

Merrimack School District/SAU 26
School Board Meeting
Preliminary Agenda
March 7, 2022
Merrimack Town Hall – Matthew Thornton Room

Send public comments to: publiccomment@sau26.org. Comments must be received between the start of the meeting on March 7, 2022 at 7:00 p.m. and Agenda Item #12. Based on the volume of public comments received, the board chair will determine if all public comments can be read. If not, they will be incorporated into the meeting minutes.

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

PUBLIC MEETING

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

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

3. RECOGNITIONS

7:20 p.m. **4. INFORMATIONAL UPDATES**

- 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

7:30 p.m. **6. NEW BUSINESS**

- a. The Vision of a Merrimack High School Graduate Kimberly Yarlott, Steve Claire,
Angela Maslanka and Jessica Gott
- b. Other

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

- a. Second Review of Revised Student Conduct, Discipline and Due Process Policy (JICD) Everett Olsen

8:20 p.m. **8. APPROVAL OF MINUTES**

Cinda Guagliumi

- a. February 15, 2022 Public Minutes
- b. February 21, 2022 Non-Public Minutes

8:25 p.m. **9. CONSENT AGENDA**

- a. Administrator Retirements Kimberly Yarlott
- b. Approval of Revised Drug-Free Workplace/Drug-Free Schools Policy (GBEC)
- c. Approval of Employment References and Verification (GADA)

8:35 p.m. **10. ACCEPTANCE OF GIFTS/GRANTS Under \$5,000**

Matt Shevenell

- a. HealthTrust to Merrimack School District for \$3,000

8:40 p.m. **11. OTHER**

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

8:45 p.m. **12. PUBLIC COMMENTS ON AGENDA ITEMS**

9:00 p.m. **13. ADJOURN**

MERRIMACK SCHOOL BOARD POLICY**JICD**

STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS
Safe School Zone

The Board endorses the following principles of student conduct:

1. Respect for law and those given authority to administer it shall be expected of all students. This includes conformity to school rules as well as to general provisions of the law regarding minors.
2. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community.
3. Respect for the real and personal property, pride in one's work, and exemplary personal standards for courtesy, decency, honesty, and wholesome attitudes shall be maintained.
4. Respect for individual worth and diversity is the obligation of the school. Diligence and a desire to benefit from the opportunity is the obligation of the students.

The Board expects student conduct to contribute to a productive learning climate. Individual rights are to be honored and protected in all instances; however, the rights of one individual shall not take precedence over those of another individual or of the group itself, and all students shall have equal rights and equal responsibilities in the classroom or at any school-sponsored activity.

The Board further recognizes the right of each school to establish disciplinary procedures in accordance with RSA 193:13 and RSA 193-D through the development of administrative procedures which are approved by the Superintendent or his/her designee. Due process shall be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 19:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:14, IV. In addition, the District shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA) and the NH Rule for the Education of Children with Disabilities when disciplining students.

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils

RSA 189:15, Regulations

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

NH Code of Administrative Rules, Section Ed. 306.04(f), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.06, Culture & Climate

Individuals with Disabilities Education Act, 20 SC Section 1400 (et seq.)

NH Code of Administrative Rules, Section Ed. 1119.11 Disciplinary Procedures for
 Children with Disabilities

1st Reading: February 20, 2007

2nd Review: March 5, 2007

Adoption: March 19, 2007

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.

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- *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

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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

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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

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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:

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- The extent to which the conduct presented a threat or risk to, the health, safety, or welfare of other students or school personnel, the integrity of the educational process, or the functioning of the school.
- Whether the conduct was disruptive to the school environment and if so, the nature and extent of the disruption.
- The extent to which the misconduct is a repeat incident.
- In the case of a student with a disability, whether the issuance of a suspension is consistent with Section 504 and the IDEA.

The administrator may implement the suspension on the day of the infraction, depending on the nature and severity of the violation. Suspensions of no more than five (5) days may be made by an administrator. Prior to such suspension, the person ordering the suspension must, orally or in writing, inform the student of the charge(s) and give the student an opportunity to respond to the charges. If the student refutes the charge(s), evidence of the misconduct shall be presented to the student. A suspension of five (5) days or fewer is not appealable.

Standards for Short-Term Suspension up to Ten (10) School Days [Level Two]

A short-term suspension between six (6) and ten (10) school days shall be reserved for:

- Behavior or misconduct that threatens significant harm to the health, safety, or welfare of the student, or other students or staff;
- Behavior or misconduct that results in significant harm to the health, safety, or welfare of the student, or other students or staff; or
- Repeated and willful disregard of the expectations for behavior that has not been remediated through in-school supports and graduated lesser forms of discipline (which may include a Level One suspension).
- Misconduct that involves or threatens disruption of the school environment.
- Such other infraction as the principal deems to warrant a short-term suspension between six (6) and ten (10) days.

Examples of misconduct which may result in a Level Two suspension, include but are not limited to, the following:

- Multiple Level One infractions, whether in combination or repeated infractions
- Drug/alcohol policy violations
- Assault resulting in physical injury
- Repeated bullying
- Repeated sexual harassment
- Sexual harassment involving unwanted physical contact
- Disruption of the school day (Threats of Violence)
- Possession of an object that could be considered a weapon (i.e. jack knife).

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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.

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- 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

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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

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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

Revised:

**Merrimack School Board Special Meeting
Merrimack School District, SAU #26
Merrimack High School - Cafeteria
February 15, 2022**

Present: Chair Guagliumi, Vice-Chair Rothhaus, Board Member Hardy, Board Member Peters, and Board Member Barnes. Also present were Assistant Superintendent for Business Shevenell, Assistant Superintendent for Curriculum, Instruction & Assessment Yarlott, and Interim Chief Educational Officer Olsen.

Participating via Telephone: Vice-Chair Rothhaus

(Pursuant to RSA 91-A:2 which stated that all parties must contemporaneously be able to hear and speak to each other.)

Vice-Chair Rothhaus said she was out of state and was alone.

Not Present: Student Representative Vadney - Excused

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

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

2. PUBLIC PARTICIPATION

Ms. Heather Robitaille, 45 Springfield Circle, addressed the Board and thanked the Board members for their professionalism. She also thanked the Health & Safety Taskforce for their efforts.

Ms. Lisa Mungovan, 14 Lamson Drive (Board Member Barnes read aloud the following email into the record)

I know that the School Board has decided to make masks optional for the district starting tomorrow. I think everyone knows that the School Board members will likely vote in favor of this decision as cases throughout the state continue to drop. I would simply like to remind all of you we have children in all three of our elementary schools who remain unvaccinated as well as the pre-school program. These children are ineligible for vaccination as of now, God willing, the FDA and CDC will approve the vaccine for ages 5 and younger in mid-April. I had hoped my four-year-old would be able to be vaccinated at the end of this month, but more data was needed for this age group. Please keep in mind as you make your decision tonight that not all children in our district have been eligible for the vaccine and will remain vulnerable.

Ms. Sheana DeBourke, 89 Belmont Drive, said she had sent an email to Bill Olsen on January 10th requesting information regarding the Covid tracking spreadsheet. She said she did not receive a response. She said she had also sent multiple emails to the Board with no response.

Ms. DeBourke said the studies showed that masks did nothing to slow the spread of the Covid virus. She also said she did not feel the Board had the right to force children to wear a medical device on their faces against their parents' will.

53 Ms. Jennifer Jobin, Merrymeeting Drive (Board Member Barnes read aloud the following email into the
54 record)
55

56 Thank you for relying on data and science and consulting the Health & Safety Task Force for guidance
57 on masks and for listening to residents' concerns throughout the pandemic. I appreciate that the
58 suggested provisions to use the mask policy include plans to return to a mask requirement if positive
59 Covid cases reach 5% or greater and that it is noted that the policy may be updated based on future
60 Covid data. I know that we all hope that numbers continue to trend downward, but it is good that those
61 items are included. While the current variant has shown to be fairly mild for most children, we still have
62 students in our district who may be at higher risk for Covid complications and are therefore more
63 comfortable continuing to wear a mask. If the outcome of this meeting is to adopt the proposed policy
64 changes, then I ask you to please make it clear that intimidation of students who chose to continue to
65 wear masks will not be tolerated. While I expect that students will respect each other's choices, I do
66 see how the potential for bullying regarding masks could exist. A clear message from the School Board
67 and the administration will help to ensure a smooth transition to the updated policy.
68

69 **3. OLD BUSINESS**

70

71 **a. Use of Masks by Students and Staff Policy (EBCVM)**

72

73 Interim Chief Educational Officer Olsen said he had a conversation with the school nurses, and they
74 were in favor of taking a different route with the mask policy. He said the Health & Safety Task
75 Force preferred that the nurses provide guidance going forward.
76

77 Interim Chief Educational Officer Olsen recommended that the district immediately changes to a
78 mask optional policy. He said masks would still be required to be worn on buses as it was a federal
79 mandate. He also said that those students who participated in "off-campus" CTE (Career Technical
80 Education) programs, such as in Nashua, would have to follow the city/town's mask policy.
81

82 Interim Chief Educational Officer Olsen said if the number of positive cases in an individual school
83 was 5% or greater of the total number of staff and students in the building, masks would be required
84 for all staff and students while in the school building.
85

86 **b. Board Response to the Health & Safety Task Force, School Nurses, and Superintendent** 87 **Recommendations**

88

89 Board Member Barnes said when the opt-out policy was put in place they had parents' intent on
90 record and if they had optional masks they would not know. She asked how they would
91 accommodate for students with medically sensitive students or going home to medically sensitive
92 households.
93

94 Board Member Hardy commented she was happy to hear that the responsibilities of the Health &
95 Safety Task Force had been turned over to the nurses and was thrilled with their recommendation
96 to remove the mask mandate.
97

98 Board Member Peters said she felt it was the right time to lift the mask mandate. She said at some
99 point, however, the 5% positive case portion of the policy needed to be removed.
100

101 Vice-Chair Rothhaus commented that she agreed with Board Member Peters.
102

103 Chair Guagliumi stated that she supported the decision as well.

Regarding the prior comment regarding bullying, she said she felt it could go either way, regardless of whether someone chose to wear a mask. She requested the administration to have future discussions regarding interventions.

c. Rescind Current Mask Policy Dated October 18, 2021

MOTION: Board Member Barnes made a motion to rescind the current mask policy dated October 18, 2021 and approve the revised mask policy dated February 15, 2022. Board Member Peters seconded the motion.

A roll call vote was taken, which resulted as follows:

Yea: Vice-Chair Rothhaus, Board Member Barnes,	5
Board Member Hardy, Board Member Peters,	
Chair Guagliumi	
Nay:	0

The motion passed 5 – 0 – 0.

4. PUBLIC COMMENTS ON AGENDA ITEMS

Ms. Heather Robitaille, 45 Springfield Circle, addressed the Board and again thanked them for their thoughts and transparency regarding the masking policy.

Mr. Brian Townsend, Merrymeeting Drive (Board Member Barnes read the following email into the record)

I appreciate Board Member Barnes' question regarding the opt-out form for teachers to know parents' wishes, especially when it comes to our elementary population. I would support opt-out and not optional mask policy for this reason.

Ms. Erin Pagen, 33 Mallard Point, addressed the Board and said she was grateful that the parents now had the choice regarding masks.

Ms. Cathy Komar, Belmont Drive, addressed the Board and said she felt the kids were going to be so happy not to have to wear a mask. She said her child had been bullied for choosing to not wear a mask and felt there should not be any bullying one way or the other.

At approximately 8:35 p.m. Board Member Barnes made a motion to adjourn. Board Member Hardy seconded the motion.

A roll call vote was taken, which resulted as follows:

Yea: Vice-Chair Rothhaus, Board Member Barnes,	5
Board Member Hardy, Board Member Peters,	
Chair Guagliumi	
Nay:	0

The motion passed 5 – 0 – 0.

Merrimack School District
Gifts and Grants Acceptance Form

Name of Recipient: Merrimack School District
School Name

Name of Donor: HealthTrust
Name

25 Triangle Park Drive
Street Address

Concord NH 03301
Town/City State Zip Code

Amount of Gift or Grant: \$3,000 **Date of Receipt of Gift or Grant:** 2/8/2022

Please answer each of the following questions:

1. Describe the purpose of gift/grant:

The gift was received by the Healthcare Cost Containment Committee (HCCC) and will be used for worksite health and safety activities to benefit district employees.

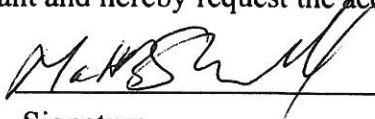
2. Describe any specific restrictions or requirements attached to gift/grant:

None.

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

Designated Health and Safety Coordinators for the District attended a full-day (virtual) Health and Safety training session.

I, Matthew Shevenell 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.

 3/1/22
Signature Date
Assistant Superintendent for Business

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.