

Call to Order: The meeting was called to order at 6:00 PM. Present: School Board Members Joseph Saulnier, John Harmon, Ada Vadeboncoeur, Tony Clements, and Dawn Leamer; Student Representative to the School Board Mason Lord (remote); Interim Superintendent David DeRuosi (remote); Business Administrator Marjorie Whitmore (remote); Director of Student Services Michael Hatfield.

Proof of Posting: It was noted that the meeting was properly posted.

Pledge of Allegiance: All those in attendance stood and recited the Pledge of Allegiance.

Non-Public Session: **MOTION:** John Harmon moved, seconded by Ada Vadeboncoeur, to enter into non-public session under RSA 91-A:3 II (c) "Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting." Upon the Board members being individually polled, the motion was voted in the affirmative by Joseph Saulnier, Dawn Leamer, John Harmon, Ada Vadeboncoeur, and Tony Clements. The Board entered into non-public session at 6:01 PM and resumed public session at 6:16 PM. Other than the vote to exit this non-public session and seal the minutes (which was moved by John Harmon, seconded by Dawn Leamer, and upon the Board members being individually polled, was voted in the affirmative by Joseph Saulnier, Dawn Leamer, Ada Vadeboncoeur, John Harmon, and Tony Clements), one motion was voted during this non-public session.

Public Input: Cindy Bennett approached the Board. She discussed her history teaching online students from China during their COVID-19 experience, her experience making masks, and her research into the mask issue. She stated that there is a list of 20 things that masks do to damage children. She stated that it should be a choice to wear a mask or not wear a mask.

Chris McGovern approached the Board. He wanted to discuss what took place a few weeks ago. He understands that legally the School Board doesn't need to provide an agenda. People are here today because of that agenda. He asked that the Board tell the community what will be on the agenda in an effort for transparency, and suggested that a decision such as the mask mandate not be made until residents are informed. Mr. Saulnier stated that a large factor was that the State wanted Raymond to get the cluster under control. Mr. McGovern asked why the numbers dropped so dramatically. Dr. DeRuosi stated that the district was following already positive cases and the two day closure helped to stop the spread. Mr. McGovern asked if the public is allowed input as far as agenda items if there were a special meeting approved. Mr. Saulnier stated it's not a regular meeting.

Debra Levesque approached the Board. She asked to talk about what happened October 20th at the high school. She stated that she has a police report and the 911 call. Dr. DeRuosi stated that they have had multiple follow-up meetings to debrief. He stated that they found some areas for improvement, and they'll be moving forward to tighten up policies. Ms. Levesque asked how come there was no emergency meeting for any concerned parents or caregivers of what happened. She asked that the staff members who didn't follow protocol not be permitted to be in charge of students for any curricular event. Mr. Saulnier stated that the Board is not allowed to discuss personnel or student discipline. Dr. DeRuosi stated he cannot publicly discuss disciplining a teacher or a student. Ms. Levesque asked if ALICE drills have already taken place this year. Dr. DeRuosi stated that he can't say for sure, but he does know that training has taken place.

Our Students/Our Schools: Raymond Coalition for Youth - Youth Action Group members Ethan Mackey, Jackie Reynolds, Billie Reynolds, Alisha Call, Bianca Bergeron, and Ava Lind, along with RCFY Program Coordinator Pamela Baker and RHS SAP Counselor Greg Pantazis, discussed their activities as part of the Raymond Coalition for Youth - Youth Action Group. They participated in Red Ribbon Week, the Fall Family Festival, and the Medicine/Drug Take-Back Event. They also discussed the Prevention Summit. Ms. Reynolds was the winner of the Youth Leadership Award, which was presented at the summit.

Student Representative to the School Board Report: Mr. Lord stated that he had three items that have been brought to him by students: 1. School bathrooms have been shut down lately for a couple of weeks because students were skipping class and staying in the bathrooms, and some students wanted that to stop. 2. Some students don't like wearing badges. 3. Some teachers were still teaching during the lockdown. During discussion, Mr. Woodward stated that the bathroom closures were due to bathroom damage being caused as part of a TikTok theme, and students have been hiding out. There was also a pipe broken in one. The bathrooms were closed somewhat regularly in the beginning of the year but they haven't been closed lately.

Petition for Special Meeting: Mr. Saulnier stated that the petition for a special meeting has been verified as valid by the Supervisors of the Checklist. At this time, the Board may vote as to whether they would like to hold the special meeting requested. The meeting would be a Deliberative Session plus a Voting Session, and the voting result would be non-binding; it would not restrict the Superintendent or the School Board from instituting a mask mandate.

Cindy Bennett approached the Board and stated that it's not that the petitioners want no masks; they want the parents to be able to decide for their own children.

Jocelyn Willis approached the Board and stated that the State Representative they consulted led them to believe that the vote would be binding.

Julie Laughner approached the Board and stated that when they passed in the petition the mask mandate was in place. As far as the binding and non-binding, it's her understanding that their legal team looked at it.

Jonathan Wood approached the Board. He stated he is the School Board Moderator and said there is a need to explain the relevant RSA's so everyone understands. Mr. Harmon read some advice on the matter from the school's attorney, which is attached to these minutes. There was some discussion among the Board about the fact that holding a special meeting wouldn't change the ability for the Superintendent or School Board to institute a mask mandate, something they are able to currently do.

Mr. Harmon stated that he is going to make a motion to approve the petition, so that he doesn't make a negative motion.

MOTION: John Harmon moved, seconded by Joseph Saulnier, to have the special meeting. During discussion, Mr. Harmon stated that he appreciates the petitioners and their desire to be heard, but ultimately the authority rests in the School Board to keep the safety of their staff and students at all times. Mr. Clements asked if the petitioners are being told something and the Board is being told something, how do we know what's what? Mr. Harmon stated that the Board is following legal advice. Mr. Saulnier suggested that holding a special meeting

would take a couple of months to put together, and that he will vote no because there are only a few months until the Deliberative Session anyway. Voted unanimously in opposition. Motion failed.

District Calendar Revision: Dr. DeRuosi stated that he is requesting a half-day for students on November 19th to allow for a Pfizer “Booster” Clinic that afternoon for staff. During discussion:

- The bus company can transport 8th grade students up to the high school for foreign language class.
- A meal must be offered that day - they discussed the plans for meals at each school.

MOTION: John Harmon moved, seconded by Tony Clements, to approve the proposed change in schedule for November 19th to make it a half day at the three schools. Voted unanimously in the affirmative.

Donation Acceptance: Dawn Leamer moved, seconded by John Harmon, to accept the donation of \$750 for Lamprey River Elementary School [from the Exeter Area Charitable Foundation]. Voted unanimously in the affirmative.

New/Revised Policies - First Reading: The School Board reviewed the following new policy for the first of two readings. There were no revisions suggested at this time.

DJD Cooperative Purchasing (New)

The School Board reviewed the following existing policies for the first of two readings as part of a periodic review:

DIE Audits
DIH Fraud Prevention and Fiscal Management
DJ Purchasing
DJB Purchasing Procedures
DJC Petty Cash Accounts
DJC-R Petty Cash Accounts

New/Revised Policies - Second Reading

MOTION: John Harmon moved, seconded by Tony Clements, to approve policy BEDD Rules of Order. Mr. Clements asked if a motion to table falls under the rule to allow more than one motion on the floor. Mr. Harmon stated that if it were him, if there’s a motion on the floor then that overrides the motion to table, but if the Board would like to put something in the policy to allow that, they could. Voted unanimously in the affirmative.

MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to approve policy DKA Payroll Procedures. Voted unanimously in the affirmative.

MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to approve policy DKC Expense Reimbursements. Voted unanimously in the affirmative.

MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to approve policy DP Impact Fees Requests. Voted unanimously in the affirmative.

Superintendent Evaluation Date: The Board set a meeting date of January 12th, 2022 at 6:00 PM to meet to prepare the Superintendent's annual evaluation. Evaluations will be due to the Board Chair by January 3rd.

Committee Reports: Mr. Saulnier stated that he met with the Cable Committee. Consolidated Communications got back to them and they were able to put them in contact with the district to see about doing fiber optic.

Mr. Clements stated he attended the Budget Committee the previous night.

Mr. Harmon stated he attended the Raymond Coalition for Youth Prevention Summit, and noted that Raymond School District's Director of Student Behavioral Health Jessica Caron won the Community Partner Award.

Superintendent's Report: Dr. DeRuosi thanked the Board for the half-day for the booster clinic; he discussed Constellations meetings. Mr. Harmon asked how the willingness is for older students to participate in Constellations, and is it voluntary? Dr. DeRuosi stated that Constellations coordinates with current school teams and generate a list.

Manifest Signing: A quorum of the Board signed the manifest. Accounts Payable total \$251,807.01. Payroll \$433,639.97.

Approval of Minutes: MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to approve the October 13, 2021 public minutes as presented. Voted unanimously in the affirmative.

MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to approve and unseal the October 13, 2021 non-public minutes as presented. Voted unanimously in the affirmative.

MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to approve the October 14, 2021 public minutes as presented. Voted unanimously in the affirmative.

Adjournment: MOTION: John Harmon moved, seconded by Ada Vadeboncoeur, to adjourn the meeting. Voted unanimously in the affirmative. Meeting adjourned at 8:08 PM.

Respectfully submitted,

Jennifer Heywood,
Raymond School Board Clerk

Advice from the School District Attorney, read during tonight's meeting:

The first question this petition raises is whether a school board that receives a petition for a special school district meeting under RSA 197:2 is required to hold a special district meeting to consider an article that would make wearing a face mask optional for students, employees and visitors in spite of the board's adopted plan for reopening schools that may require masks. In short, can the voters force a special meeting to consider a question on making masks optional regardless of the Board's prior action?

The law on this is pretty clear and rather extensive. It involves the legislature's delegation of authority to the school board and the role of the legislative body (the voters) in district affairs.

RSA 189-1-a reads in part:

*"I. It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that **the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school**, and further provided that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.*

II. Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future."

RSA 189:15 reads:

"The school board may, unless otherwise provided by statute or state board regulations, prescribe regulations for the attendance upon and for the management, classification and discipline of the school; and such regulations, when recorded in the official records of the school board, shall be binding upon pupils and teachers."

In addition, RSA 200:39 allows children to be excluded from school whenever they "exhibit symptoms of contagion or become a hazard" to themselves or others. And, RSA 189:24 defines a "Standard School" that RSA 189:1 requires each school board to provide. One of the components of a "Standard School" is "suitable provision for the care of the health and physical welfare of pupils." Finally, the school board and district are also required by RSA 281-A: 64,I to provide "employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees."

Based on RSA 189:1-a and RSA 189:15, RSA 200:39, RSA 189:1, RSA 189:24 and RSA 281-A:64,I state law vests the authority to adopt a COVID mitigation plan, including the district's requirement for masks, in the school board. There is no federal or state law or order regarding masks at the present time (with the exception of the CDC's order requiring masks on school buses). In the absence of a law or binding order regarding masks, NH law is that decisions regarding school regulations for attendance management and discipline of the schools and for the protection of the health and safety of students and employees are up to the school board, as the managing

board of the school district, to determine. As a result, the voters at the district meeting do not have the authority to overrule school board's decisions in this area.

The statute for petitioning for a special meeting in a single district like Raymond is RSA 197:2. It reads:

"A special meeting of a school district shall be held whenever, in the opinion of the school board, there is occasion therefor, or whenever 50 or more voters, or 1/4 of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired ..."

RSA 197:2, however, is not the only law on the subject of special meetings. RSA 197:9 gives the Superior Court the authority to order the Board to call a special meeting but only "if the school board **unreasonably neglect or refuse** ... to call a special meeting after sufficient application therefor is made ...". As a result, state law gives the school board the right to exercise reasonable discretion when deciding whether to call a special district meeting after being presented with a petition. NH courts have found that it is reasonable not to call a special meeting when state law clearly vests the governing body with the responsibility and authority over the issue presented in the petition.

The New Hampshire Supreme Court case interpreting the language of the special meeting statute arose in the context of a petition for a special town meeting not a special school meeting. The town's statute for special meetings, however, are nearly identical to the requirements for a school district petition for a special meeting. RSA 39:3 requires the selectmen of a town to call a special meeting when petitioned to do so by the required number of voters. RSA 39:3. Meanwhile RSA 39:9 provides that "if the selectmen **unreasonably neglect or refuse** to warn a meeting" when petitioned to do so, a justice of the Superior Court may issue the warrant for the meeting.

In Winchester Tax Payers' Ass'n v Board of Selectmen Town of Winchester, 118 NH 144 (1978), the Winchester selectmen refused to call a special town meeting when presented with a petition for a meeting. The town meeting had voted to appropriate money to hire an appraiser to reassess all taxable property. A couple of months later, the selectmen received a petition for a special school district meeting, asking: (1) will the town vote not to accept the reevaluation of the real estate being made by the company in question; (2) will the town vote to use the prior assessment for the current tax year until a new reassessment can be done; and (3) to see what other actions the town will take to assure a fair and equitable reassessment of real estate within the town. (Two other articles directing the selectmen not to pay the appraiser were not discussed in the case) The Superior Court ruled that the selectmen did not have to call the special meeting. On appeal to the Supreme Court, the Court concluded that under the tax statutes, **the selectmen, not the town, are charged with the duty to appraise all taxable property**. Therefore, the Court decided the Superior Court was correct in saying that questions 1 and 2 were not within the authority of the town meeting because state law already vested that duty or authority in the board of selectmen. Although, the Court found the selectmen should have called the special meeting on other grounds the Supreme Court stated the principals that govern a petition on masks such as the one the District has received when it stated:

*"The master correctly concluded that **only if the proposed articles are proper subjects for a town meeting, do the selectmen have any obligation to warn a special meeting. Clearly the selectmen would be under no obligation to warn a special meeting if the issue to be considered is prohibited or limited in scope by statute.** (bold is mine) id. 148*