

Hollis Brookline Cooperative School Board

Wednesday, July 21, 2021

Hollis Brookline Middle School

6:00

All times are subject to change without notice

- 6:00 Call to Order
- 6:05 Appointment of a process observer
Agenda Adjustments
Nominations/Resignations and Correspondence
- 6:10 Approval of Minutes – June, 2021
- 6:15 Public Input
- 6:45 Principal's/Athletics reports
➤ Student Handbook Update
- 7:15 Discussion
➤ Mask Lawsuit Update
➤ Articles of Agreement – potential fall meeting date
➤ Social and Emotional Learning Update
➤ Instructional review process based on COVID
➤ Draft reopening of school plan for 2021-2022 – Informational
➤ DEI update and recommendation – Informational
- 8:45 **Deliberations**
➤ To see what action the Board will take regarding policy JLF: Reporting of Child Abuse and Neglect, 3rd Reading
➤ To see what action the Board will take regarding policy JLDBA – Suicide Prevention – First Reading
➤ To see what action the Board will take regarding policy EBBB- Indoor Air Quality (Re-adoption, no required changes)
- 9:10 HB Highlights
- 9:15 Report out by the process observer
- 9:20 Non-public under RSA 91-A: 3II (a) Compensation and/or (c) reputation
- 9:30 Motion to Adjourn

To: Andy Corey, Superintendent
From: Tim Girzone, Principal HBHS
Re: Principal's Report
Date: July 21, 2021

Information Only

HBHS Summer Academy:

Last school year the pandemic created a variety of unique circumstances that proved to be academically challenging for some students. In response to these unique challenges, we have offered a 'Summer Academy' to meet the academic needs of our learners. Our programming includes the following offerings:

- English Department - Focus on credit recovery - Students are receiving individualized instruction on specific units in English and/or writing courses.
- Math Department - Focus on remediating skill deficits in Algebra 1 - students are receiving individualized and small group instruction in specific skill areas to strengthen Algebra skills before moving on to the next step of math sequence.
- Credit recovery classroom - Supported classroom for students who are taking online courses for credit recovery or full credit. This classroom provides a quiet space, structure and support of a paraeducator.

High School Principal Transition:

Since the early spring, I have had the opportunity to take part in various aspects of planning for the upcoming school year including, building the master schedule, participating in the hiring process for a number of teacher positions, meeting with teachers, counselors, secretaries and maintenance staff. In recent weeks, the school has undergone the kickstart of ESY and Summer Academy. The gymnasium and weight room have once again housed summer basketball camps as well as strength and conditioning offerings for our students. Our high school robotics team hosted a camp for elementary and middle school students interested in the STEM field. Generally speaking, my transition has gone well so far and the school is abuzz with some typical summer activities.

Staffing Updates:

HBHS is happy to announce the following hirings for recently open positions:

- Math
 - **Lance Flamino:** *Mr. Flamino attended Keene State where he earned a BA in Mathematics and will be completing his M.Ed. in Educational Leadership this summer. Mr. Flamino has most recently been teaching Math at ConVal High School where he has also coached and served as Department Chair.*
- English
 - **Jordan Brown:** *Ms. Brown attended UNH where she earned a BA in English Teaching and a MA in Secondary Education. Ms. Brown most recently completed her student teaching at Souhegan HS and also covered a long-term sub position at Bow High School.*

- **Kate Mote:** *Ms. Mote attended UNH where she earned a BA in English. She also holds Masters Degrees from Southern New Hampshire University in English and Teaching Secondary English. Ms. Mote has most recently taught English and Theater at Founders Academy in Manchester, NH where she has also served as the vice chair of the Humanities Department and the Theater Director.*
- Physical Education
 - **Nicole Fortuna:** *Ms. Fortuna attended SUNY Purchase where she lettered and was team captain in both softball and cross country. Ms. Fortuna earned a Masters of Physical Education and Sports Pedagogy from Manhattanville College and most recently served as a long-term substitute in the Nashua School District.*
 - **Cole Buschmann:** *Mr. Buschmann attended Keene State College where he earned a BS in Athletic Training. In addition to serving as their Athletic Trainer, Mr. Buschmann has also most recently served as the Head Strength and Conditioning Coach as well as a professor of Physical Education at New England College.*
- School Guidance Counseling
 - **Emily Thompson:** *Ms. Thompson attended UNH where she earned a BS in Human Development and Family Studies and has more recently went on to earn her M.Ed. in School Counseling from Rivier University. Ms. Thompson was employed at Easterseals NH and most recently served as a school counselor intern at Bedford HS.*
- Special Education Case Manager
 - **Bethany Beck:** *Ms. Beck attended Miami University where she earned a BS in Elementary Education and then went on to earn an M.Ed. in Special Education from Grand Canyon University. Ms. Beck has experience as both a special education case manager and a classroom teacher and most recently was employed in the Lakota School District (Ohio) as a science teacher.*

Respectfully Submitted,

Tim Girzone
Principal, Hollis Brookline High School

Student Handbook 2021-2022: Updates

ADDITIONS:

1) Daily Bell Schedule and COOP Calendar

2) Electronic Communication Guidelines

Old: Social Media Regulations

please refer to Acceptable Use Agreement at the end of the handbook

TAP Test (Transparent, Accessible, Professional)

As a guideline, School Community Users should always ask "Does the communication pass the TAP Test?" Electronic communication within the school community should always be Transparent, Accessible, and Professional as defined below:

1. The communication is transparent. ALL electronic communication among staff and students should be transparent. As a public school district, we are expected to maintain openness, visibility and accountability with regard to all communications. Whenever possible, District email or other District sponsored communication vehicle should be used.
2. The communication is accessible. Electronic communication among staff and students may be accessible by others. Staff and students should not have an expectation of privacy with respect to these communications.
3. The communication is professional, courteous, and conscientious. This includes word choices, tone, grammar and subject matter that model the standards of SAU41.

If your communication meets all three of the criteria above, then it is very likely that the methods of communicating that you are choosing are very appropriate; moreover, encouraged.

Please refer to Acceptable Use Agreements (included at end of handbook)

New: Electronic Communication Guidelines

**please refer to Acceptable Use Agreement at the end of the handbook for SAU technology guidelines*

**please refer to "Discipline" in the handbook for guidelines regarding appropriate device use*

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If your communication meets all three of the criteria above, then it is very likely that the methods of communicating that you are choosing are very appropriate; moreover, encouraged.

When meeting in a remote environment for any reason, participants should:

- exhibit appropriate school behavior
- expect and practice respectful communication
- use the chat function to communicate only about the topic being discussed and only in an appropriate manner
- make sure background environments are appropriate (and remove identifying information or objects)
- be in a distraction-free environment and minimize movement when possible
- keep audio on mute when not speaking
- refrain from incorporating uninvited guests into the discussion or meeting environment
- refrain from taking screenshots or pictures of meeting participants in any fashion.

See "Recording Students/Staff Members"

3) Latin Honors

Old: Class Rank

It is the policy of the board to name the Valedictorian, Salutatorian, and those students who rank numbers three through ten alphabetically at the end of their senior year and those students who rank one through ten at the end of their junior year. To be eligible for top ten standing, students must be considered full time (enrolled yearly in a minimum of 4.5 and maximum of 7 credit bearing courses per year that counts towards GPA). All courses taken at Hollis Brookline High School will be use when calculating a student's GPA. Students who accelerate their program and graduate early in three and one-half years will be eligible for Valedictorian, Salutatorian and those who rank numbers three through ten in their final year. Rank will not be reported.

Policy IKC

New: Latin Honors

At the end of their senior year, students may be eligible for special recognition at graduation as designated by the following GPA cutoffs:

Summa Cum Laude- 4.2 and above

Magna Cum Laude- 4.0 and above

Cum Laude- 3.8 and above

Latin Honors will also be designated on the final transcript

To be eligible for Latin Honors, students must be considered full time (enrolled yearly in a minimum of 4.5 and a maximum of 7 credit bearing courses per year that count toward GPA). All courses taken at Hollis Brookline High School will be used when calculating a student's GPA. A student may not earn more than 7 credits per academic year that count toward grade point average. Credits awarded from Hollis Brookline High School are factored into a student's GPA first. Any subsequent credits earned through approved alternate courses will be factored in to the GPA after all HBHS credits.

Transfer students' grades will be rolled into the Hollis Brookline High School transcript. Grades for transfer students will be recalculated to receive the same numerical weight as courses taken at HBHS. With the exception of transfer AP classes, which will be weighted, all other transfer classes can receive only the weight assigned to the same or similar class at HBHS. Therefore, classes will be recalculated (not renamed) to reflect weight and credit consistent with what students at Hollis Brookline can achieve.

4) Updated Classroom Celebration language

Old: Classroom Celebrations

In accordance with our pending local Wellness Policy it is recommended and encouraged that all food choices used in classroom celebrations follow the USDA Smart Snacks nutrition standards. Healthy Snack guidelines include:

- Fruits and vegetables
- Whole grain crackers and cereals
- Popcorn

Check this guide to see if your snacks are healthy:

<https://foodplanner.healthiergeneration.org/calculator>

New: Celebrations and Food in the Classroom

Parties/Celebrations

School can help promote a learning environment by providing healthy celebrations that shift the focus from food to the child. A non-edible approach has been adopted for birthday parties and school wide celebrations. This is meant to provide a healthier and safer school environment..

Curriculum Related Food Items in School

Food is allowed for an event that is tied to the curriculum and certain school-wide events. Prior approval is needed by the principal, school nurse and Director of Student Nutrition for all events. It is

recommended and encouraged that all food choices used for curriculum related events follow the USDA Smart Snacks nutrition standards.

Healthy Snack guidelines include:

- Fruits and vegetables
- Whole grain crackers and cereals
- Popcorn

Check this guide to see if your snacks are healthy:

<https://foodplanner.healthiergeneration.org/calculator>

POLICIES MARKED “PENDING”:

JLF

JICD

To: Hollis Brookline Cooperative School Board
From: Patrick West, Principal HBMS
Re: Principal's Report
Date: July 14, 2021

New Principal Transition - I had the opportunity to observe end of the year celebrations at HBMS thanks to the video posted by Tim Girzone, Yolanda Flamino and Mark Meskell. Prior to my official arrival at HBMS, I was able to be a part of the hiring process for four new hires (computer science, Spanish, grade 8 science and nurse), which was very beneficial. During my first few weeks at the Coop, I attended the first day of a three-day administrative retreat where I met all administrators in Hollis, Brookline and the Coop. I have been working with Tim Girzone, Yolanda Flamino, Jen Campbell, Mark Meskell, Ben Arria and Joanne Lake to become familiar with HBMS and all operations. Ms. Flamino and Mrs. Campbell have been working with guidance and Carol Tyler to finalize student's schedules that meet the needs of all our learners.

Student Open House Days (previously known as "Registration Days") - HBMS will be running Student Open House Days on Thursday, August 26th and Friday, August 27th from 8:00am to 12:00pm. Parents will receive notification via email to complete all the school forms in advance of the Student Open House Days and that their child's schedule is available to view. Students and parents/guardians are encouraged to walk through their schedule to gain a familiarity with the building on these days.

Personnel - We are currently fully staffed at HBMS however HBMS is searching for the following club advisors for this upcoming school year:

- | | |
|--------------------------|------------------------------|
| -Co-advisor for Yearbook | -Co-advisor for Robotics |
| -Advisor for Chess Club | -Advisor for Video Game Club |

Facilities Work - The custodial staff has been hard at work this summer preparing the building for the 2021-2022 school year. To date, the gym floor along with most of the classrooms in the North wing of the building have been stripped and waxed. The custodial staff has also started stripping and waxing classrooms in the south wing while the main hallway re-tiling is underway. Re-tiling should be completed by July 30th. Much of the furniture that needed to be stored during the past school year is making its way back into the building and classrooms.

New Students - We are continuing to register new to the district students throughout the summer. As of July 14th, we have had *six* new students register for the upcoming school year.

ESY - Extended School Year began on July 8th this year. HBMS is pleased to be hosting students Pre-K through Grade 8 from Hollis and Brookline this summer. We have twelve Hollis Pre-K and Kindergarten students on Mondays, Tuesdays and Wednesdays as well as thirteen Brookline Pre-K and Kindergarten students on Tuesdays, Wednesdays, and Thursdays.

HBMS has thirty-four grade 7 and grade 8 students enrolled in ESY this summer. Students are working on reading, math and other related services during the 5 weeks that ESY is being offered. NECC has continued and is running all summer.

Math Summer Academy - HBMS is also hosting a Math Summer Academy to support student learning loss due to the pandemic. There are currently 10 students participating in the Summer Academy.

Robotics Summer Camp – Camp Force began on July 12th at HBMS. Camp Force is a 5-day summer camp (4 hours each day) run by HBHS Robotics Team 1073 that introduces students to robotics design, implementation, and control concepts. The camp targets students in grade 7 - 9. This year, there are 9 campers, 6 of which are SAU students.

The camp mirrors an FRC robotics season. This involves a design challenge in the form of a game. The students work in teams of 3 to design and build a robot to overcome the challenges within the game, score points, and compete against other teams in matches. Over the course of the camp, students will have an opportunity to:

- assemble their robot,
- design / implement mechanisms for their robot in response to the game challenge,
- develop software to control their robot,
- see their robot in action as they compete against peer teams,
- and finally...have a lot of fun.

How

The vision, implementation and execution of the camp was driven entirely by students on Team 1073. The students had some fantastic mentors (all of them parents of current or former SAU students) supporting them along the way and maintaining overall accountability for the success of the camp and safety of campers. Contributors include:

- Students: Katherine Jesse (HBHS graduating class of 2021), Evan Rossenblatt (HBHS Senior), Alex Hill (HBHS Senior), Celia Wallis (HBHS Junior), Meghan King (HBHS Junior)
- Mentors: Ken St. Hillaire, Frank Grossman, Robin Wallis, Scott Rossenblatt, Jon Jesse

We are using the following kit during this week's camp:

- Romi Robot Kit: a simple and accessible platform for introducing young kids to robotics.
- TinkerCAD: a simple online CAD program that is perfect for introducing kids to design concepts.
- WPILib Robotics Platform & Toolchain: This is the software platform FRC robotics.

Why

The team has considered offering a summer camp in the past. Given the lost opportunities for recruiting, fundraising, and outreach during the 2021 season due to COVID, this was a perfect summer to finally follow through. In executing this camp, we hope to:

- recruit student members into the HBHS FRC and HBMS FTC robotics teams.
- raise funds for the Team 1073's 2022 season.

-in general, fulfill our mission as a FIRST robotics team which is to "...*inspire young people to be science and technology leaders and innovators, by engaging them in exciting mentor-based programs that build science, engineering, and technology skills, that inspire innovation, and that foster well-rounded life capabilities including self-confidence, communication, and leadership.*" (FIRST Vision and Mission - <https://www.firstinspires.org/about/vision-and-mission>)

So far, the camp is a wild success! We are hopeful that all 9 students will join FTC teams in the fall, and the camp will bring in ~\$1000 of net funding to Team 1073.



Important Dates:

HBMS Student Open House Days (previously known as "Registration Days")

– August 26th & August 27th

7th Grade Orientation Day – September 1st

First Day of School for 7th and 8th Grade – September 2nd

First Day of Athletics – September 1st

HBMS Student Handbook Changes 2021-2022 School Year

- 1) Updated names of staff on front page
 - a) Assistant Superintendent - Lauren Digennaro
 - b) Principal - Patrick West
- 2) Updated the link on front page
- 3) Updated table of contents page to match page numbers in handbook
- 4) Page 4 - updated the school calendar to reflect 2021-2022
- 5) Page 5 - updated the daily bell schedule
- 6) Page 9 - updated report card dates
- 7) Page 12 - updated language around the cell phone policy
- 8) Page 13 - included "Virtual Classroom Expectations"
- 9) Page 15 - deleted "Teachers will provide an optional snack time, usually mid-morning" to reflect schedule
- 10) Page 16 - included health snacks section for parties/celebrations and curriculum related food items in school

To: Andrew Corey, Superintendent
From: Brian Bumpus, District Athletic Coordinator
Re: July 2021 Board Report

Summer Athletics Update: As one year closes, a new year quickly begins for our COOP Athletic programs. The Athletic Department is currently hard at work ordering equipment and uniforms for the new year, interviewing potential candidates for coaching openings, and locking down schedules for the upcoming seasons. We are currently accepting registrations for the Fall at both schools, as well as sign-ups for ImPact Testing, which we are offering on several dates between August 9th and August 20th for grades 7-12. We are looking forward to kicking off try-outs and practices at the HS level on 8/13 with Football, and 8/16 for the rest of our programs, and at the MS level on 9/1.

Summer Camps: While we may be between seasons right now, that doesn't mean there is any shortage of action or activity on our fields or in our gyms. Several teams are running camps this summer, including: Girls and Boys Basketball, Boys Lacrosse, Girls Volleyball, and Boys Soccer. We also have several teams running summer skills and drills, and our athletic trainer, Mike Thompson, has been running Strength and Conditioning sessions for our student-athletes since the end of June.

District Coaching Openings: The HB Athletic Department is currently seeking qualified candidates for several positions at HBHS and HBMS.

	HBHS	HBMS
Bass Fishing Assistant Coach		Field Hockey Head Coach
Cross Country Head Coach		Boys Soccer Head Coach
Cross Country Assistant Coach		Boys Lacrosse Head Coach
Field Hockey JV Coach		Outdoor Track Coach
Field Hockey Assistant Coach		
Boys Soccer Freshman Coach		
Boys Basketball Head Coach		
Girls Basketball JV Coach		
Girls Basketball Assistant Coach		
Swimming Assistant Coach		
Boys Lacrosse JV Coach		
Girls Lacrosse Head Coach		
Girls Lacrosse JV Coach		
Softball JV Coach		
Boys Tennis Assistant Coach		
Girls Tennis Assistant Coach		
Outdoor Track Associate Coach		
Unified Track Head Coach		

Respectfully Submitted,



Brian Bumpus

District Athletic Coordinator

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICT

SUPERIOR COURT
No. 2021-CV-00277

Maria Nardi Hubert, individually, and on behalf of K.H., her child;
Paul and Lisa Bresciano, individually, and on behalf of P.B., their child;
Jason and Lindsay Machado, individually, and on behalf of A.G. and T.M., their children;
Werner and Heather Niebel, individually, and on behalf of A.N., E.N., and S.N., their
children

v.

Hollis/Brookline School District, School Administrative Unit #41

ORDER ON PENDING MOTIONS

The plaintiffs have filed this action against Hollis/Brookline School District, School Administrative Unit #41 (“SAU 41”) seeking declaratory and injunctive relief. The plaintiffs previously filed an ex parte motion for a preliminary injunction, which the Court denied. The Court thereafter held a hearing on the plaintiffs’ request for a preliminary injunction on June 4, 2021. Prior to the hearing, the defendant filed a motion to dismiss the complaint. For the reasons that follow, the defendant’s motion to dismiss is GRANTED, which renders the plaintiffs’ request for preliminary injunctive relief MOOT.

Standard of Review

In ruling on a motion to dismiss, the Court considers “whether the allegations in the complaint are reasonably susceptible of a construction that would permit recovery.” Kurowski v. Town of Chester, 170 N.H. 307, 310 (2017). The Court must “assume all facts pleaded in the complaint to be true and construe all reasonable inferences drawn from those facts in the plaintiff[s]’ favor,” but “need not . . . assume the truth of statements in the pleadings that are merely conclusions of law.” Id. Dismissal is appropriate if the facts pled do not constitute a basis for legal relief. Id.

Background

The Court draws the following facts from the complaint. The plaintiffs have children that attend primary or secondary schools in Hollis and Brookline. These schools are all within school districts that are members of SAU #41.¹ In response to the global pandemic caused by the novel coronavirus, SARS-CoV-2 and the disease it causes, COVID-19, the District adopted a policy that required students to wear

face masks or coverings when riding the bus, entering/exiting buildings, arriving to/leaving a classroom, engaging in small group classroom activities, walking in the hallways and other common areas, and whenever asked to do so by a District employee. It also included wearing face masks or coverings when engaged in physical activity.

(Compl. ¶ 28.)² The plaintiffs' children follow (or followed)³ the mask mandates as required. However, the plaintiffs allege that their children have difficulty breathing when they wear masks. As a result, the plaintiffs filed this action seeking a declaration that the mask mandates violate RSA 126-U:4, a statute prohibiting the use of "dangerous restraint techniques" in schools. The plaintiffs also seek an injunction prohibiting the District from enforcing the mask mandates. The defendant now moves to dismiss, arguing that the mask mandates do not fall within the purview of RSA chapter 126-U.

Analysis

Because the plaintiffs' sole claim is based on alleged violations of RSA chapter 126-U, the resolution of the defendants' motion to dismiss requires the Court to engage

¹ As the defendant notes, the plaintiffs sued the wrong party. School administrative units provide administrative services to member school districts. They do not make policies for any of the member districts or for any of the schools within the member districts. As such, the plaintiffs should have brought this action against the school districts in which their children attend schools. Although the plaintiffs have failed to recognize this distinction, and dismissal would arguably be appropriate on that basis alone, for ease of analysis, the Court will refer to all of the collective school districts within SAU #41 as the "District."

² The Court will collectively refer to all of these policies as "mask mandates."

³ As the plaintiffs acknowledge in their objection, the school year has ended. It is therefore likely that this entire case is moot.

in statutory interpretation. In interpreting a statute, the Court first looks “to the language of the statute itself, and, if possible, construe[s] that language according to its plain and ordinary meaning.” State v. Beattie, 173 N.H. 716, 720 (2020). The Court interprets “legislative intent from the statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include.” Id. The Court construes “all parts of a statute together to effectuate its overall purpose and avoid an absurd or unjust result.” Id. The Court does “not consider words and phrases in isolation, but rather within the context of the statute as a whole.” Id. This enables the Court “to better discern the legislature’s intent and to interpret statutory language in light of the policy or purpose sought to be advanced by the statutory scheme.” Id.

In 2010, the legislature enacted RSA chapter 126-U, entitled “Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities.” The express purpose of the chapter is “to eliminate child restraint techniques which endanger children and to promote the overall reduction of the use of restraint of children in schools and treatment facilities in New Hampshire.” Laws 2010, 375:1. To that end, RSA 126-U:4, I provides, in pertinent part, that:

No school . . . shall use any of the following restraint and behavior control techniques:

- I. Any physical restraint or containment technique that:
 - (a) Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing; . . .
 - (d) Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
 - (e) Endangers a child's life or significantly exacerbates a child's medical condition.

RSA 126-U:4, I(a), (d), (e) (emphasis added). The plaintiffs contend that “[t]here is no question requiring children to wear face masks or coverings contradicts” these three prohibitions. (Compl. ¶ 58.) The Court disagrees.

By its plain language, all of the prohibitions listed in RSA 126-U:4, I only apply to a school’s use of a “physical restraint” or a “containment technique.” The legislature has specifically defined a “physical restraint” as “occur[ring] when a manual method is used to restrict a child’s freedom of movement or normal access to his or her body.” RSA 126-U:1, IV(c) (emphasis added). The term “manual method” is not defined in the statute. However, the definition of “manual” is “worked by hand” or “requiring or involving physical skill or energy.” Webster’s Third New International Dictionary 1378 (unabridged ed. 2002). Thus, a “manual method” of restraint—and consequently a “physical restraint”—only occurs when the restraining person uses his or her own hands or body (without the aid of a mechanical device) to effectuate the restraint. See, e.g., Or. Admin. R. 411-054-0005.80(a) (2021) (defining “manual method” of restraint to mean “physically restraining someone by manually holding someone in place”). Clearly, the mask mandates do not require school staff to use their own hands or bodies to force the plaintiffs’ children to wear masks. Rather, the mask mandates require students to put on their own face masks using their own hands. As such, the Court cannot find that the mask mandates involve the use of “physical restraints.”

Alternatively, the plaintiffs claim in conclusory fashion that “a face mask is certainly a ‘containment technique.’” (Pls.’ Obj. at 9.) In the Court’s view, the legislature’s use of the term “containment technique” implies some sort of established process or known method used by school officials to physically restrain an individual.

See, e.g., Thornton v. Lymous, 489 F. Supp. 3d 470, 495 (E.D. La. 2020) (noting that “upper torso” maneuver was a restraint technique); McAdams v. Salem Children’s Home, 701 F. Supp. 630, 632 (N.D. Ill. 1988) (noting that “baskethold restraint” was a restraint technique); State v. Rios, 314 S.W.3d 414, 420 (Mo. Ct. App. 2010) (noting that State produced evidence that defendant “was trained to employ a technique known as the unilateral vascular neck restraint”). A “containment technique,” therefore, does not include a *policy* that requires students to wear a piece of fabric—here a face mask.⁴ Notably, the plaintiffs have offered no authority or even a developed argument to the contrary. Moreover, if the Court were to agree that the mask mandates are “containment techniques,” then science teachers could not require students to wear masks during chemical experiments, gym teachers could not require students to use helmets protecting their mouths, and, taken to the extreme, schools could not even require students to wear any clothing at all. The legislature surely could not have intended such an absurd result, and the Court declines to interpret the statute in such a manner.

Simply put, RSA chapter 126-U has no bearing on the legality of the District’s mask mandates. The plaintiffs’ argument to the contrary is based on a twisted and tortured reading of the statute. It is an affront to children who have *actually* been subject to unnecessary and dangerous physical restraints while at school. Because the Court concludes that the District’s mask mandates do not violate the prohibition on dangerous restraint techniques outlined in RSA 126-U:4, and the plaintiffs’ entire

⁴ Similarly, the statute limits the definition of “restraint” to “actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.” RSA 126-U:1, IV. As the plaintiffs state in their complaint, the mask mandates “require[] a child to cover his or her face.” (Compl. ¶ 58.) In other words, the student is the person taking the action—not the school official. Thus, the mask mandates do not involve “restraints” as that term is used in the statute.

complaint was premised on that faulty premise, the Court concludes that the plaintiffs have failed to state a claim for which relief may be granted. The defendants' motion to dismiss is therefore GRANTED. In light of this ruling, the plaintiffs' motion for a preliminary injunction is MOOT.

Finally, the Court is troubled by the factual assertions made in the complaint. In particular, the complaint cites to outdated statements made by Dr. Anthony Fauci, Dr. Robert Redfield, and Dr. Jerome Adams regarding the need to face wear masks during the pandemic. (See compl. ¶¶ 40–42.) These doctors made the statements referenced in the complaint at the beginning of the pandemic when little was known about the spread of SARS-CoV-2 and health care workers were scrambling to find adequate protective gear. However, as any reasonable person would know, all three of the doctors subsequently changed their opinions on face masks as more information emerged about SARS-CoV-2. Indeed, it is well-known that all three of these doctors later embraced the efficacy of face masks. As a result, they unequivocally and repeatedly encouraged members of the public to wear face masks throughout the pandemic. The complaint conveniently omits this information, leaving the reader with the impression that three top government doctors—including the chief medical advisor to the President (Fauci), the former C.D.C. director (Redfield), and the former surgeon general (Adams)—are still against the use of masks.⁵ Attorneys have a professional obligation to present accurate information to the courts in which they appear, or, at the very least, to not present information that they know is misleading. The complaint's

⁵ In addition, the complaint cites extensively to one study that the plaintiffs *knew* was withdrawn. (See Compl. at 10 n.10.) The plaintiffs also cited to German case that was apparently overturned on appeal, but the plaintiffs did not advise the Court of that fact.

reliance on outdated and misleading information in an attempt to obtain injunctive relief does not meet this standard.

So ordered.

Date: July 2, 2021

A handwritten signature in black ink, appearing to be 'Charles S. Temple', written over a horizontal line.

Hon. Charles S. Temple,
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 07/06/2021

Editorial/Non-substantive changes to Articles of Agreement:

To see if the school district will vote to amend the Articles of Agreement of the Hollis-Brookline Cooperative School District as follows:

Article 1:

The school districts of Brookline and Hollis shall combine to form a cooperative ~~junior-middle~~ and senior high school district which shall be named the Hollis/Brookline Cooperative School District, pursuant to RSA 195.

Article 2:

The School Board of the Hollis/Brookline Cooperative School District shall consist of seven members. Effective with the election of ~~2003-2021~~, the Board will be organized in the following manner:

Town	Members	Term	Year Ending
Brookline	1 member	3 years	2004-2022
	1 member	3 years	2005-2023
	1 member	3 years	2006-2024
Hollis	2 members	3 years	2004-2022
	1 member	3 years	2005-2023
	1 member	3 years	2006-2024

Members of the Cooperative School Board shall be elected by the voters of the pre-existing districts they represent and must be residents of those pre-existing districts. All members elected shall be elected to three year terms unless that member is filling out the unexpired term of a member who has left the board, in which case the term shall be the unexpired term.

Reapportionment of the school board may be proposed at any time in accordance with RSA's 195:22 and 671:9, but in any case the apportionment as specified above would be subject to review for possible amendment at least in March, ~~2005-2023~~ and every three (3) years thereafter under the provisions of Article 11 of this agreement and RSA 195:18, III(i).

Substantive changes to Articles of Agreement:

To see if the school district will vote to amend the Articles of Agreement of the Hollis-Brookline Cooperative School District as follows:

Article 4:

~~The Hollis/Brookline Cooperative School District shall lease the Hollis High School “White Building” and the Hollis Junior High School from the Hollis School District upon such terms and conditions as the Cooperative School Board negotiates and determines to be in the best interests of the Cooperative School District. The Hollis/Brookline Cooperative School District shall acquire, at no further cost, the existing land, building and contents comprising that portion of the Hollis AREA High School initially constructed in 1962, including subsequent additions.~~

Article 8:

~~All trust funds held or enjoyed by any pre-existing district shall be held and applied as the terms of the trust indicate, in accordance with RSA 195:11.~~

Article 10:

The Hollis/Brookline Cooperative School District shall provide transportation for students, as required by RSA, under terms decided by the Hollis/Brookline Cooperative Board.

Article 13:

~~It will be the responsibility of the Cooperative School Board to plan a minimum of two joint meetings per year with the Hollis and Brookline School Boards for the purpose of discussing issues of mutual interest.~~

PROPOSED CHANGES TO THE HOLLIS BROOK COOP ARTICLES OF AGREEMENT

Editorial/Non-substantive changes

Article 1:

The school districts of Brookline and Hollis shall combine to form a cooperative ~~junior~~ middle and senior high school district which shall be named the Hollis/Brookline Cooperative School District, pursuant to RSA 195.

*Correct description of **Middle School***

PROPOSED CHANGES TO THE HOLLIS BROOK COOP ARTICLES OF AGREEMENT

Editorial/Non-substantive changes

Article 2:

The School Board of the Hollis/Brookline Cooperative School District shall consist of seven members. Effective with the election of ~~2003~~2021, the Board will be organized in the following manner:

Town	Members	Term	Year Ending
Brookline	1 member	3 years	2004 2022
	1 member	3 years	2005 2023
	1 member	3 years	2006 2024
Hollis	2 members	3 years	2004 2022
	1 member	3 years	2005 2023
	1 member	3 years	2006 2024

PROPOSED CHANGES TO THE HOLLIS BROOK COOP ARTICLES OF AGREEMENT

Editorial/Non-substantive changes

Article 2 *continued*:

Members of the Cooperative School Board shall be elected by the voters of the pre-existing districts they represent and must be residents of those pre-existing districts. All members elected shall be elected to three year terms unless that member is filling out the unexpired term of a member who has left the board, in which case the term shall be the unexpired term.

Reapportionment of the school board may be proposed at any time in accordance with RSA's 195:22 and 671:9, but in any case the apportionment as specified above would be subject to review for possible amendment at least in March, ~~2005~~2023 and every three (3) years thereafter under the provisions of Article 11 of this agreement and RSA 195:18, III(i).

Re-index years preserving current rotation

PROPOSED CHANGES TO THE HOLLIS BROOK COOP ARTICLES OF AGREEMENT

Substantive changes

~~Article 4:~~

~~The Hollis/Brookline Cooperative School District shall lease the Hollis High School “White Building” and the Hollis Junior High School from the Hollis School District upon such terms and conditions as the Cooperative School Board negotiates and determines to be in the best interests of the Cooperative School District. The Hollis/Brookline Cooperative School District shall acquire, at no further cost, the existing land, building and contents comprising that portion of the Hollis AREA High School initially constructed in 1962, including subsequent additions.~~

~~Article 8:~~

~~All trust funds held or enjoyed by any pre-existing district shall be held and applied as the terms of the trust indicate, in accordance with RSA 195:11.~~

Remove obsolete and unneeded articles

PROPOSED CHANGES TO THE HOLLIS BROOK COOP ARTICLES OF AGREEMENT

Substantive changes

Article 10:

The Hollis/Brookline Cooperative School District shall provide transportation for students, as required by RSA, under terms decided by the Hollis/Brookline Cooperative Board.

Acknowledge that RSA includes transportation requirements

~~Article 13:~~

~~It will be the responsibility of the Cooperative School Board to plan a minimum of two joint meetings per year with the Hollis and Brookline School Boards for the purpose of discussing issues of mutual interest.~~

Remove article because these meetings are not held. SAU Gov'n Board meetings and board chairs meetings fulfill the intended purpose

Hollis-Brookline Diversity, Equity and Inclusion Initiative

SAU41 is committed to nondiscrimination and strives to be an inclusive community. The district recognizes that issues of diversity, equity, and inclusion affect all members of the Hollis-Brookline community regardless of their background.

NH Senate Bill 263 came into effect in September 2019 including:

Section 193:39 Discrimination Prevention Policy Required. Each school district and chartered public school shall develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin or any other classes protected under RSA 354-A.

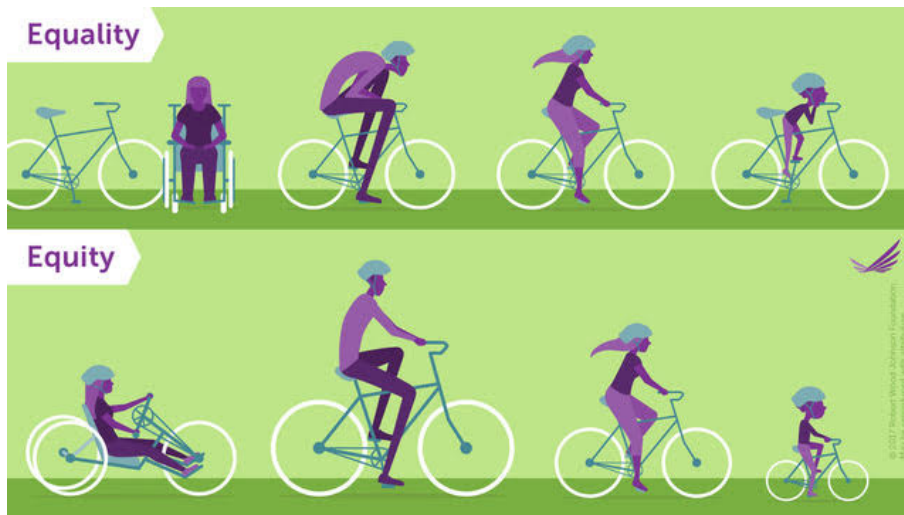
While this law is a benchmark, we are committed to create an even better environment for all students in the Hollis-Brookline community. HB Class of 2020 President, Joshua Ide, said in his graduation speech “I encourage you not just to be tolerant but seek to understand other people. It’s only then they will be willing to listen to your ideas.”

In envisioning the Hollis Brookline graduates of the future, it is the intention of the District to be explicit in the cultivation of a culture that values, respects and encourages our students to engage in difficult conversations with the goal of understanding each other and the world around them. We affirm freedom of speech, logic, reason, debate, and civil discourse and aim to graduate young adults who value those qualities and seek to be known for the content of their character.

For SAU #41, Diversity, Equity and Inclusion are defined as:

Diversity: We commit to honoring diversity, which is expressed in many forms, including race and ethnicity, gender and gender identity, sexual orientation, socioeconomic status, language, culture, national origin, religious commitments, age, (dis)ability status, physical appearance, cultural and personal experience, and political perspective. While group identity is important, we affirm the centrality of the individual student who is ultimately responsible for his or her own thoughts and actions.

Equity: Our vision of equity is best displayed in a visual.



Equity provides fairness in resources and opportunities so that all individual students get what they need. As a district, we seek to provide equality of opportunity (not outcomes) to each of our students, helping them access their education in the best way possible for their individual needs and allowing our students to excel to the best of their abilities going forward to prepare to enter a competitive world. We are committed to a policy of equal opportunity for all persons and do not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, (dis)ability, religion, height, weight, or medical condition. Whether our students experience safe, nurturing home environments or are impacted by physical, economic or developmental challenges, our community recognizes that our schools can play an integral role in the facilitation of a student's experience by modeling positive interactions. We understand that creating a culture of mutual respect and value of perspectives can plant seeds of positive change in a child's life.

Inclusion: We commit to pursuing deliberate efforts to ensure that our school community is a place where differences are welcomed, different perspectives are respectfully heard and where every individual feels a sense of value, belonging, and inclusion. We know that by creating a vibrant climate of inclusiveness, we can more effectively leverage the resources of diversity to advance our collective capabilities.

Therefore, may it be resolved that:

1. The SAU #41 school districts will make diversity, equity, and inclusion a strategic priority by actively supporting such efforts.
2. SAU #41 will review its policies and procedures relative to diversity, equity, and inclusion and release a plan to address its findings as a part of SAU #41's strategic five year plan to be developed and voted on by the school boards in 2021.

Hollis Board Meeting – June 2, 2021
Brookline School Board 5-26-21
Hollis Board Meeting 5-11-21
Cooperative Board 7-14-21

DEI

Brief history of how we arrived here:

SAU Board was approached via public input during a zoom meeting regarding a resolution related to Diversity, Equity and Inclusion

I recommended no action at that time as our focus was on preparing for school opening and COVID

The Coop Administration and Board received a communication from students regarding their concerns related to issues they had experienced

I informed the three Boards that I would be forming a Superintendent's committee to increase my knowledge regarding diversity, equity and inclusion. We hold a series of meeting and the committee provides me with a statement regarding diversity, equity and inclusion.

The Coop Board receives a citizen's petition warrant article related to diversity, equity and inclusion. Attendance at the annual meeting is strong and the discussion is robust.

Review of the Statement

Recommendations:

1. That the Hollis Brookline Cooperative Policy Committee conducts a review of our existing policies related to Diversity, Equity and Inclusion.
 - a. This was done on an informal basis by a member of my committee who found our policies to be well written and meet the requirements outlined by RSA.
2. That the Hollis Brookline Cooperative School District maintains its time tested curriculum while examining how we deliver instruction while making no changes to what we teach.
 - a. Social Studies is being reviewed by the State and we expect an update in the coming months – 18 months behind schedule
3. That the Hollis Brookline Cooperative School Board makes Diversity, Equity and Inclusion a strategic priority that is reviewed on an on-going basis.
4. That we continue our programs and services to help those who need assistance while allowing those with "special ability" to stretch, grow and be challenged at an appropriate level.
 - a. Accelerated math program, AP Courses are two examples
5. That we promote, where developmentally appropriate, the use of "Courageous Conversations" to teach our students to feel comfortable in expressing themselves now and in the future.
6. That we further investigate the "Choose Love" program and determine if we should expand its role in the Hollis Brookline Cooperative School District.

REPORTING CHILD ABUSE

All district employees, designated volunteers, and contracted service providers having reason to suspect that a child has been abused or neglected shall immediately report by telephone or otherwise and followed within 48 hours by a report in writing if so requested to DCYF Central Intake and the District Superintendent. ~~The report may be completed in collaboration with the school administration.~~

The written report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the Division of Children Youth and Family Services.

The Superintendent is directed to assure that the Principal or their designee of each school shall post a sign within the school that is readily visible to students, in the form provided by the Division for Children, Youth and Families, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website. Additionally, information pertaining to the requirements of section A of this policy shall be included in each student handbook or placed on the district's website.

Training for all District Employees, designated volunteers and contracted service providers is recommended (in-person or online) upon beginning service with the District, with annual refreshers thereafter, on the mandatory reporting requirements, including how to identify suspected child abuse or neglect.

Legal References:

RSA 169-C:29, Persons Required to Report

RSA 169-C:30, Nature and Content of Report

RSA 169-C:31, Immunity from Liability

RSA 169-C:34, III, Duties of the Department of Health and Human Services

Adopted: January 16, 2008

Amendment First Reading: May 19, 2021

Second Reading: June 16, 2021

Third Reading: July 21, 2021

SUICIDE PREVENTION**BEHAVIOR MANAGEMENT AND INTERVENTION**

It is the policy of the Board to promote good behavior in a safe and orderly environment where all students can be fully engaged in the learning process. To ensure that our students and staff are protected against disruptive behavior, the board directs the Superintendent to set forth procedures for behavior management and interventions that are designed to maintain a positive environment conducive to learning.

Student conduct that disrupts class work, involves disorder, or invades the rights of others will not be tolerated and may be cause for suspension or other disciplinary action.

The administration of disciplinary action will focus both on consequences and on changing or managing inappropriate behavior.

It is important that there be careful evaluation of the individual situation so that the school's response to the student is appropriate.

If the student has an Individualized Education Program (IEP), the process will follow federal and state laws governing special education.

All available resources should be utilized, including preventive and responsive interventions to support students' needs. These interventions should include psychological, curricular, and behavioral services, which should take place within classrooms, schools, and alternative settings. Exclusion from the classroom should be the disciplinary action of last resort.

The superintendent will also ensure that classroom behavior management skills are addressed through professional development, and that there is an adequate system of recordkeeping regarding disciplinary infractions and interventions.

The use of corporal punishment is prohibited in District schools.

This policy will be reviewed on an ongoing basis in accordance with the Board's policy review process.

Legal References:

NH Code of Administrative Rules, Section Ed. 306.04(16), Behavior Management and Intervention for Students

Adopted: January 16, 2008

INDOOR AIR QUALITY

In order to ensure that all school buildings have adequate indoor air quality, the Board directs the Superintendent to address methods of minimizing or eliminating emissions from buses, cars, delivery vehicles, and other motorized vehicles. The Superintendent may delegate the implementation of these methods to building Principals. The Board encourages the Superintendent to utilize methods and recommendations established by various State agencies.

In addition to addressing methods eliminating emissions, building Principals are directed to annually investigate air quality in their respective school buildings using a checklist provided by the New Hampshire Department of Education.

In support of this policy, the Superintendent is authorized to establish regulations and/or administrative rules necessary to implement anti-idling and clear air measures aimed at improving indoor air quality.

Legal References:

RSA 200:11-a. Investigation of Air Quality

RSA 200:48, Air Quality in Schools

NH Code of Administrative Rules, Section Ed. 306.04(a)(24), Air Quality in School Buildings

NH Code of Administrative Rules, Section Ed. 306.07(a)(4), School Facilities

First Reading: July 20, 2016

Adopted: July 20, 2016