assigned by the organization, not school Board):		

Explanation of School Board Assignments

Committee	Tentative Time Commitment	Focus
Budget Committee	Evening meetings	Is in receipt of end of year school district fiscal report; examines the School Board's budget as it goes through the review process in preparation for approval by the Budget Committee.
New Hampshire School Boards Association (NHSBA) Delegate	Convenes on a Saturday in January	Attends a Delegate Assembly. Represents Merrimack School Board members' positions.
Southeastern Regional Education Service Center (SERESC) Board of Directors	Convenes monthly from 5:00 to 6:30 p.m. and as needed.	Becomes informed about and promotes the services offered by the Southeastern Regional Education Service Center (SERESC).
Curriculum, Instruction Technology Integration Committee (CIT-formerly PERC)	Normally meets second Tuesday of each month during the school year from 3:30 to 5:00 p.m. or as needed.	To discuss, review and recommend curriculum, instruction and assessment materials in all formats as well as technology systems to determine they are academically and aligned to student need.
School Bus Stop	Meets as needed	Takes under advisement parent requests for additional bus stops and/or bus issues that need further review.

Committee	Tentative Time Commitment	Focus
Professional Development Committee	Meets second Thursday of each month during the school year from 3:30 to 5:00 p.m.	Considers issues pertinent to the professional growth of educators and support staff in the district. Ensures that the Local Master Plan for Professional Development is revised and fulfilled as stipulated by state requirements.
Planning and Building Committee	Meets the second and/or fourth Monday of the month at 7:00 p.m.	Is an advisory group to the School Board; completes assignments or charges assigned by the School Board related to school facilities.
Parks and Recreation Committee	Meets the third Wednesday of the month at 7:15 p.m.	Keeps the School Board informed about the town's Parks and Recreation agenda that might inform the board's decision making.
Wellness Policy Implementation Committee	Meets quarterly or as needed, primarily at the close of the school day.	Implements the district's wellness policy.

Committee	Tentative Time Commitment	Focus
<u>Collective Bargaining or Advise & Confer</u> MTA (Professional Staff) MESSA (Support Staff)	Begins meeting in the fall with frequent meetings thereafter during contract negotiation years.	Formulates a collective bargaining agreement with the professional staff or support staff. Formulates an agreement through an Advise & Confer process with Principals/Assistant Principals and Directors of Student Services and Technology/Library Media.
Healthcare Cost Containment Committee	Meets the first Wednesday of each month during the school year from 3:30 p.m. to 5:00 p.m. Meets quarterly from 7:00 p.m. to 8:00 p.m.	Implements strategies to assist employees in becoming knowledgeable about their healthcare plan. Discusses issues pertinent to the officers of the school parent groups and becomes informed about district programs.
District Parent Group Committee		
Town Center Committee	Meets on the 3 rd or 4 th Friday of each month at 12:00 noon.	To implement the Merrimack Town Center Pedestrian and Trail Master Plan.

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

From: Everett V. Olsen, Jr.

Date: April 28, 2022

Subject: Summer Board Meeting Dates

Please bring your calendars on Monday night in preparation for conversation regarding summer School Board meeting dates.

June 2022

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

August 2022

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

July 2022

S	M	T	W	T	F	S
					1	2
3	X	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September 2022

S	M	T	W	T	F	S
				1	2	3
4	X	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

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: Laurie Rothhaus
Lori Peters
Jenna Hardy

Naomi Halter
Ken Martin
Kaitlyn Vadney

From: Everett V. Olsen, Jr.

Date: April 28, 2022

Subject: Hire at Will

As in prior years, I am requesting that the School Board grant administrators authority to offer conditional contracts to candidates for professional staff openings. This act will preclude talented individuals from choosing a position in another district and assist the administrative team in the hiring process when there are fewer board meetings during the summer months.

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: Laurie Rothhaus
Lori Peters
Jenna Hardy

Naomi Halter
Ken Martin
Kaitlyn Vadney

From: Everett V. Olsen, Jr.

Date: April 28, 2022

Subject: Student Behavior, Conduct, Discipline and Due Process Policy

At the April 18, 2022 school board meeting, Chair Rothhaus made several good comments pertaining to the proposed Student Behavior, Conduct, Discipline and Due Process Policy. Specifically the following questions were asked and I will offer a response based on my best judgement.

Comment: "What defined the level of offenses?"

Answer: Throughout the policy document there are specific examples of misconduct (offenses) that could potentially result in the discipline associated with such misconduct. I do believe that we should follow the language of the policy since it meets the language of the statute.

Comment: What does "rewarding" students mean?

Answer: Rewards (such as tokens, etc.) are assumed to be behavior modification strategies that may be employed on a regular basis prior to any occurrence of misconduct. Rewards are to be used as a preventive measure and not to appease a student who has demonstrated poor choices.

Comment: There is a question regarding "removal of material" (page 4 of 12).

Answer: I have decided to strike this disciplinary consequence from the document as I believe that this "consequence" can be handled in a more constructive manner.

I do hope that we will be able to approve this policy since we need to be in compliance with the revised state statute.

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;
- 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: March 7, 2022

3rd Review: March 21, 2022

4th Review: April 18, 2022

5th Review: May 2, 2022

Revised:

**Merrimack School Board Special Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
April 18, 2022**

**6:00 p.m. – Non-Public Session pursuant to RSA 91-A:3, II (a) (b) (c)
Merrimack TV Training Classroom**

• **Staff Welfare**

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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

2. SCHOOL BOARD REORGANIZATION

Chair

MOTION: Board Member Peters made a motion to nominate Ms. Laurie Rothhaus as Chair of the School Board. Board Member Martin seconded the motion.

There were no other nominations.

The motion passed 5 – 0 – 0.

Vice-Chair

MOTION: Chair Rothhaus made a motion to nominate Board Member Peters as Vice-Chair of the School Board.

There were no other nominations.

The motion passed 5 – 0 – 0.

As Chair Rothhaus had a medical issue concerning her hearing, she asked Vice-Chair Peters to lead the meeting.

3. COMMITMENT TO BOARD CODE OF ETHICS

Vice-Chair Peters welcomed Mr. Ken Martin and Ms. Naomi Halter as new members of the School Board.

The Board collectively read aloud from the Merrimack School Board Code of Ethics.

52
53 **4. PUBLIC PARTICIPATION**
54

55 Vice-Chair Peters noted although the Board was no longer accepting public comments via email
56 that would be read into the record, the Board would still read all emails sent to them by members
57 of the public.
58

59 There was no public participation.
60

61 **5. RECOGNITIONS**
62

63 There were none.
64

65 **6. INFORMATIONAL UPDATES**
66

67 a. Superintendent Update
68

69 Interim Chief Educational Officer Olsen said the Merrimack Middle School had put on a wonderful
70 production of "Peter Pan" a few weeks prior. He also congratulated the students at the Merrimack
71 High School for their recent production of "Once Upon a Mattress" under the direction of Mr. Matt
72 McGuinness, Music Teacher at Thorntons Ferry Elementary School.
73

74 Interim Chief Educational Officer Olsen congratulated the Merrimack High School's Robotics team
75 as they received an offer to attend the FIRST World Robotics Competition in Houston, TX. He
76 thanked Mr. Matthew Gauge who was the advisor to the group.
77

78 Interim Chief Educational Officer Olsen said the tentative last day of school for students would be
79 June 21, 2022, noting it would be a half-day.
80

81 b. Assistant Superintendent of Curriculum Update
82

83 Assistant Superintendent of Curriculum Yarlott said the curriculum for social studies and health was
84 in the process of being rewritten. She said the Visioning Task Force had met and they finished the
85 research phase of the project and also met regarding UDL (Universal Design for Learning) where
86 they did a deep data dive regarding the progression of data over the past three years.
87

88 c. Assistant Superintendent of Business Update
89

90 Assistant Superintendent for Business Shevenell thanked the voters of Merrimack for passing the
91 operating budget, the two teacher contracts, and the Thorntons Ferry roof project.
92

93 d. School Board Update
94

95 Chair Rothhaus welcomed the new members of the School Board, Ms. Naomi Halter, and Mr. Ken
96 Martin.
97

98 e. Student Representative Update
99

100 Student Representative Vadney said the prom would be held on Friday, May 13, 2022. She also
101 said the senior week would start the week of June 13th.
102
103

104 **7. OLD BUSINESS**

105
106 There was no old business.

107
108 **8. NEW BUSINESS**

- 109
110 a. Request from the U.S. Department of Education for Reeds Ferry Elementary School
111 to Participate in an Early Childhood Longitudinal Study (ECLS)

112
113 Interim Chief Educational Officer Olsen said the survey had been done for over 20 years by the
114 U.S. Department of Education through the National Center for Education Statistics (NCES). He
115 said school districts were randomly selected and the Reeds Ferry Elementary School had been
116 selected for a field test study in the fall of 2022. He noted he did not see any downside to
117 administering the survey and recommended the Board's approval.

118
119 Vice-Chair Peters noted surveys were not administered without parental permission.

120
121 **MOTION:** Board Member Martin made a motion to approve the request. Board Member Hardy
122 seconded the motion.

123
124 **The motion passed 5 – 0 – 0.**

- 125
126 b. Review and Approval of the Document Entitled "General Assurances, Requirements,
127 and Definitions for Participation in Federal Programs"

128
129 Interim Chief Educational Officer Olsen explained the above document required annual approval
130 and was for any school system or agency that received federal grant funds. He said the document
131 was a statement of assurances that the district was qualified to receive such grant funds, they were
132 competent to spend them, they would be spent appropriately, exercise their fiduciary responsibility,
133 and adhere to all statutory requirements.

134
135 **MOTION:** Board Member Hardy made a motion to approve the document entitled General
136 Assurances, Requirements, and Definitions for Participation in Federal Program. Chair Rothhaus
137 seconded the motion.

138
139 **The motion passed 5 – 0 – 0.**

- 140
141 c. Other

142
143 Chair Rothhaus said she would like to pick a date in June when the Board could meet to discuss its
144 goals and vision.

145
146 Chair Rothhaus also said she would be sending out committee assignments and encouraged Board
147 members to let her know what their preference was.

148
149 **9. POLICIES**

- 150
151 a. Review of Student Behavior, Conduct, Discipline, and Due Process (JICD) (4th Reading)

152
153 Chair Rothhaus said she felt the policy could dig deeper in terms of what defined the level of
154 offenses. She also said she would like to hear more about what "rewarding" students meant, and
155 what the removal of materials meant. Interim Chief Educational Officer Olsen replied he would be
156 happy to review the suggested items.

158 **8. APPROVAL OF MINUTES**

159
160 a. March 29, 2022 – Non-Public Minutes
161

162 **MOTION:** Chair Rothhaus made a motion to approve the non-public minutes from March 29, 2022,
163 as presented. Board Member Hardy seconded the motion.
164

165 **The motion passed 4 – 0 – 1. (Abstained – Board Member Halter)**
166

167 b. April 4, 2022 – Public Minutes
168

169 **MOTION:** Chair Rothhaus made a motion to approve the minutes from April 4, 2022, as presented.
170 Board Member Hardy seconded the motion.
171

172 **The motion passed 3 – 0 – 2. (Abstained – Board Member Halter & Board Member Martin)**
173

174 c. April 11, 2022 – Non-Public Minutes
175

176 **MOTION:** Vice-Chair Peters made a motion to approve the non-public minutes from April 11, 2022,
177 meeting, as presented. Chair Rothhaus seconded the motion.
178

179 **The motion passed 3 – 0 – 2. (Abstained – Board Member Halter & Board Member Martin)**
180

181 **9. CONSENT AGENDA**
182

183 a. Educator Retirements

- 184
 - Ms. Eileen Banfield, English Teacher, Merrimack High School
 - Ms. Theresa Taylor, Special Education Teacher, Reeds Ferry Elementary School
186

187 b. Educator Resignations

- 188
 - Mr. Stockton MacInnes, Behavior Specialist, Reeds Ferry Elementary School
 - Ms. Lindsay Belmont, Special Education Teacher, Merrimack Middle School
 - Ms. Michelle Stover, Science Teacher, Merrimack Middle School
 - Ms. Michelle Ettelson, Social Studies Teacher, Merrimack High School
 - Ms. Clarissa McHale, World Language Teacher, Merrimack Middle School
193

194 c. Administrator Resignation

- 195
 - Ms. Michaela Champlin, Assistant Principal, Thorntons Ferry Elementary School
196

197 d. Administrator Nomination

- 198
 - Ms. Amanda (Amy) Doyle, Assistant Superintendent for Curriculum, Instruction
199

200 e. Approval of Administration of Federal Grant Funds Policy (DAF)
201

202 **MOTION:** Board Member Martin made a motion to accept the Consent Agenda, as presented.
203 Board Member Hardy seconded the motion.
204

205 **The motion passed 5 – 0 – 0.**
206
207
208

209 **11. OTHER**

210
211 a. Committee Reports

212
213 There were no Committee Reports.

214
215 b. Correspondence

216
217 Board Member Hardy stated that Board Members Halter and Martin and herself received an email
218 that evening from a constituent regarding the School Board reorganization.

219
220 c. Comments

221
222 Chair Rothhaus thanked the community for their support of the teachers at the Merrimack School
223 District at the most recent election.

224
225 Board Member Martin thanked the citizens of Merrimack for their vote to seat him on the School
226 Board.

227
228 Vice-Chair Peters said the Board had discussed the subject of Administrative Evaluations multiple
229 times and asked Interim Chief Educational Officer Olsen how that was progressing. Interim Chief
230 Educational Officer Olsen replied they were continuing to review drafts in multiple domains and
231 would be completed by the end of the year.

232
233 Vice-Chair Peters said she appreciated the data regarding the number of students that left and did
234 not graduate. She asked if the leadership team had the opportunity to discuss developing a plan
235 that they could track. She also asked what where the faculty qualifications in the HiSET (High
236 School Equivalency) Program. Interim Chief Educational Officer Olsen replied the students took
237 the HiSET at the Nashua Adult Learning Center and a staff member from the high school, Paula
238 Albanese, Transitional Coordinator, administered pre-tests and provided tutoring to the students.

239
240 Interim Chief Educational Officer Olsen said one of the things they were looking at for the 2023/2224
241 school year was to develop a very robust Alternative Pathways Program at the high school. He
242 said they would start the process of developing the program soon.

243
244 **12. PUBLIC COMMENTS ON AGENDA ITEMS**

245
246 There were no public comments.

247
248 **MOTION:** At approximately 7:40 p.m. Board Member Hardy made a motion to adjourn. Board
249 Member Martin seconded the motion.

250
251 **The motion passed 5 – 0 – 0.**