Merrimack School District/SAU 26
Preliminary Agenda
February 3, 2025
Merrimack Town Hall – Matthew Thornton Room

5:30 p.m.NON-PUBLIC SESSION RSA 91-A:3, II (a) (b) (c) – Merrimack TV Training Classroom

- Student Welfare
- Staff Welfare

6:00 p.m. **PUBLIC MEETING**

6:00 p.m. **1. CALL TO ORDER and PLEDGE OF ALLEGIANCE** — Lori Peters

6:05 p.m. **2. PUBLIC PARTICIPATION** — Lori Peters

6:15 p.m. **3. INFORMATIONAL UPDATES** — Lori Peters

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

6:25 p.m. **4. OLD BUSINESS** — Lori Peters

a. Vote on Warrant Articles
b. FY26 Budget Discussion

5. NEW BUSINESS — Lori Peters

7:00 p.m. **6. POLICIES** — Lori Peters

a. Annual Review of Investment Policy (DFA) — Matt Shevenell
b. First Reading of Revised Health Education and Exemption from Instruction Policy (IHAM) — Everett Olsen
c. First Reading of Revised Procedural Safeguards Non-Discrimination on the Basis of Disability Policy (ACE)
d. Review of Section 504 Procedural Safeguards Parent/Guardian/Student Rights Under Section 504 (ACE-R)
e. First Reading of Revised Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Policy (AC)
f. Review of Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan (AC-R)
g. Review of Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Annual Notice of Contact Information (AC-R2)

7:15 p.m. **7. APPROVAL OF MINUTES** — Lori Peters

a. January 21, 2025 Public and Non-Public Minutes

7:20 p.m. **8. CONSENT AGENDA** — Amanda Doyle

a. Educator Nomination

7:25 p.m. **9. OTHER** — Lori Peters

a. Committee Reports
b. Correspondence
c. Comments

7:35 p.m. **10. PUBLIC COMMENTS ON AGENDA ITEMS** — Lori Peters

7:50 p.m. **11. ADJOURN**

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

Merrimack School District
School District Warrant

March 4, 2025 (Deliberation)
and April 8, 2025 (Voting)
STATE OF NEW HAMPSHIRE

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

You are hereby notified to meet at the James Mastricola Upper Elementary School in said District on Tuesday March 4, 2025, at 7:00 p.m. for Session 1 (Deliberation), to discuss the matters to be voted on by official ballot; and to meet at the designated polling sites, James Mastricola Upper Elementary School, Merrimack Middle School, or St. John Neumann Church on Tuesday, April 8, 2025, Session 2 (Voting) for the choice of School District officers elected by ballot and any other action required to be inserted on said official ballot. The polls for the election of school district officers and other action required to be inserted on said ballot will open on said date at 7:00 a.m. and will not close earlier than 7:00 p.m. to act upon the following subjects:

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

ARTICLE 2 Shall the Merrimack School Board be authorized to accept on behalf of the District, without further action by the voters, gifts, legacies and devises of personal or real property which may become available to the District during the fiscal year? (Majority vote required). (Recommended by the School Board Vote: 4-0-0).

ARTICLE 3 (Special Warrant Article) Shall the District establish a capital reserve fund under the provisions of RSA 35:1, to be known as the Administrative Office Development Fund for the purpose of designing, constructing, equipping, furnishing, and/or renovating office space located in the district to include but not be limited to the offices for Superintendent Services, Student Services, Student Wellness, Technology, Business Operations, and Human Resources, and to raise and appropriate the sum of up to Seven Hundred and Fifty Thousand Dollars ($750,000); this sum to come from the June 30, 2025 fund balance available for transfer on July 1, 2025, and further, to name the school board as agents to expend from this fund? No amount to be raised from new taxation. (Majority vote required).
(Recommended by the School Board Vote: _____).
(Recommended by the Budget Committee Vote: _____).

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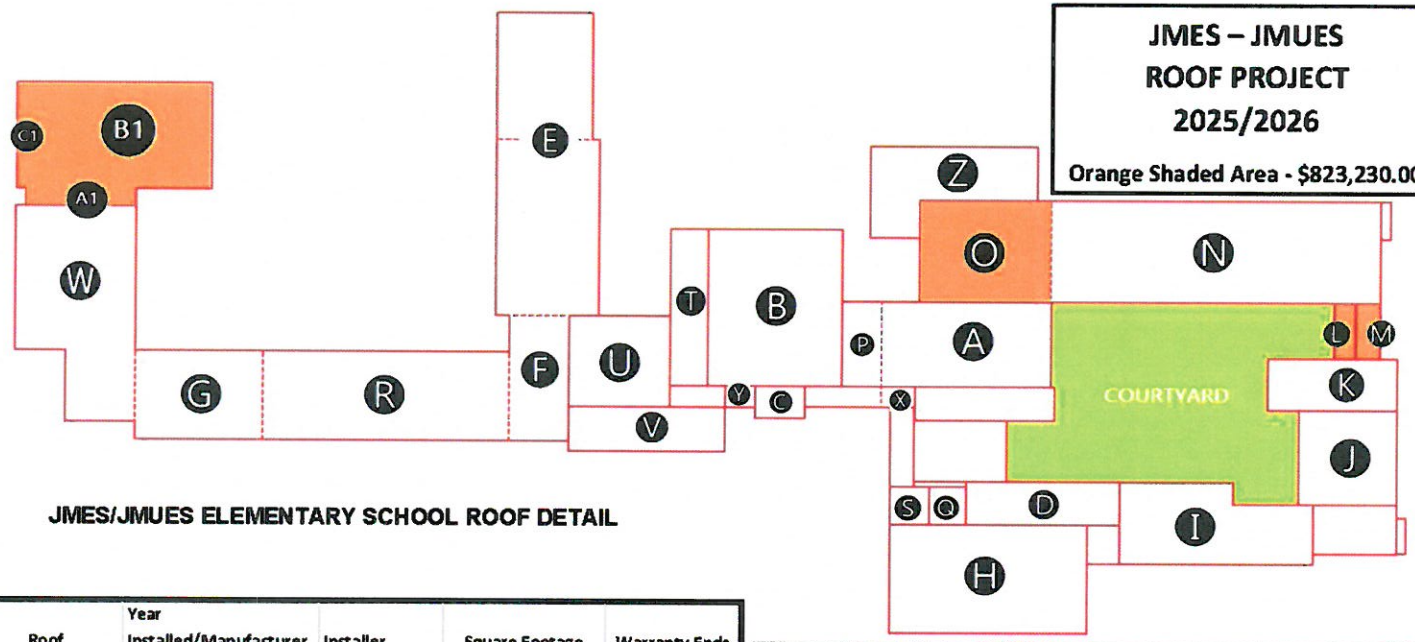
ARTICLE 4 (Special Warrant Article) Shall the District raise and appropriate the sum of Eight Hundred Twenty-Three Thousand Two Hundred Thirty Dollars ($823,230) for the purpose of roof replacement at James Mastricola Elementary School and James Mastricola Upper Elementary School? (Majority vote required).
(Recommended by the School Board Vote: _____).
(Recommended by the Budget Committee Vote: _____).

ARTICLE 5 Shall the District raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling $ 96,823,198? (Should this article be defeated, the default budget shall be $ 95,808,066 which is the same as last year, with certain adjustments required by previous action of the District or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only)? (Majority vote required). (Recommended by the School Board Vote: _____).
(Recommended by the Budget Committee Vote: _____).

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JMES – JMUES
ROOF PROJECT
2025/2026

Orange Shaded Area - $823,230.00



JMES/JMUES ELEMENTARY SCHOOL ROOF DETAIL

Roof	Year Installed/Manufacturer	Installer	Square Footage	Warranty Ends
A	2023/Garland	Team Craft	15,419	2063
B	1999/Garland	Team Craft	9,087	2069
C	2023 Garland	Team Craft	1,032	2063
D	1999/Garland	Team Craft	3,048	2069
E	2008/Garland	Prime	14,072	2033
F	2008/Garland	Prime	4,340	2033
G	2008/Garland	Quality	5,334	2042
H	2000/Soprema	Therrien	9,639	2015
I	2023/Garland	Team Craft	8,563	2063
J	2000/Soprema	Therrien	5,751	2015
K	1993/Soprema 2021	Skyline	2,686	2008
L	1993/Soprema 2021	Skyline	524	2008
M	1993/Soprema 2021	Skyline	524	2008
N	1995/Soprema 2021	Skyline	11,990	2010
O	1995/Soprema 2021	Skyline	8,964	2010
P	2023/Garland	Team Craft	1,801	2063
Q	2023/Garland	Team Craft	723	2063

Roof	Year Installed/ Manufacturer	Installer	Square Footage	Warranty Ends
R	2012/Garland	Quality	10,080	2042
S	2023/Garland	Team Craft	858	2063
T	2012/Garland	Quality	2,648	2042
U	2012/Garland	Quality	4,638	2042
V	2012/Garland	Quality	4,320	2042
W	2012/Garland	Quality	8,456	2042
X	2023/Garland	Team Craft	1,315	2063
Y	2023/Garland	Team Craft	265	2063
Z	1997/Garland	Team Craft	4,310	2069
A1	1997/GenFlex EPDM	Skyline	748	2007
B1	1997/GenFlex EPDM	Skyline	6,216	2007
C1	1997/GenFlex EPDM	Skyline	1,318	2007
	3.39 acres or Total Square Footage		**148,669**	

		per thous	$500,000		
Article 0	$ 1,000,000.00	0.20	500	4982471004	$100
Article 0	$ 500,000.00	0.10	500	4982471004	$50
Article 3	$ 750,000.00	0.15	500	4982471004	$75
Article 4	$ 823,230.00	0.17	500	4982471004	$83
Article 5	$ 3,551,298.00	0.71	500	4982471004	$356
					$514
Article 5 Default	$ 2,509,093.00	0.50	500	4982471004	$252

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Merrimack School District
Policy Progress Chart

1/30/2025

Policies In Process	1st Reading	2nd Review	3rd Review (if needed)	Adoption	Comments
Annual Review of Investment Policy (DFA)	Annual review 2025				
Revised Health Education and Exemption from Instruction Policy (IHAM)	11/9/24	2/3/25			Back after it was put on hold 11/9/24
Revised Procedural Safeguards Non-Discrimination on the Basis of Disability Policy (ACE)	2/3/25				Reviewed by attorney (red)
Section 504 Procedural Safeguards Parent/Guardian/Student Rights Under Section 504 (ACE-R)	2/3/25				With attorney for review
Revised Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan (AC)	2/3/25				
Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan (AC-R)	2/3/25				
Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Annual Notice of Contact Information (AC-R2)	2/3/25				

INVESTMENT

The School Board authorizes the School District Treasurer working in conjunction with the Superintendent and his/her designee and pursuant to RSA 197:23-a to invest the funds of the District subject to the following objectives and standards of care.

OBJECTIVES

The three objectives, in priority order, of investment activities shall be safety, liquidity, and yield.

1. Safety of principal is the foremost objective in this policy. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital by mitigating credit and interest rate risk. This will be accomplished by limiting the type of the investments and institutions to those stipulated by statute and fully covered by FDIC insurance or collateral approved pursuant to state law.

2. Liquidity of the investment portfolio shall remain sufficient to meet all operating requirements that may be reasonably anticipated.

3. Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

STANDARDS OF CARE

1. Prudence. The standard of prudence to be used by the District Treasurer and Superintendent or his/her designee involved in the investment process shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. They are directed to use the Government Finance Officers Association (GFOA) Recommended Practices and Policy Statements Related to Cash Management as a guide to the prudent investment of public funds.

2. Ethics and conflicts of interest. The School District Treasurer and Superintendent or his/her designee involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions. Employees and Investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officials shall subordinate their personal investment transactions to those of the School District particularly with regard to the timing of purchases and sales.

INVESTMENT
(continued)

3. Internal Controls. The District Treasurer and Superintendent or his/her designee shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed by an independent auditor annually.

The School Board will review its investment policy annually.

Statutory References:

RSA 197:23-a, Treasurer's Duties
RSA 383:22, Public Deposit Investment Pool

1st Reading: March 17, 2008
2nd Review: April 7, 2008
Adoption: April 21, 2008
Reviewed: March 2, 2020
Reviewed: February 21, 2022
Reviewed: March 20, 2023
Reviewed: February 5, 2024
Reviewed:

HEALTH EDUCATION AND EXEMPTION FROM INSTRUCTION

Consistent with Department of Education requirements, health and physical education, including instruction about parts of the body, reproduction, and related topics, will be included in the instructional program.

Instruction must be appropriate to grade level, course of study, and development of students and must occur in a systematic manner. The Superintendent will require that faculty members who present this instruction receive continuing in-service training, which includes appropriate teaching strategies and techniques.

Parents/guardians will have the right to inspect health and physical instruction materials which will be made reasonably accessible to parents/guardians ~~and others~~ to the extent practicable.

Parents and legal guardians shall be notified by e-mail, letter, website or phone call, not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction or program of human sexuality ~~or~~ human sexual education, sexual orientation, gender, gender identity, or gender expression. Such notice is not required if a school employee is responding to a question from a student during class. ~~that the material is available for inspection at the school. The notice will identify and provide contact information for the member of staff or faculty whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.~~ Parents/guardians who object to the use of specific course materials are referred to District Policy IGE.

Upon request from a parent or legal guardian, the District shall make curriculum course materials available for review at the school.

Parents/guardians who wish to review or inspect health and physical education materials may arrange a meeting with the Principal to review the materials.

Opt-Out Procedure and Form

Students over eighteen years of age who do not want to participate in a particular unit of health or sex education for religious reasons or religious objections are allowed to opt out of such instruction. Likewise, parents/guardians who do not want their child to participate in a particular unit of health or sex education for religious reasons or objections are allowed to opt out of such instruction on behalf of their child.

Students over eighteen years of age who do not want to participate in a particular unit of health or sex education, or parents./guardians who do not want their child to participate in a particular unit of health or sex education, as stated above, must complete a Health and Sex Education Exemption/Objectionable Course Material Opt-Out Form notifying the Principal of their intent.

HEALTH EDUCATION AND EXEMPTION FROM INSTRUCTION (continued)

Students over eighteen years of age or parents/guardians and the Principal shall agree upon an alternative learning experience in lieu of the particular unit of study, at the students' or parents'/guardians' expense, sufficient to enable the student to meet state requirements for education in the particular subject area.

The name of the student over eighteen years of age and the name of the parents/guardians, and any specific reasons disclosed to school officials for objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

Opt-Out Forms are available from either the health education teacher or the Principal.

Opt-out requests must be submitted annually and are valid only for the school year in which they are submitted.

See also Merrimack School Board policy IGE, Exceptions to Use of Specific Course Materials.

Legal References:

RSA 186:11, IX-c & IX-e Notice to Parents/Guardian Required
NH Code of Administrative Rules, Section Ed 306.40, Health Education Program
NH Code of Administrative Rules, section Ed 302.41, Physical Education Program
RSA 186:11, IX-b, Health and Sex Education
Appendix IHAM-R, Health or Physical Education Opt-Out Form

1st Reading: September 5, 2017
2nd Review: September 18, 2017
3rd Review: October 2, 2017
Adoption: October 16, 2017
1st Reading: November 4, 2024
2nd Review:
Revision:

PROCEDURAL SAFEGUARDS
NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The District provides the following Notice of Procedural Safeguards to parents/guardians, and disabled persons, as required by 34 Code of Federal Regulations Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Superintendent is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of disabled students or any disabled person may use the grievance procedure established by the Board.

Grievance Procedure:

Parents/guardians of a student with a disability have the right to notify the above-designated employee with a complaint. Additionally, any disabled individual also has the right to notify the above-designated employee with their complaint.

The designated employee will provide an initial response within ten (10) days of receipt of complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the resolution shall be made within ten (10) working days of completion. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If the issue is not resolved after the informal resolution process, the complainant may: (a) request that the Board places this matter on its agenda; or (b) notify the Superintendent of the complaint. The Superintendent will notify the Board if he/she receives such a complaint.

If the Board schedules the matter for a hearing, the complainant may be represented by any person the complainant chooses, including legal counsel. The complainant may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record shall be made of the decision. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

PROCEDURAL SAFEGUARDS
NON-DISCRIMINATION ON THE BASIS OF DISABILITY
(continued)

Procedural Safeguards:

~~As required by 34 Code of Federal Regulations Section 104.36, parents/guardians of a student who needs or is believed to need special instruction and related services have the right, with respect to any action regarding identification, evaluation, and placement to:~~

~~1. Notice of referral/identification, evaluation, and placement process, with appropriate consent form.~~

~~2. Examine all relevant records.~~

~~3. At an impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services, an opportunity for participation by the parent/guardian and representation of counsel as provided under the Individuals with Disabilities Education Act.~~

~~4. A review process.~~

The District provides the following notice of procedural safeguards regarding the identification, evaluation, or educational placement of students who need or who are believed to need special education or related services, or access to accommodations:

1. The right to receive a copy of the procedural safeguards when parents/guardians are notified of any district action regarding identification, evaluation or placement of their student. This includes any time that the district intends to evaluate or reevaluate, make changes in classification, placement or any component of the child's free, appropriate public education (FAPE), or upon refusal to act on any parental request.

2. If your child needs or is believed to need special education or related services, the right to an evaluation of your child (1) before the initial placement, and (2) before any subsequent significant change in placement.

3. The right to examine your child's educational records.

4. The right to an impartial hearing concerning the identification, evaluation, or educational placement of the parent/guardian's child, the right to participate in the hearing and to be represented by counsel during the hearing process.

5. The right to appeal and final decision of the impartial hearing officer to a court of competent jurisdiction.

PROCEDURAL SAFEGUARDS
NON-DISCRIMINATION ON THE BASIS OF DISABILITY
(continued)

The District also complies with the procedural safeguards requirements of the Individuals with Disabilities Education Act.

The following person has been designated to handle inquiries regarding the non-discrimination policies: (Tile, insert contact information).

Legal References:

~~34 Code of Federal Regulations, Part 104, Nondiscrimination on the Basis of Handicap~~
34 CFR 104.36, Procedural Safeguards
Section 504 of the Rehabilitation Act of 1973

1st Reading:	July 16, 2007
2nd Review:	August 13, 2007
3rd Review:	September 17, 2007
Adoption:	October 1, 2007
Revised:	December 7, 2009, April 6, 2009
Reviewed:	November 16, 2020
Revised:	December 21, 2020
Reviewed:	_____

SECTION 504 PROCEDURAL SAFEGUARDS (ACE)

PARENT/GUARDIAN/STUDENT RIGHTS UNDER SECTION 504

Please Keep This Explanation for Future Reference

Merrimack School District does not discriminate on the basis of disability in its programs and activities.

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law and this notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Adult students may assert these rights on their own behalf.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabilities;

2. Have the school district advise you of your rights under federal law;

3. Receive notice with respect to identification, evaluation, or placement of your child. Parental consent must be obtained before conducting an initial evaluation and placement;

4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;

5. Have your child educated in facilities and receive services comparable to those provided students without disabilities;

6. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400, et. seq);

7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons, including the student's parent(s) or guardian(s), who know the student, the evaluation data, and placement options;

8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;

9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;

10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;

11. Obtain copies of relevant records at a reasonable cost unless the fee would effectively deny you access to the records;

12. Obtain a response from the school district to reasonable requests for explanations and interpretations of your child's record;

13. Request amendment of your child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading, or otherwise are in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to an impartial hearing;

14. File a local grievance, in accordance with the school district's 504 nondiscrimination grievance procedure;

15. Request mediation or an impartial hearing related to decisions or actions regarding your child's identification, evaluation, or placement. You and the student may take part in the hearing and have an attorney represent you. Section 504 Hearing requests must be made to the (insert name, title, contact information);

16. File a complaint with the Office of Civil Rights, U.S. Department of Education, 5 Post Office Square, 9th Floor, Boston, Massachusetts, 02109-3921; Tel: (617) 289-0111/ FAX: (617) 289-0150.

17. Ask for payment of reasonable attorney fees if you are successful on your claim.

The person in this District who is responsible for assuring that the District complies with Section 504 is the Assistant Superintendent.

NONDISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT, AND ANTI-DISCRIMINATION PLAN

A. INTRODUCTION AND GENERAL POLICY AGAINST DISCRIMINATION AND HARASSMENT

The District recognizes the right of all students and staff members to learn and work in an environment free from discrimination or harassment, and likewise, that persons participating or attempting to participate in District programs, employment or activities have the right to do so free from discrimination or harassment.

Accordingly, the District prohibits any type of unlawful harassment or discrimination based on age, race, color, religion, creed, sex, national or ethnic origin, gender identity, sexual orientation, marital status, familial status, physical or mental disability, pregnancy, genetic information, or veteran status by employees, students, members of the school community, or by vendors or visitors on school property or at school-sponsored events. No person shall be excluded from or denied the benefits of educational programs or activities on the basis of any of the above classes or economic status.

As described above, the blanket prohibition afforded under this policy, as well as other Board policies, reflects, but goes further than, some of the same protections afforded under multiple State and Federal statutes or regulations, such as, but not limited to, NH RSA 354-A, and NH RSA 193:38-39, Titles IV, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Pregnant Worker Fairness Act, Additionally, bullying or general harassment of students unrelated to any of the characteristics ("protected classes") identified above, is further prohibited under Board policy JICK and RSA 193-F. Statutory and regulatory statements and notices of nondiscrimination are included in Section I of this policy.

The District has determined that the most effective way to limit harassing or discriminating statements or conduct that is illegal or unlawful under those statutes is to treat it as misconduct under Board policies even when such conduct or statements might not rise to the level of discrimination or harassment prohibited under federal or state law.

B. DEFINITIONS

The definitions found here apply to each Board policy unless and to the extent that such definition is contrary to specific language or context of that policy or other legal authority.

"Days" means calendar days, but excludes non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

"*Discrimination*" is conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information, or any other characteristic protected by law, or based on a belief that such a characteristic exists.

A *"Grievance" or "Complaint"* is a verbal or written report or complaint of discrimination, harassment, or retaliation that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination. The required form and the specific process for making a report may vary depending on the nature of the conduct or issue. See Section D, below, for further information.

"*Harassment"* generally refers to the use of words or engaging in behaviors that annoy, threaten, intimidate, or demean a person without a legitimate purpose. Harassment will often constitute bullying prohibited under Board policy JICK. Additionally, harassment may constitute illegal discrimination if the harassing statements or behaviors include explicit or implicit reference to age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin.

"Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by state or federal law, or District policies, procedures, regulations or rules, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or appeal under such policies, procedures, etc.

C. POLICY APPLICATION

This policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy JICK, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

D. REPORT, COMPLAINT, AND GRIEVANCE PROCEDURES

a. Reports or complaints of sex discrimination, including sex-based harassment, or sexual violence should be made under Board policy ACAC;

b. Reports or complaints by students of discrimination on the basis of educational disability under the IDEA should be made under Board policy ACE;

c. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK;

d. Reports or complaints of discrimination, harassment, or retaliation not specified above, including, without limitation, claims relating to race, ethnicity, disability (e.g., ADA or 504), religion, etc., and not involving or relating to the District's food services (see number 5 below) should be made under the grievance procedure in Board policy ACA; and

e. Reports or complaints of discrimination based upon protected classes relative to any of the District's food and nutrition services (FNS) programs (school lunches, etc.) should be made under Board policy ACF, unless the alleged discriminatory conduct relates to a class identified in Sections D.1 or D.2.

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced above under this same heading.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced above under this same heading. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Investigations and resolution of any complaints shall be according to the policies listed above and related administrative procedures or regulations. Complaints or reports regarding matters not covered in those policies should be made to the District Human Rights Officer.

E. ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES

At any time, whether or not an individual files a complaint or report under this policy or policy ACA, an individual may file a complaint with an external agency, such as the Office for Civil Rights ("OCR") of the United States Department of Education, the New Hampshire Commission for Human Rights, or another relevant authority. The contact information for such agencies is located in AC-R(2). Complaints to the OCR, however, must be made within 180 days of the last act of alleged discrimination, harassment or retaliation giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. Notwithstanding any other remedy, any person may contact the police or pursue criminal prosecution under state or federal criminal law.

F. RETALIATION PROHIBITED

No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or making statements in the course of an investigation or grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an investigation, a disciplinary proceeding, or grievance proceeding does not constitute retaliation, provided, however, that a finding explicitly or implicitly negating a statement, alone, is not sufficient alone to conclude that the person made a materially false statement in bad faith.

G. HUMAN RIGHTS [or NONDISCRIMINATION] OFFICER, TITLE IX AND 504/ADA COORDINATORS

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, and more often when personnel change, the Superintendent shall prepare and disseminate as a supplement to this policy AC-R(2) an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, and postal and physical addresses:

Human Rights Officer: Assistant Superintendent, Human Resources Director

Title IX Coordinator: Assistant Superintendent

504/ADA Coordinator: Assistant Superintendent, K-8 School Counseling Director, 9-12 504 Coordinator

The Appendix will also include current contact information for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights
U.S. Department of Agriculture, Office of Civil Rights
N.H. Human Rights Commission
N.H. Department of Justice, Civil Rights Unit
N.H. Department of Education, Commissioner of Education

H. DISTRICT ANTI-DISCRIMINATION PLAN

The Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan (the "Plan") to include guidelines, protocols, and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination.

Among other things, the Plan should include provisions and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination, and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District's Human Rights Officer and Title IX and 504 Coordinators.

No less than once every two years (off years from review of the District's Suicide Prevention Plan per Policy JLDBB), the Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.

I. STATUTORY AND REGULATORY NONDISCRIMINATION STATEMENTS AND NOTICES

a. **Comprehensive Prohibition Against Discrimination in Educational Programs and Activities.**

Under State or Federal law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. As used in this section, "race" means immutable traits associated with race, including hair texture and protective hairstyles and "protective hairstyles" means hairstyles or hair type, including braids, locs, tight coils or curls, cornrows, Bantu knots, Afros, twists, and headwraps. Discrimination, including harassment, against any person in the District's education programs, on the basis of any of the above classes, or a person's creed, is prohibited.

Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.

Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Board policy JICK Pupil Safety and Violence Prevention.

b. **Equal Opportunity of Employment and Prohibition Against Discrimination in Employment.**

The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).

Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

c. **USDA Nondiscrimination Statement (copied from Policy ACF).**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: USDA Form AD-3027 (linked tested 2024/5/9), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

a. **Mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

b. **Fax:**
(833) 256-1665 or (202) 690-7442; or

c. **Email:**
Program.Intake@usda.gov

2. **Title IX Nondiscrimination Policy and Notice of Nondiscrimination.**

   a. Nondiscrimination Policy. (copied from Board policy ACAC)
   The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

   b. Title IX Notice of Nondiscrimination and Grievance Procedures and Dissemination of Notice.

      i. Form of Notice - Title IX regulations and Board policy ACAC prescribe the form of the District's Title IX Notice of Nondiscrimination and further requires the full printing of the notice in the locations described in paragraph I.4.b.ii below Because the required Notice of Nondiscrimination must include the name and contact information for the Title IX Coordinator, the full notice is included in the supplement to this policy AC-R(2) which policy, per Section G above, the Superintendent is authorized and directed to update at least annually, and may also be found on the District's website at: www.sau26.org.

      ii. Dissemination of Notice. Except as provided in paragraph I.4.c, below, the Superintendent shall ensure that the Title IX Notice of Nondiscrimination is included in full on the District's and each school's website, in each student, employee, parent or volunteer handbook, and in each catalog, announcement, bulletin, and application/enrollment form that it makes available to students, parents, employees, applicants, or which are otherwise used in connection with the recruitment of students or employees. The District will likewise provide the notice to any applicable bargaining unit or other organizations with professional agreements with the District.

   c. Alternative Notice.

      If the format or size of any publication of the kind listed in paragraph I.4.b.ii make it necessary to do so, the following Alternative Notice may be used:

      - The District prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The District's full Title IX Notice of Nondiscrimination is located at: www.sau26.org

      - To report information or make a complaint about conduct that may constitute sex discrimination or sex-based harassment, please refer to Board policy ACAC.

COLLABORATION WITH OUTSIDE AGENCIES

Information may be disclosed if necessary, to further the investigation, appeal or resolution of a grievance, or if necessary, to carry out interim or disciplinary measures. The District will disclose information to the District's attorney, law enforcement, and others when necessary to

enforce this policy or when required by law. In implementing this policy, the District will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The District will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with Board policy, state and federal laws, and as advised by the District's attorney.

ADDITIONAL REPORTING REQUIREMENTS

Reports under this Policy are in addition to and do not replace other reporting requirements mandated by law or other policies - see, e.g., Educator Code of Conduct (see Board policy GBEAB), abuse or neglect of children (see RSA 169-C:29 and policy JLF), acts of "theft, destruction, or violence" (see RSA 193-D:4, I (a) and Ed 317.06), incidents of "bullying" (see RSA 193-F and policy JICK), and hazing (see RSA 671:7).

ADMINISTRATIVE PROCEDURES, REGULATIONS AND TRAINING PROGRAMS

The Superintendent shall develop such other procedures and regulations and shall ensure that training programs are provided as are necessary and appropriate to implement this policy as well as the other policies referenced above.

NOTICE OF COMPLIANCE

The Superintendent will provide notice of the nondiscrimination statements and notices, the Anti-Discrimination Plan, to all applicants for employment, employees, students, parents, and other interested persons as required by statute, policy or regulation, or as the Superintendent may otherwise deem appropriate.

Legal References:

NH Statutes	**Description**
RSA 186:11, XXXIII	Discrimination
RSA 193-F	Student Safety and Violence Protection Act
RSA 193:38	Discrimination in Public Schools
RSA 275:71	Prohibited Conduct by Employer
RSA 275:78-83	Policies Relating to Nursing Mothers (Scroll down to sections 275:78-83)
RSA 354-A	State Commission for Human Rights
NH Dept of Ed Regulation	**Description**
NH Dept of Ed Rule 303.01 (i)	School Board Substantive Duties
Federal Regulations	**Description**
89 FR 29182	Pregnant Workers Fairness Act ("PWFA")
Federal Statutes	**Description**

20 U.S.C 1681, et seq	Title IX of the Education Amendments of 1972
20 U.S.C. § 1400-1417	Individuals with Disabilities Education Act (IDEA)
29 U.S.C. 621, et seq.	The Age Discrimination in Employment Act of 1967
29 U.S.C. 705	The Rehabilitation Act of 1973 - Definitions
29 U.S.C. 794	Rehabilitation Act of 1973 (Section 504)
42 U.S.C. 12101, et seq.	Title II of The Americans with Disabilities Act of 1990
42 U.S.C. 2000c	Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.	Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq.	Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000gg	Pregnant Worker Fairness Act ("PWFA")
42 U.S.C. 218d	Pump for Nursing Mothers Act ("PUMP Act")

1st Reading:
2nd Review:
Adoption:

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Cross References

Code	Description
ACA	Discrimination and Harassment Grievance Procedure
ACAC	Title IX Prohibition of Sex Discrimination and Sex-Based Harassment: Policy and Grievance Procedure
ACD	Commitment to Religious Neutrality
ACE	Procedural Safeguards: Nondiscrimination on the Basis of Disability
ACF	Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints
CAN	Accommodation of Lactation Needs
EF	Food Service Management
EFAA	Meal Charging
GBAM	Accommodation of Pregnancy and Related Medical Conditions: Personnel
GBI	Staff Participation in Political Activities
GDB	Employment of Non-Certified Personnel
IHBA	Programs for Pupils with Disabilities
IHBA-R(1)	Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights
IHBAM	District Special Education Policy and Procedures Manual
IHBCA	Accommodation of Pregnancy and Related Medical Conditions: Students
IHBG	Home Education Instruction
IKG	Awards and Scholarships
JICK	Pupil Safety and Violence Prevention
JICK-R(1)	Pupil Safety and Violence Prevention - Report Form
JICK-R(2)	Pupil Safety and Violence Prevention - Bullying Report Form
JICK-R(3)	Pupil Safety and Violence Prevention - School Board Notification of Bullying Report
JJA	Student Activities & Organizations
JJA-R(1)	Student Activities & Organizations - Eligibility Standards
KEE	Website Accessibility and Grievance
KFA	Conduct on School Property
KFA-R(1)	Conduct on School Property - Assaults

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NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **Mail:** U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or
2. **Fax:** (833) 256-1665 or (202) 690-7442; or
3. **Email:** Program.Intake@usda.gov

POLICY APPLICATION

This Policy is applicable to all persons employed or served by the District.

HUMAN RIGHTS/NON-DISCRIMINATION, TITLE IX, 504 AND OTHER COORDINATORS OR OFFICERS

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate the Annual Notice of Rights and Policies which shall include an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.

Human Rights/Non-Discrimination Officers	Assistant Superintendent (Students) Human Resources Director (Staff)
Title IX Coordinator	Assistant Superintendent
504 Coordinators	Assistant Superintendent K-8 School Counseling Director 9-12 504 Coordinator

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN
(Continued)

The notice will also include current contact information for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights; 5 Post Office Square, 9th Floor, Boston, MA 02109-3921; Telephone – 617-289-0111; Email – OCR.Boston@ed.gov.

U.S. Department of Agriculture, Office of Civil Rights; 1400 Independence Avenue, SW, Mail Stop 0115, Washington D.C., 20250-9410; Telephone – 866-632-9992; Email – program.intake@usda.gov.

N.H. Human Rights Commission, 57 Regional Drive, Suite 8, Concord, NH 03301; Telephone – 603-271-2767; Email – humanrights@nh.gov.

N.H. Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone – 603-271-3650

N.H. Department of Education, Commissioner of Education; 25 Hall Street, Concord, NH 03301; Telephone – 603-271-3494; Email – info@doe.nh.gov.

DISTRICT ANTI-DISCRIMINATION PLAN

The Merrimack School District affirms its commitment to creating and supporting the conditions for inclusion, acceptance, and fair and equitable treatment for all persons employed or served by the District with respect to all operations of and within the District.

PREVENTION

1. New Hires – All new hires receive and are required to read Policy AC – Non- Discrimination, Equal Opportunity Employment and District and Discrimination, ACAC – Title IX Sexual Harassment GBAA - Sexual Harassment and Violence – Employees and for staff working in direct contact with students, JBAA. All new hires are required to read policy JICK and watch the associated training video. Additionally, role appropriate in person training occurs prior to the first day of school on each of the policies previously noted.

2. Annually – All Staff are required to read and acknowledge the Annual Notice of Rights and Policies. Incorporated into this Annual Notice are policies AC Non-Discrimination, ACAC Title IX Sexual Harassment, GBED Tobacco Products Ban Use and Possession in and on School Facilities and Grounds, GBAA Sexual Harassment and Violence – Employees, GBG Employee Protection, GBGAA - HIV AIDS Policy, and JICK Pupil Safety and Violence Prevention-Bullying. Staff must annually acknowledge review of the Annual Notice of Rights and Policies and each of the associated elements.

3. Periodically all staff are required to attend anti-discrimination and harassment training.

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN
(Continued)

4. As needed – Specialized, targeted training is deployed to meet current needs for any department or group of individuals as warranted.

5. Contracted Service Providers – All District contracts with vendors who will have individuals on our premises address training requirements relating to discrimination.

6. Volunteers – All volunteers of the district are required to read Policy JICK – Student Safety and Violence Prevention - Bullying and watch the associated training.

7. Students – Targeted training through approved curriculum resources.

ASSESSMENT AND INTERVENTION

The District takes all complaints of discrimination seriously. In accordance with applicable policies, review and/or investigation into the complaint will occur and appropriate action will take place in a timely manner.

The District shall exercise care to regularly monitor the overall climate of its schools to determine whether there exists a culture which perpetuates discrimination and/or harassment in violation of District policies. In doing so, the District's Human Rights Officer will compile data from all complaints and analyze whether there exists patterns or practices which indicate a discriminatory or harassing environment. If the District has reason to believe that such an environment exists, it will take the appropriate steps to provide remedial action, which may include but is not limited to additional education to students and/or staff, disciplinary action, etc. Any person who believes that they have been discriminated against, harassed, or bullied in violation of applicable policies by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should follow the guidance in the applicable policy listed below.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of applicable policies has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced below under this same heading. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN
(Continued)

Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one of those policies should be made to the District Human Rights Officer.

Reports or complaints of discrimination on the basis of disability should be made in accordance with the Annual Notice of Rights and Policies, except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board Policy KED –Facilities or Services Grievance Procedure (Section 504) Policy.

Reports or complaints of discrimination on the bases of any protected class should be made under Board Policy AC - Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan and AC-R – Non-Discrimination: Grievances.

Reports or complaints of sexual harassment or sexual violence by employees or third-party contractors, should be made under Board Policy GBAA – Sexual Harassment and Violence – Employees or Board Policy ACAC – Title IX Sexual Harassment Policy and Grievance Process.

Reports or complaints of sexual harassment or sexual violence by students, should be made under Board Policy JBAA – Sexual Harassment and Violence – Students or Board Policy ACAC – Title IX Sexual Harassment Policy and Grievance Process. Reports or complaints of bullying or other harassment of pupils should be made under Board Policy JICK – Pupil Safety Violence Prevention (Bullying) Policy.

RESPONSE

The District is committed to taking any and all appropriate action to mitigate and prevent any acts of discrimination, harassment or bullying. The process for District response is outlined in AC-R.

Alternative Complaint Procedures and Legal Remedies.
At any time, whether or not an individual files a complaint or report under this Policy, an individual may file a complaint with the Office for Civil Rights ("OCR"), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

1. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; Email: OCR.Boston@ed.gov

Note: Complaints to OCR must be filed in writing no later than 180 days after the alleged act(s) of discrimination. OCR may waive its 180-day time limit based on OCR policies and procedures.

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN
(Continued)

2. New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; Telephone number: (603) 271-2767; Email: humanrights@nh.gov

Notwithstanding any other remedy, any person may contact the police or pursue a criminal prosecution under state or federal criminal law.

Retaliation Prohibited.

No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information.

Legal References:

RSA 354-A:6 Opportunity for Employment without Discrimination a Civil Right
RSA 354-A:7, Unlawful Discriminatory Practices
RSA 186:11, XXXIII, Discrimination
RSA 193:38 and 39 Discrimination in Public Schools and Discrimination Prevention Policy Required
34CFR Sections 104.7, 104.8, 104.22 (4)(f), and 1014.36 of Section 504 Regulations
The Age Discrimination in Employment Act of 1967
Title I of The Americans with Disabilities Act of 1990
Title VII of The Civil Rights Act of 1964 (15 or more employees)
7CFR 15 - Non-Discrimination

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NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT, AND ANTI-DISCRIMINATION PLAN

ANNUAL NOTICE OF CONTACT INFORMATION

DISTRICT PERSONNEL:

Human Rights/Non-Discrimination Officers:
Assistant Superintendent Amanda (Amy) Doyle (Students)
Human Resources Director Melissa Fazlic (Staff)

Title IX Coordinator:
Assistant Superintendent Amanda (Amy) Doyle

504 Coordinator:
Assistant Superintendent Amanda (Amy) Doyle (Staff)
K-8 School Counseling Director Sara Parrotto (Students)
9-12 504 Coordinator Christina (Connor) Safstrom (Students)

OUTSIDE AGENCIES:

U.S. Department of Education Office for Civil Rights 5 Post Office Square, 9th Floor Boston, MA 02109-3921 Telephone 617-289-0111 Email: OCR.Boston@ed.gov	New Hampshire Human Rights 57 Regional Drive, Suite 8 Concord, NH 03301 Telephone 603-271-2767 Email: humanrights@hrc.nh.gov
U.S. Department of Agriculture Office of Civil Rights 1400 Independence Avenue, SW Mail Stop 0115 Washington, D.C., 20250-9410 Telephone: 866-632-9992 Email: program.intake@usda.gov	New Hampshire Department of Justice Civil Rights Unit 33 Capitol Street Concord, NH 03301 Telephone 603-271-3650 Email: doj.civilrights@doj.nh.gov
Boston Area Office U.S. Equal Employment Opportunity Commission JFK Federal Building 15 New Sudbury Street, Room 475 Boston, MA 02203-0506 Telephone 800-669-4000 ASL Video Phone 844-234-5122 Email: info@eeoc.gov	New Hampshire Department of Education Commissioner of Education 25 Hall Street Concord, NH 03301 Telephone: 603-271-3494 Email: info@doe.nh.gov

Merrimack School Board Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
January 21, 2025

Present: Ms. Lori Chair Peters, Chair: Ms. Jenna Hardy, Vice-Chair; Ms. Laurie Rothhaus, Board Member; Mr. Ken Martin, Board Member; and Ms. Naomi Halter, Board Member.

Also Present: Mr. Everett Olsen, Chief Education Officer; Ms. Amy Doyle, Assistant Superintendent of Curriculum; and Mr. Matt Shevenell, Assistant Superintendent for Business.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

At 6:30 p.m., Chair Peters called the regular meeting to order.

Chair Peters read aloud the Merrimack School District's mission statement into the record as follows:

The Merrimack School District will provide a high-quality, future-driven education to all students in the community. Students will engage in learning opportunities that reflect both rigger and relevance and meet their cognitive, social, and emotional needs. The district will prepare students to understand, adapt, and adjust to civic, economic, social, and technological changes in the world. Our overall goal is to inspire, create, and encourage students to be curious, connected, prepared, resilient, and dedicated individuals who are lifelong expert learners. Merrimack graduates exercise judgment they are innovative and will become responsible contributors to society. We hope the discussions we have tonight will always align with that mission.

Chair Peters announced that Board Member Halter would arrive later in the meeting.

2. PUBLIC PARTICIPATION

There was no public participation.

3. INFORMATIONAL UPDATES

a. Superintendent Update

Chief Education Officer Olsen emphasized accurate budget information is important and invited individuals with budget related questions to contact him for information and/or answers.

Chief Education Office Olsen reported the Budget Committee presented Director of Student Services Sarah Reinhardt with 70 questions pertaining to the Student Services budget. He thanked Director Reinhardt for answering many of the questions. Director Reinhardt was not

able to answer all questions because the answers would have violated FERPA (Federal Education Rights Privacy Act).

Chief Education Officer Olsen noted that the development of the 2025-2026 school calendar is underway.

Chief Education Officer Olsen will email the 70 questions from the Budget Committee to the School Board, per Chair Peters requested.

b. Assistant Superintendent for Curriculum Update

Assistant Superintendent of Curriculum Doyle reported January 15 was an early release day for students. The afternoon consisted of a two-hour professional development for staff on the topic of suicide prevention. RSA 193 requires staff to receive suicide prevention training annually.

c. Assistant Superintendent for Business Update

Assistant Superintendent for Business Shevenell reported there were several requests for information regarding the budget and recent budget conversations.

Assistant Superintendent for Business Shevenell reported there may be a potential Warrant Article for a roof replacement. If the 5-year roof plan is maintained, there most likely will be a 10-year period to be able to add to an existing Roof Capital Reserve Account.

d. School Board Update

Chair Peters did not provide a report.

e. Student Representative Update

Student Representative Haddad reported high school students are currently taking mid-terms, winter sports are happening and there will be more information about a February assembly later.

4. APPROVAL OF MINUTES

Board Member Halter was in attendance for the approval of the minutes.

a. December 11, 2024 Public Minutes
b. December 16, 2024 Public and Non-Public Minutes
c. December 18, 2024 Public Minutes

MOTION: Vice Chair Hardy made a motion to accept the minutes from the December 11, 2024 public meeting and the December 16, 2024 public and non-public meetings, and the December 18, 2024 public meeting as presented. Board Member Rothhaus seconded the motion.

MOTION CARRIED: 5-0-0

5. CONSENT AGENDA

a. Teacher Resignation

- Tiffani Lopez-Carrazana, Third Grade Teacher, Reeds Ferry Elementary School

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

MOTION CARRIED: 5-0-0

6. OTHER

a. Committee Reports

Board Member Hardy reported she attended the CIA (Curriculum Instruction and Assessment) Committee meeting. Proposals for new high school classes consisted of a science fiction class, a sketch comedy production class, Spanish 4 honors dual enrollment class and a French 4 honors dual enrollment class. Instructional updates, early release days, assessment updates, data review and budget updates were also discussed.

Board Member Rothhaus reported she attended a Parks and Recs Committee meeting. Topics of discussion included a possible new Parks and Rec Assistant Director, a new committee member, review of the parade, the ice rink is open and a need for winter carnival volunteers. The Parks and Recs budget review is Thursday.

Board Member Rothhaus reported she attended the Professional Development Committee. The committee approved funding for professional development activities and discussed the professional development plans for January 15, 2025. She expressed appreciation to Assistant Superintendent Doyle for her empathy and understanding that the topic of suicide prevention might be difficult for some individuals.

Board Member Rothhaus added she attended A Life of an Athlete Program in Concord. She explained the program addresses complicated stressors in the sports climate. She would like to pursue A Life of an Athlete Committee to work with athletes in Merrimack.

Board Member Halter reported that she attended a Budget Committee meeting where the administration provided a presentation entitled "Improvements to the Merrimack School District". She noted there were many public comments about increasing property taxes.

Board Member Martin reported he attended a Budget Committee meeting. He noted many public comments expressing their support of the Merrimack School District.

b. Correspondence

Chair Peters commented she received correspondence from parents with concerns and questions which she forwarded to the appropriate departments/people.

Chair Peters noted the presentation from Rotary will be rescheduled.

Chair Peters reported she received a couple of emails on how to get more informed on the budget.

c. Comments

Board Member Rothhaus commented that she watched the broadcast of the Budget Committee meeting. It would be conducive to speak to Budget Committee Chair Jennifer McCormack about the importance of having a lot of control in the Budget Committee meetings. People should not be talking in the audience when other individuals are presenting information. Core values, mission statement, respect, responsibility, character, courage, and trustworthiness are important. It is also important that the information discussed at the Budget Committee meetings are accurate true information. She requested that everyone take time to reflect on what that looks like.

Vice Chair Hardy explained that the proposed courses she reported on under committee reports, earlier in the meeting, was a perfect example of why the cost for textbooks needs to be in the default budget.

Board Member Rothhaus spoke in support of having funds in the default budget to replace textbooks.

Chair Peters explained that she believes there is potentially grounds for districts to approach the New Hampshire Attorney General with regards to the recent PowerSchool breech of information and way of doing business. She asked the School Board and the Administration to ponder potentially drafting a letter to the New Hampshire State Attorney General. It is unacceptable for the largest student information system company who we pay money to have a breach of information.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

a. Partnership with Rotary

Chair Peters announced earlier in the meeting that the agenda item "Partnership with Rotary" would be rescheduled to a future meeting.

b. Improvement to Merrimack School District Presentation

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Chair Peters added investments in curriculum are a team approach. The team includes teachers, students, families, administration, and School Board.

Chair Peters highlighted Human Resource Director Melissa Fazlic and her outstanding contributions to the District.

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(Recommended by the School Board Vote: _____).
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Assistant Superintendent for Business replied encumbered surplus is money earmarked for an expenditure. Examples of encumbered expenditures include funds to return to the Town to reduce taxes and open purchase orders for expenses incurred during the school year and invoiced after the year end.

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Chair Peters referred to a spreadsheet displayed by a Budget Committee member at the January 7, 2025 Budget Committee meeting about expenditures. She explained that all open positions covered by the MTA or MESSA agreement must be included in the budget. Those open positions cannot be eliminated, per contract.

Chair Peters reviewed the following expenditures adjusted for annual inflation.

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2023-2024 Y1 MTA	4.12%
2024-2025 Y2 MTA, Y1 MESSA 15% health insurance increase – Default	~2.95*
2025-2026 Y3 MTA, Y2 MESSA, 10% health Insurance Increase	

*2024 has not been calculated yet. This amount is the average of 11 months of inflation.

Chair Peters reported the proposed budget for 2025-2026 is equivalent to an adjusted for inflation budget. The year of the 8.0% inflation rate (2022-2023) the School Board approved a budget with only a 1.4% increase. Every budget the School Board has approved has been below the inflation rate. The 2025-2026 proposed budget is at the inflation rate. The voters of Merrimack recognized that teachers were severely under paid and it was affecting the ability to retain and attract high quality teachers. The pay grid and the contract were adjusted to make Merrimack competitive. The same was true for the support staff (custodians, paraprofessionals, administrative assistants) who could earn a higher wage working at Dunkin than with the District. The voters recognized that wages needed to account for inflation and they approved the MESSA contract.

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explained the difference between administrative positions and administrator positions. Administrative positions are key to the function of the district in services to the students, two examples are the Title I Coordinator and the Out of District Coordinator. The administrative positions work the school year and the salaries are comparable to teaching positions. Administrator positions have greater work expectations such as attending night meetings and some weekend events and are paid commensurate with those expectations.

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Chair Peters acknowledged it is not easy to create a large budget and consider the tax impact at the same time. She quoted a statement made by Board Member Halter "We are doing more with less".

e. Other

There was no old business to discuss.

9. PUBLIC COMMENTS ON AGENDA ITEMS

Heather Robitaille of 45 Springfield Circle thanked Chair Peters for providing fact-based information publicly. She encouraged the community to contact the State Representatives if they have concerns about how property taxes are being impacted. She encouraged people to ask the State Representative for their plan to address the inequitable way that New Hampshire currently funds public education. The proposed budget as close to the default budget is a direct reflection on the administration's understanding of the concerns of residents and taxpayers.

10. ADJOURNMENT

MOTION: At approximately 8:30 p.m., Board Member Rothhaus made a motion to adjourn. Board Member Martin seconded the motion.

MOTION CARRIED: 5-0-0

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT, AND ANTI-DISCRIMINATION PLAN

ANNUAL NOTICE OF CONTACT INFORMATION

DISTRICT PERSONNEL:

Human Rights/Non-Discrimination Officers:
Assistant Superintendent Amanda (Amy) Doyle (Students)
Human Resources Director Melissa Fazlic (Staff)

Title IX Coordinator:
Assistant Superintendent Amanda (Amy) Doyle

504 Coordinator:
Assistant Superintendent Amanda (Amy) Doyle (Staff)
K-8 School Counseling Director Sara Parrotto (Students)
9-12 504 Coordinator Christina (Connor) Safstrom (Students)

OUTSIDE AGENCIES:

U.S. Department of Education Office for Civil Rights 5 Post Office Square, 9th Floor Boston, MA 02109-3921 Telephone 617-289-0111 Email: OCR.Boston@ed.gov	New Hampshire Human Rights 57 Regional Drive, Suite 8 Concord, NH 03301 Telephone 603-271-2767 Email: humanrights@hrc.nh.gov
U.S. Department of Agriculture Office of Civil Rights 1400 Independence Avenue, SW Mail Stop 0115 Washington, D.C., 20250-9410 Telephone: 866-632-9992 Email: program.intake@usda.gov	New Hampshire Department of Justice Civil Rights Unit 33 Capitol Street Concord, NH 03301 Telephone 603-271-3650 Email: doj.civilrights@doj.nh.gov
Boston Area Office U.S. Equal Employment Opportunity Commission JFK Federal Building 15 New Sudbury Street, Room 475 Boston, MA 02203-0506 Telephone 800-669-4000 ASL Video Phone 844-234-5122 Email: info@eeoc.gov	New Hampshire Department of Education Commissioner of Education 25 Hall Street Concord, NH 03301 Telephone: 603-271-3494 Email: info@doe.nh.gov

Merrimack School Board Meeting
Merrimack School District, SAU #26
Merrimack Town Hall – Matthew Thornton Room
January 21, 2025

Present: Ms. Lori Chair Peters, Chair: Ms. Jenna Hardy, Vice-Chair; Ms. Laurie Rothhaus, Board Member; Mr. Ken Martin, Board Member; and Ms. Naomi Halter, Board Member.

Also Present: Mr. Everett Olsen, Chief Education Officer; Ms. Amy Doyle, Assistant Superintendent of Curriculum; and Mr. Matt Shevenell, Assistant Superintendent for Business.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

At 6:30 p.m., Chair Peters called the regular meeting to order.

Chair Peters read aloud the Merrimack School District's mission statement into the record as follows:

The Merrimack School District will provide a high-quality, future-driven education to all students in the community. Students will engage in learning opportunities that reflect both rigger and relevance and meet their cognitive, social, and emotional needs. The district will prepare students to understand, adapt, and adjust to civic, economic, social, and technological changes in the world. Our overall goal is to inspire, create, and encourage students to be curious, connected, prepared, resilient, and dedicated individuals who are lifelong expert learners. Merrimack graduates exercise judgment they are innovative and will become responsible contributors to society. We hope the discussions we have tonight will always align with that mission.

Chair Peters announced that Board Member Halter would arrive later in the meeting.

2. PUBLIC PARTICIPATION

There was no public participation.

3. INFORMATIONAL UPDATES

a. Superintendent Update

Chief Education Officer Olsen emphasized accurate budget information is important and invited individuals with budget related questions to contact him for information and/or answers.

Chief Education Office Olsen reported the Budget Committee presented Director of Student Services Sarah Reinhardt with 70 questions pertaining to the Student Services budget. He thanked Director Reinhardt for answering many of the questions. Director Reinhardt was not

able to answer all questions because the answers would have violated FERPA (Federal Education Rights Privacy Act).

Chief Education Officer Olsen noted that the development of the 2025-2026 school calendar is underway.

Chief Education Officer Olsen will email the 70 questions from the Budget Committee to the School Board, per Chair Peters requested.

b. Assistant Superintendent for Curriculum Update

Assistant Superintendent of Curriculum Doyle reported January 15 was an early release day for students. The afternoon consisted of a two-hour professional development for staff on the topic of suicide prevention. RSA 193 requires staff to receive suicide prevention training annually.

c. Assistant Superintendent for Business Update

Assistant Superintendent for Business Shevenell reported there were several requests for information regarding the budget and recent budget conversations.

Assistant Superintendent for Business Shevenell reported there may be a potential Warrant Article for a roof replacement. If the 5-year roof plan is maintained, there most likely will be a 10-year period to be able to add to an existing Roof Capital Reserve Account.

d. School Board Update

Chair Peters did not provide a report.

e. Student Representative Update

Student Representative Haddad reported high school students are currently taking mid-terms, winter sports are happening and there will be more information about a February assembly later.

4. APPROVAL OF MINUTES

Board Member Halter was in attendance for the approval of the minutes.

a. December 11, 2024 Public Minutes
b. December 16, 2024 Public and Non-Public Minutes
c. December 18, 2024 Public Minutes

MOTION: Vice Chair Hardy made a motion to accept the minutes from the December 11, 2024 public meeting and the December 16, 2024 public and non-public meetings, and the December 18, 2024 public meeting as presented. Board Member Rothhaus seconded the motion.

MOTION CARRIED: 5-0-0

5. CONSENT AGENDA

a. Teacher Resignation

- Tiffani Lopez-Carrazana, Third Grade Teacher, Reeds Ferry Elementary School

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

MOTION CARRIED: 5-0-0

6. OTHER

a. Committee Reports

Board Member Hardy reported she attended the CIA (Curriculum Instruction and Assessment) Committee meeting. Proposals for new high school classes consisted of a science fiction class, a sketch comedy production class, Spanish 4 honors dual enrollment class and a French 4 honors dual enrollment class. Instructional updates, early release days, assessment updates, data review and budget updates were also discussed.

Board Member Rothhaus reported she attended a Parks and Recs Committee meeting. Topics of discussion included a possible new Parks and Rec Assistant Director, a new committee member, review of the parade, the ice rink is open and a need for winter carnival volunteers. The Parks and Recs budget review is Thursday.

Board Member Rothhaus reported she attended the Professional Development Committee. The committee approved funding for professional development activities and discussed the professional development plans for January 15, 2025. She expressed appreciation to Assistant Superintendent Doyle for her empathy and understanding that the topic of suicide prevention might be difficult for some individuals.

Board Member Rothhaus added she attended A Life of an Athlete Program in Concord. She explained the program addresses complicated stressors in the sports climate. She would like to pursue A Life of an Athlete Committee to work with athletes in Merrimack.

Board Member Halter reported that she attended a Budget Committee meeting where the administration provided a presentation entitled "Improvements to the Merrimack School District". She noted there were many public comments about increasing property taxes.

Board Member Martin reported he attended a Budget Committee meeting. He noted many public comments expressing their support of the Merrimack School District.

b. Correspondence

Chair Peters commented she received correspondence from parents with concerns and questions which she forwarded to the appropriate departments/people.

Chair Peters noted the presentation from Rotary will be rescheduled.

Chair Peters reported she received a couple of emails on how to get more informed on the budget.

c. Comments

Board Member Rothhaus commented that she watched the broadcast of the Budget Committee meeting. It would be conducive to speak to Budget Committee Chair Jennifer McCormack about the importance of having a lot of control in the Budget Committee meetings. People should not be talking in the audience when other individuals are presenting information. Core values, mission statement, respect, responsibility, character, courage, and trustworthiness are important. It is also important that the information discussed at the Budget Committee meetings are accurate true information. She requested that everyone take time to reflect on what that looks like.

Vice Chair Hardy explained that the proposed courses she reported on under committee reports, earlier in the meeting, was a perfect example of why the cost for textbooks needs to be in the default budget.

Board Member Rothhaus spoke in support of having funds in the default budget to replace textbooks.

Chair Peters explained that she believes there is potentially grounds for districts to approach the New Hampshire Attorney General with regards to the recent PowerSchool breech of information and way of doing business. She asked the School Board and the Administration to ponder potentially drafting a letter to the New Hampshire State Attorney General. It is unacceptable for the largest student information system company who we pay money to have a breach of information.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

a. Partnership with Rotary

Chair Peters announced earlier in the meeting that the agenda item "Partnership with Rotary" would be rescheduled to a future meeting.

b. Improvement to Merrimack School District Presentation

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10. ADJOURNMENT

MOTION: At approximately 8:30 p.m., Board Member Rothhaus made a motion to adjourn. Board Member Martin seconded the motion.

MOTION CARRIED: 5-0-0