

**Merrimack School District/SAU 26
School Board Meeting
Preliminary Agenda
September 12, 2022
Merrimack Town Hall – Matthew Thornton Room**

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

- Negotiations
- Legal

PUBLIC MEETING

- | | |
|--|-----------------|
| 7:00 p.m. 1. CALL TO ORDER and PLEDGE OF ALLEGIANCE | Laurie Rothhaus |
| a. Introduction of Student Representative to School Board | Lori Peters |
| 7:05 p.m. 2. PUBLIC PARTICIPATION | Lori Peters |
| 7:30 p.m. 3. RECOGNITIONS | Lori Peters |
| 7:40 p.m. 4. INFORMATIONAL UPDATES | Lori Peters |
| a. Superintendent Update | |
| b. Assistant Superintendent for Curriculum Update | |
| c. Assistant Superintendent for Business Update | |
| d. School Board Update | |
| e. Student Representative Update | |
| 7:55 p.m. 5. OLD BUSINESS | Lori Peters |
| a. Review of Interim Chief Educational Officer's performance for 2021-2022 School Year | |
| 8:05 p.m. 6. NEW BUSINESS | Lori Peters |
| a. Review of Staff Professional Development | Amanda Doyle |
| b. Other | |
| 8:20 p.m. 7. POLICIES | Lori Peters |
| a. Student Records and Access (JRA) | |
| b. Change of Class or School Assignment Best Interest and Manifest Hardship (JCA) | |
| 8:35 p.m. 8. APPROVAL OF MINUTES | Lori Peters |
| a. July 25, 2022 Non-Public Minutes | |
| b. August 23, 2022 Public and Non-Public | |
| 8:40 p.m. 9. CONSENT AGENDA | Amanda Doyle |
| a. Educator Resignation | |
| b. Educator Nominations | |
| 8:45 p.m. 10. ACCEPTANCE OF GIFTS/GRANTS Under \$5,000 | Matt Shevenell |
| a. Merrimack Friends & Families to Merrimack School District for \$1,000 | |
| 8:50 p.m. 11. OTHER | Lori Peters |
| a. Committee Reports | |
| b. Correspondence | |
| c. Comments | |
| 10:00 p.m. 12. PUBLIC COMMENTS ON AGENDA ITEMS | Lori Peters |
| 10:20 p.m. 13. ADJOURN to Non-Public Session, if needed | Lori Peters |
| 14. NON-PUBLIC SESSION RSA 91-A:3, II (a) (b) (c) – Merrimack TV Training Classroom | |
| • Legal | |
| • Negotiations | |

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



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

AMANDA S. DOYLE
Assistant Superintendent for Curriculum

EVERETT V. OLSEN JR.
Interim Chief Educational Officer

MATTHEW D. SHEVENELL
Assistant Superintendent for Business

Merrimack School District
Professional Learning
2022-2023

Date	Professional Learning Activity Overview
Monday, August 29, 2022 Full Day	<i>Classroom/Office Set-Up Day</i> <ul style="list-style-type: none"> Teachers and all MTA covered staff reported to individual schools to prepare their professional space to receive students.
Tuesday, August 30, 2022 Full Day	<i>Building Day</i> <ul style="list-style-type: none"> Building administration led this day, which consisted of meetings, collaboration time, and other necessary activities.
Friday, September 2, 2022 Full Day	<i>Professional Learning Day</i> <ul style="list-style-type: none"> This day included an important safety training presentation by Elementary SRO Detective Bill Vandersyde of the Merrimack Police Department. Assistant Fire Chief Dan Newman was also on hand to provide additional information to our staff. Training was provided from our technology team related to digital learning tools. Middle and High School Staff continued their work on executive functioning with expert, Peg Dawson. Our newly formed SEL PLT, which includes nurses, school counselors, behavior specialists, etc., had their initial meeting.
Friday, October 7, 2022 Full Day	<i>Professional Learning Day</i> <ul style="list-style-type: none"> Elementary & Middle School Classroom Teachers will have a facilitated overview of Responsive Classroom. Advanced training will be available for those teachers who have already taken the 4-day course. Preschool Teachers, Special Education Teachers, Special Education Administrative Assistants will receive compliance-related training from the DOE as a result of our recent onsite visit. Elementary & Middle School Unified Arts Teachers, Librarians will receive training on using EduPlanet 21 training and will use the tool to begin/continue work on curriculum development, revisions, and alignment. Title 1 Tutors will receive specialized training from our Title I Coordinator. All MHS Teachers will work on unpacking their NEASC Report. Paraeducators and Support Staff will receive specialized training on supporting students in the classroom. SEL PLT (Counselors, Nurses, SEL Specialists) will meet to discuss the forthcoming plan that will be provided to the School Board (Goal #1, Strategic Objective #3), as well as our SEL curriculum and bullying program.

Tuesday, November 22, 2022 Early Release	<i>District Day</i> <ul style="list-style-type: none"> • Presentation of <i>Vision of a Learner in the Merrimack School District</i>. We hope to have our visuals and media ready to share with the community!
Friday, January 13, 2023 Early Release	<i>Suicide Prevention Training</i> <ul style="list-style-type: none"> • This required training will be facilitated by professionals from UNH.
Friday, March 24, 2023 Early Release	<i>Curriculum Development</i> <ul style="list-style-type: none"> • Revisions, updates, and alignment in EduPlanet 21.
Friday, May 26, 2023 Early Release	<i>Curriculum Development</i> <ul style="list-style-type: none"> • Revisions, updates, and alignment in EduPlanet 21 • Progress will be used to develop planning for work in Summer 2023
Friday, June 16, 2023 (Tentative)	<i>½ Day Teacher Workshop</i> <ul style="list-style-type: none"> • Culminating activities for the 2022-2023 school year.

*These activities are subjected to change with notice.

**Merrimack School Board Special Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
August 23, 2022**

**6:00 p.m. – NON-PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:3, II (a) (b) (c) –
Merrimack TV Training Classroom**

- 1. Student Welfare**
- 2. Staff Welfare**
- 3. Legal**

Present: Chair Rothhaus, Board Member Hardy, and Board Member Halter. Also present were Assistant Superintendent for Business Shevenell, and Assistant Superintendent for Curriculum, Instruction & Assessment Doyle.

Not Present: Vice-Chair Peters – Excused
Board Member Martin – Excused (Arrived at approximately 8:00 p.m.)
Student Representative Vadney – Excused

Chair Rothhaus stated that Interim Chief Educational Officer Olsen would be participating via telephone. She noted that Board Member Hardy would conduct the meeting.

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. PUBLIC PARTICIPATION

There was no public comment.

3. RECOGNITIONS

Interim Chief Educational Officer Olsen said that Jack Paepke, a fifth-grade student, had qualified to compete in the Regional 2022 Major League Baseball Red Sox Pitch, Hit, & Run Team Championship held at Fenway Park on August 13th. He added Jack won in his age group.

4. INFORMATIONAL UPDATES

a. Superintendent Update

Interim Chief Educational Officer Olsen said that school would begin on August 31st with staggered start times to allow students transitioning into a new school to get acclimated.

Interim Chief Educational Officer Olsen said the leadership retreat was very productive. He said the goal over the next few years would be re-culturing the organization in a positive way.

b. Assistant Superintendent of Curriculum Update

Assistant Superintendent of Curriculum Doyle said the Social Studies department and the team continued to put the curriculum into EduPlanet, the Language Art team met where they performed a deep data dive into the New Hampshire SAS (Statewide Assessment System) results. She said the math team had also met and would meet again and perform a similar dive into the math data.

c. Assistant Superintendent for Business Update

Assistant Superintendent for Business Shevenell announced that due to the increased utilization of PowerSchool, the district acquired the services of Mr. Adam Goodman who used to be the Technology Coordinator for grades 5 through 8. He said Mr. Goodman would also take on grades K through 4.

d. School Board Update

Chair Rothhaus said that the School Board was still looking for a date to meet with the Budget Committee to talk about the most crucial needs including school safety. She also said the September School Board meeting would be listed as "TBA" as they needed to make sure there was a quorum of members in attendance.

Chair Rothhaus commented that the Board wanted to thank the administrators for all of their focused work during the summer. It was very much appreciated and she welcomed the entire staff back to school.

e. Student Representative Update

There was no update.

5. OLD BUSINESS

a. Student Enrollment Update

Interim Chief Educational Officer Olsen said the enrollments at the elementary level were excellent.

6. NEW BUSINESS

- a. State Assessments Results (The full presentation can be found at www.sau26.org with the supportive material for the August 23, 2022 school board meeting.)

Assistant Superintendent of Curriculum Doyle said the New Hampshire Statewide Assessment System was a comprehensive assessment program designed to provide information about what students knew in core academic areas. She added it was currently used for English Language Arts (ELA), Mathematics, and Science. Assistant Superintendent of Curriculum Doyle explained the assessment was administrated annually in the spring and noted it was not conducted in the spring of 2020 due to COVID. She reviewed the State Assessment Results for grades 3 through 8 as summarized below: (Overall District Results)

- Grade 3 Overall Math Score: 52.5% Proficient
- Grade 3 Overall ELA Score: 55.3% Proficient
- Grade 4 Overall Math Score: 48.9% Proficient
- Grade 4 Overall ELA Score: 45.4% Proficient

- Grade 5 Overall Math Score: 28.7% Proficient
- Grade 5 Overall ELA Score: 55.7% Proficient
- Grade 5 Overall Science Score: 29.2% Proficient
- Grade 6 Overall Math Score: 46.5% Proficient
- Grade 6 Overall ELA Score: 56.7% Proficient
- Grade 7 Overall Math Score: 31.3% Proficient
- Grade 7 Overall ELA Score: 47.8% Proficient
- Grade 8 Overall Math Score: 22.4% Proficient
- Grade 8 Overall ELA Score: 43.1% Proficient
- Grade 8 Overall Science Score: 20.6% Proficient
- Grade 11 Overall Science Score: 38.9% Proficient

Assistant Superintendent of Curriculum Doyle reviewed the Spring 2022 SAT scores noting that the district's overall score was 988.

Assistant Superintendent of Curriculum Doyle stated one of the things that may help increase the proficiency would be updating and revising the curriculum which was already being done. She also said each member of the administrative team felt an urgency to address the scores.

Chair Rothhaus said she felt it was important to find a common reading program at all three elementary schools. She also said she was concerned with the math scores, particularly in grade 5, and felt it was urgent to get support to those students who were below proficiency.

Board Member Hardy commented that she felt it was important to have multi-tiered support for academics. She also said she felt it was important for the district to look into something like the i-Ready Program. Assistant Superintendent of Curriculum Doyle replied that the district did have a multi-tiered approach to providing support for students. She also said it may be a good idea to look into the cost of hiring math interventionists.

Board Member Halter commented that everyone's goal was to improve outcomes for the students.

b. Student Handbooks

Interim Chief Educational Officer Olsen said the student handbooks should be completed by the end of the week.

c. Leadership Retreat

Interim Chief Educational Officer Olsen stated the leadership retreat was held on August 3rd and August 4th and included an extensive presentation from Mr. John D'Auria entitled "The Impact of Culture." He said it included the art of balancing psychological safety and accountability. He further said the district was working on creating and enhancing a professional approach to resolving all issues.

d. Summer Projects Update

Assistant Superintendent for Business Shevenell reviewed the summer project updates as summarized below:

- Concession stand had been painted.
- The windows project at Merrimack High School was complete.
- The Thornton's Ferry playground was complete sans a little bit more mulch and curbing.
- Drainage at the southern courtyard at Reeds Ferry Elementary School had been mitigated.
- The annual audit was done. Last year the district returned \$8.163 million to the Town of Merrimack to reduce taxes.

Recorder's Note: Board Member Martin arrived at the meeting at approximately 8:00 p.m.

e. First Meeting in September

Chair Rothhaus said the first meeting in September would be announced at a future date.

f. Other

Chair Rothhaus commented that the Board wanted to give students at the high school the opportunity to have extended learning credits.

7. POLICIES

There were no policies to address.

8. APPROVAL OF MINUTES

a. July 25, 2022 – Public Meeting

MOTION: Board Member Halter made a motion to approve the minutes of the July 25, 2022, meeting, as presented. Board Member Martin seconded the motion.

The motion passed 4 – 0 – 0.

9. CONSENT AGENDA

a. Teacher Nominations

Richard Loftus, In-School Interventionist, Merrimack Middle School
Inas Dirani, Science Teacher, Merrimack High School
Carolyn Guerette, Grade 2 Teacher, James Mastricola Elementary School
Micayla Eason, Math Teacher, Merrimack High School
Beth Haverkamp-Powers, English Teacher, Merrimack High School
Hayley Smith, One-Year Music Teacher, Reeds Ferry Elementary School
Kayleigh Roper, Language Arts Teacher, Merrimack Middle School
Karl Safko, Social Studies Teacher, Merrimack High School
Cheryl Craig, Digital Learning Specialist, Reeds Ferry & James Mastricola Elementary
Melanie Smith, Speech & Language Pathologist, Student Services

Racheal Allen, Preschool Teacher, James Mastricola Elementary School
Katy Angelone, Grade 5 Teacher, James Mastricola Upper Elementary School
Sarah Fegen, Special Education Teacher, Merrimack Middle School

b. Professional Staff Resignations

Kimberly Chouinard, Preschool Teacher, Thorntons Ferry Elementary School
Christina Lopez, Guidance Counselor, Merrimack Middle School
Athena Anger, Technology Education Teacher, Merrimack Middle School
Michele Sheremeta, Special Education Teacher, Merrimack High School
Kyle Morrill, Social Studies Teacher, Merrimack High School
Stephanie Carberry, Social Studies Teacher, Merrimack High School
Lindsey Seibert, Social Studies Teacher, Merrimack High School
Alexandra McCafferty, Grade 5 Teacher, James Mastricola Upper Elementary School

MOTION: Board Member Martin made a motion to accept the Consent Agenda, as presented.
Chair Rothhaus seconded the motion.

The motion passed 4 – 0 – 0.

10. OTHER

a. Committee Reports

Board Member Halter stated that she had attended the Parks & Recreation Committee meeting where they discussed their five-year capital improvement proposal.

b. Correspondence

Chair Rothhaus said she received a piece of correspondence from someone thanking the Board for their efforts and felt that the School District and the School Board were working very well together.

Board Member Hardy said she received correspondence from a parent who had concerns about the high school Computer Usage Policy. Assistant Superintendent for Business Shevenell commented that they were going to walk the policy back a bit and see how it went in the current school year.

c. Comments

Chair Rothhaus thanked Assistant Superintendent of Curriculum Doyle for all of her work surrounding the data collected regarding the state reporting.

11. PUBLIC COMMENTS ON AGENDA ITEMS

There were no public comments.

12. ADJOURN

MOTION: At approximately 8:12 p.m. Board Member Halter made a motion to adjourn. Board Member Martin seconded the motion.

The motion passed 4 – 0 – 0.

**Merrimack School District
Gifts and Grants Acceptance Form**

Name of Recipient: Merrimack School District
School Name

Name of Donor: Merrimack Friends & Families
Name
PO Box 1516
Street Address
Merrimack NH 03054
Town/City State Zip Code

Amount of Gift or Grant: \$1,000.00 **Date of Receipt of Gift or Grant:** 6/30/2022

Please answer each of the following questions:

1. Describe the purpose of gift/grant:

Support students and their families in transition (homeless)

2. Describe any specific restrictions or requirements attached to gift/grant:

None.

3. Describe any recurring costs associated with the gift/grant:

None.

I, Everett V. Olsen, Jr. do hereby determine that it is in the best interest of the Merrimack School District to accept such gift or grant and hereby request the acceptance of the gift/grant by the Merrimack School Board.


Signature

9/7/2022
Date

Principal/Director Interim Chief Educational officer

Published in the _____ on _____
Date

Presented to Merrimack School Board (Public Hearing) _____
Date

Accepted by Merrimack School Board on _____
Date

By a vote of ____ - ____ - ____.

All Gifts and Grants to the Merrimack School District are to be accepted in accordance with RSA 198:20b and Warrant Article II of the 1991 Annual Merrimack School District Meeting.

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School Administrative Unit #26
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AMANDA S. DOYLE
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: September 8, 2022

Subject: Policies JCA and JRA

We are committed to reviewing and updating our school district policies throughout the upcoming school year (and beyond). At Monday's meeting I will discuss the two policies listed below such that we can begin the process of review and adoption.

JCA – Change of Class or School Assignment on the Basis of Best Interest or Manifest Educational Hardship

This is a policy that we are required to have and as of the present do not have among our district policies. New Hampshire RSA 193:3 allows a parent or guardian to apply to the Superintendent of the student's district of residence if the parent or guardian believes it would be in the best interest of the student to change the student's school or assignment. The policy outlines the procedural requirements necessary to comply with the statute.

JRA – Student Records and Access

The policy that the school district presently has that cryptically addresses student records and access dates back over 30 years! A revised, updated policy was drafted in 2018 but never presented to the school board for review. This policy has been reviewed by legal counsel for compliance with pertinent statutes.

CURRENT POLICIES

3120

Student Lists

The Family Education Rights and Privacy Act of 1974 allows the Merrimack School District to disclose certain personally identifiable information from the educational records of a student if the information has been designated as directory information. Parents/guardians or students eighteen years of age may refuse designation of any or all of the aforementioned directory information for a specific student. Refer to Administrative Procedures 3120 and 6002 for further information.

3150

Right to Access

Following the guidelines set forth by Newell J. Paire, Commissioner of Education, on April 16, 1975, and in accordance with P.L. 93-380, parent(s)/guardian(s) may review the school records of their child and may challenge any specific item(s) therein. Refer to Administrative Procedure 3150 for details.

STUDENT RECORDS AND ACCESS

General Statement. It is the policy of the School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

Education Record. For the purposes of this policy and in accordance with FERPS, the term “educational record” is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche.

Directory Information. For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term “directory information:” means:

- Students’ name, address, telephone number, date and place of birth, dates of enrollment
- Parents’/guardians’ name and address
- Students’ grade level, enrollment status and dates of attendance
- Students’ photograph
- Students’ participation in recognized school activities and sports
- Weight and height of members of athletic teams
- Students’ diplomas, certificates, awards and honors received

The District may release or disclose student directory information without prior consent of the student’s parents/eligible students. Within the first three weeks of each school year, the District will provide notice to parents/eligible students that the District may publish directory information without their prior consent. Parents/eligible students will be given until [date to be determined by the Superintendent] to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all direction information shall not be released will only be valid for that school year and must be re-issued each school year.

Personally Identifiable Information. “Personally identifiable information: is defined as data or information which makes the subject of a record known, including a student’s name and student’s or student’s family’s address; the name of the student’s parent or other family members; a personal identifier such as a student’s Social Security number; the student’s date of birth, place of birth, or mother’s maiden name; or other information that, alone or in

STUDENT RECORDS AND ACCESS (continued)

combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

Annual Notification/Rights of Parents and Eligible Students. Within the first ____ weeks of each school year (Superintendent to determine; NHSBA recommends three or four), the District will publish notice to parents and eligible students of their rights under State and Federal law and this policy. The District will send home with each student a notice listing these rights. The notice will include:

1. The rights of parents or eligible students to inspect the review the student's education records;
2. The intent of the District to limit the disclosure of information in a student's record, except:
(a) by the prior written consent of the parent or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
3. The right of a student's parents or an eligible student to seek to correct parts of the student's educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent's or eligible student's request;
4. The right of any person to file a complaint with the United States department of Education if the District violates FERPA; and
5. The procedure that a student's parents or an eligible student should follow to obtain copies of this policy.

Procedure to Inspect Education Records. Parents or eligible students may inspect and review education records which they are entitled to. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student's records may be maintained in several locations, the school principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school principals will determine if a review at that site is reasonable.

STUDENT RECORDS AND ACCESS (continued)

Parents/eligible students should submit to the school principal a written request that identifies as precisely as possible the record or records that he/she wishes to inspect. The principal will contact the parents or the eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The principal will make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed within 30 days or earlier after the principal's receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites or health, a parent or eligible student cannot personally inspect and review a student's education records, the principal may arrange for the parent or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible students may not inspect and review the records of the other students. If such records do contain the names of other students, the principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed.

Procedures To Seek To Correction of Education Records. Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. To establish an orderly process to review and correct the education records for a requester, following processes are established.

1. First-level decision. When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the principal should make the correction. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date and records were changed and that the parent/eligible student is satisfied with the correction.

If the principal believes that the record should not be changed, he/she shall:

1. Provide the requester a copy of the questioned records at no cost;
2. Ask the parent/eligible student to initiate a written request for the change, which will be forwarded to the Superintendent;

**STUDENT RECORDS AND ACCESS
(continued)**

3. Forward the written request to the Superintendent; and
 4. Inform the parents/eligible student that the matter has been forwarded to the Superintendent for subsequent processing.
2. Second-level decision. If the parent/eligible student wishes to challenge the principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/eligible student shall submit a written request to the principal asking that the matter be appealed to the Superintendent. The principal will forward to the Superintendent the request.

The Superintendent shall, within ten business days after receiving notification of the request:

1. Review the request;
2. Discuss the request with other school officials;
3. Make a decision to comply or decline to comply with the request;
4. Schedule a meeting with the parents/eligible student if the Superintendent believes such a meeting would be necessary; and
5. Contact the parents/eligible student of his/her decision concern the request for amendment.

If the Superintendent determines the records should be amended, he/she will make the change and notify the parents/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/eligible student to inspect and review the records to verify that the records have been amended and the correction is satisfactory. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Superintendent determines the records are will not be amended, he/she will notify the parents/eligible student in writing of his/her decision. Such letter will also notify the parents/eligible student of their right to an appeal hearing before the school board.

3. Third-level decision. If the parents or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the Superintendent's written decision in level-two. The Superintendent will inform the school board of the request for a hearing and

**STUDENT RECORDS AND ACCESS
(continued)**

will work with the school board to schedule a hearing within 45 days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents in writing of the date, time and place of the hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3, unless the parent/eligible student requests that the hearing be held in public session. The school board will give the parent/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request/complaint. Parents/eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney. The school board will issue its final decision in writing within 30 days of the hearing, and will notify the parents/eligible student thereof via certified mail, return receipt requested. The school board will base its decision solely on the evidence presented at the hearing. The school board's written decision will include a summary of the evidence and the reasons for its decision.

If the school board determines that the student record should be changed or amended, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parents/eligible student for a meeting so they can review and inspect the records to verify that they have been changed or amended. At this meeting, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

The school board's decision will be final.

Disclosure of Student Records and Student Information. In addition to directory information, the District may disclose student records and student information without consent to the following parties or under the following conditions.

1. School Officials with a Legitimate Educational Interest. School officials with a legitimate educational interest may access student records. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties.
2. Other schools into which a student is transferring or enrolling.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.

**STUDENT RECORDS AND ACCESS
(continued)**

5. Organizations conducting certain studies for, or on behalf of the school district. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction.
6. Accrediting organizations.
7. Judicial order or lawfully issued subpoenas.
8. Health and safety emergencies.

Maintenance of Student Records and Data. The principal of each building is responsible for record maintenance, access and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents.

The principal will ensure that all records are maintained in accordance with application retention schedules as may be established by law.

All entries into student records must be dated and signed by the person access such records.

Disclosures Made From Education Records. The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made and;

5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

Legal Reference:

RSA 91-A:5,III, Exemptions, Pupil Records

RSA 189:1-e, Directory Information

20 U.S.C. §1232g, Family Educational Rights and Privacy Act

34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

1st Reading: September 12, 2022

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CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP**General Assignment Authority**

The Superintendent has the general authority to assign students to the schools within the District and shall do such in a manner consistent with the Articles of Agreement, and Board Policies. No student shall attend a school to which they have not been assigned. This policy shall not be construed to limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

Class Assignment Authority and Change of Class Assignment

The principal of each school in the District and his/her designees shall have the authority to assign students to their classes and schedule. The principal shall have the authority to change a student's class assignment or schedule when he/she deems it in the best interests of the student or school to do such, provided such change is consistent with any applicable Individualized Education Plan or Section 504 Plan. The principal shall have the broad discretion and authority to make or change a student's class assignment for reasons such as, but not limited to, student discipline, a remedial measure to address bullying or conflict between students, student safety concerns, pedagogical reasons, balancing enrollment, addressing staffing concerns, or providing interim supportive measures to students or staff.

The Superintendent shall also have the broad discretion and authority, consistent with state law and Board policies, to change a student's assigned class or schedule, and may, when appropriate, modify or change an assignment made by a principal when she/he deems such to be appropriate. This policy, however, does not limit the Superintendent's discretion to make other in-District class and schedule assignments consistent with applicable Board policies and administrative rules. The decision of the Superintendent as to a student's class assignment or schedule shall be final and shall not be appealable.

Nothing herein shall override the authority of an IEP Team under the IDEA to make a placement, to assign a student to particular classes, or to modify their schedule when deemed necessary to provide a Free Appropriate Education at Public Expense (FAPE). Nothing herein shall override the authority of the Title IX Coordinator to change a student's class assignments or schedule as part of a supportive measure under Title IX.

A. "Best Interest" Reassignment to Another School

In circumstances where the best interests of a student warrant a change of school assignment, the Superintendent or his/her designee is authorized to reassign a student from the public school to which he/she is currently assigned to another public school, either in or out of the District, a public academy in another district, or an approved private school. The Superintendent also has the authority to approve a request from another Superintendent to accept a transfer of a student from another school district to a school within the District. This section sets out the procedures for a "Best Interest" reassignment.

CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP**1. Procedure**

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another public school within the district, a public academy, or an approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he/she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

2. The Superintendent's Finding on Reassignment

In order for a student to be reassigned there must be a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).
- b. If the Superintendent finds it is in the best interest of the student to change the student's school or assignment, the Superintendent shall initiate:
 - i. A change of assignment within the student's current assigned school;
 - ii. The student's transfer to another public school, public academy, or approved private school within the district; or
 - iii. The student's transfer to a public school, public academy, or approved private school in another district.

CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP

- c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

3. The Tuition Determination

If a student is to be reassigned to a public school in another school district or approved public academy as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.

If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. The Superintendent shall consult with legal counsel regarding tuition obligations in such an instance. Any such Agreement shall be subject to approval by the School Board on behalf of the school district and shall be at the sole discretion of the School Board with due consideration given to the fiscal impact of such approval on the district and shall not be granted if in the opinion of the School Board there are other viable public school options for reassignment.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled board meeting.

4. Transportation

Transportation for a student reassigned to a school in another district under this Section A (Best Interest) shall be the responsibility of the parent/guardian.

5. Tuition for Students Reassigned by Other Districts

Pursuant to RSA 193:3, I, it is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this district under the best interest standard of 193:3, I shall be the lesser of the tuition charged for non-residential students under Board policy JFAB or as computed under the formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g. reciprocal assignments between the two districts).

CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP**6. Final Decision**

The decision of the Superintendent shall be final and any appeal shall be limited to the process set forth in paragraph B., herein.

7. Annual Review

A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at his/her discretion, waive the review when he/she deems such to be appropriate.

B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may within thirty (30) days submit a request to the Superintendent for a hearing before the School Board in accord with paragraph 2 herein, to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined

As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.

2. Procedure for Determination of Manifest Educational Hardship

- a. Within thirty (30) days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph A.2.a. above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.

CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP

- b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than fifteen (15) days after the request has been received by the Superintendent. The Board shall provide at least two (2) full days notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
- c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend another public school or approved private school in the district, or attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
- d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he/she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
- e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.
- f. The Board will render its decision in writing within seven (7) days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Department of Education Rule Ed 320(c)-(e).

3. Finding of Manifest Educational Hardship

If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student to another public school or approved private school in the district, or to a public school, public academy, or approved private school in another district.

CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP**4. Finding that Manifest Educational Hardship Was Not Established – Appeals to the New Hampshire State Board of Education**

If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education (SBOE), within thirty (30) days of receipt of the Board's written decision in accordance with New Hampshire Department of Education Rule Ed 204.01(g). If a parent/guardian believes that denial of a re-assignment under this policy upon the child's disability, the parent/guardian may appeal to the SBOE or file a complaint with the New Hampshire Human Rights Commission under RSA 354-A:28

5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship

If, after a finding of a manifest educational hardship – by either the School Board or the State Board – a student of the district is assigned to a school in this district, the district in which the student resides shall pay tuition to the district to which the child is reassigned.

Such tuition shall be computed according to RSA 193:4. The School Board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

6. Transportation

Transportation for a student reassigned to schools in another district under this section B (manifest educational hardship) shall not be the responsibility of the district unless otherwise ordered by the SBOE.

7. Review

A reassignment on the basis of manifest educational hardship shall be limited to no longer than the end of the ensuing school year and shall be subject to review by the School Board prior to any subsequent school year to determine that the manifest educational hardship still exists, with the understanding that the Board may, at its discretion, waive the review when it deems such to be appropriate.

C. Admission Requirements

Students reassigned under this policy shall meet the admission requirements of the school to which the student is to be reassigned.

CHANGE OF CLASS OR SCHOOL ASSIGNMENT ON THE BASIS OF BEST INTEREST OR MANIFEST EDUCATIONAL HARDSHIP**D. Statutory Reassignment Limit**

The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.

E. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation

Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the district to which the pupil was assigned.

F. Notice to the Department of Education

The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.

G. Special Education Placements.

A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

Legal References:

RSA 193:3, III, Change of School Assignment
RSA 193:3, I, II, Manifest Educational Hardship
RSA 193:14-a, Change of School Assignment; Duties of State Board of Education
Ed320.01 et seq.

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