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**STATE OF NEW HAMPSHIRE**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

***GOVERNOR'S COMMISSION ON ALCOHOL & OTHER DRUGS***

**Lori A. Shibinette**
**Commissioner**

**129 PLEASANT STREET, CONCORD, NH 03301**
**603-271-9564 1-800-804-0909**
**Fax: 603-271-6105 TDD Access: 1-800-735-2964 www.dhhs.nh.gov/dcbcs/bdas**

April 28, 2021

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

## REQUESTED ACTION

Authorize the Department of Health and Human Services, Division for Behavioral Health, on behalf of the Governor's Commission on Alcohol and Other Drugs, to amend an existing memorandum of understanding with the New Hampshire Department of Education (VC#200915-B001), Concord, New Hampshire for the continued expansion of the Multi-Tiered System of Support for Behavioral Health and Wellness program, by exercising a contract renewal option by increasing the price limitation by $500,000 from $500,000 to $1,000,000 and extending the completion date from June 30, 2021 to June 30, 2022 effective upon Governor and Council approval. 100% Other Funds (Governor's Commission on Alcohol and Other Drugs).

The original contract was approved by Governor and Council on September 23, 2020, item #13.

Funds are anticipated to be available in the following account for State Fiscal Year 2022, with authority to adjust amounts within the price limitation and adjust encumbrances between State Fiscal Years through the Budget Office if needed and justified.

**05-95-92-920510-33820000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVS, HHS: DIVISION FOR BEHAVIORAL HEALTH, BUREAU OF DRUG AND ALCOHOL, GOVERNOR COMMISSION FUNDS (100% Other Funds)**

| State Fiscal Year | Class / Account | Class Title | Job Number | Current Budget | Increased (Decreased) Amount | Revised Budget |
|---|---|---|---|---|---|---|
| 2021 | 049-584956 | Transfers to Other State Agencies | 92058502 | $500,000 | $0 | $500,000 |
| 2022 | 049-584956 | Transfers to Other State Agencies | 92058502 | $0 | $500,000 | $500,000 |
| | | | **Total** | **$500,000** | **$500,000** | **$1,000,000** |

## EXPLANATION

The purpose of this request is to expand the Multi-Tiered System of Support for Behavioral Wellness program in participating New Hampshire school districts. This project is currently underway with the existing memorandum of understanding and the Governor's Commission on

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Alcohol and Other Drugs voted on February, 9 2021 to continue to fund the program for State Fiscal Year 2022. The Multi-Tiered System of Support for Behavioral Health and Wellness will extend social and emotional learning supports for approximately 5,000 youth between the ages of 12 to 18 from the date of Governor and Executive Council approval to June 30, 2022.

The Department of Education will continue implementing and maintaining the Multi-Tiered System of Support for Behavioral Health and Wellness by establishing a team to institute operating procedures, using current partnership and service contract data to determine program needs and to identify areas of redundancy with program fidelity and outcomes, measuring the benefits of program implementation and securing buy-in within education districts, community organizations, behavioral health organizations and other stakeholders within New Hampshire communities by increasing confidence in the program core features and practices.

The Department of Education has been able to successfully replicate the Multi-Tiered System of Support for Behavioral Wellness implementation stages relying on Zoom technology for the necessary district leadership meetings as well as program specific meetings. The Department will monitor the Memorandum of Understanding by reviewing quarterly summaries provided by the Department of Education on the progress of program expenditures and program outcomes.

As referenced in Section 2, Term, of the original memorandum of understanding, the parties have the option to extend the agreement for up to one (1) additional year, contingent upon satisfactory delivery of services, available funding, agreement of the parties, and Governor and Council approval. The Department is exercising its option to renew services for one (1) of the one (1) year available.

Should the Governor and Council not authorize this request, behavioral health and wellness programs will not have the required support to successfully implement, maintain, and improve program delivery that reduces risk for youth substance misuse.

Area served: Statewide

Source of Funds: 100% Other Funds from The Governor's Commission Funds

In the event that the Other Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

Lori Shibinette

Lori A. Shibinette
Commissioner

**State of New Hampshire**
**Department of Health and Human Services**
**Amendment #1**

This 1st Amendment to the Multi-Tier System of Support - Behavioral Health Memorandum of Understanding (MOU) (hereinafter referred to as "Amendment #1) is by and between the State of New Hampshire, Department of Health and Human Services ("Department") and the New Hampshire Department of Education (hereinafter referred to as the "DOE"), a State agency with a place of business at 101 Pleasant Street, Concord, NH 03301.

WHEREAS, pursuant to a Memorandum of Understanding (the "MOU") approved by the Governor and Executive Council on September 23, 2020, (Item #13), the DOE agreed to perform certain services based upon the terms and conditions specified in the Contract and in consideration of certain sums specified; and

WHEREAS, the Department and the DOE have agreed to make changes to the scope of work, payment schedules or terms and conditions of the MOU; and

WHEREAS, pursuant to the MOU, Section 2, Term, Subsection 2.1., Duration, the MOU may be extended for up to one (1) year at any time upon written agreement of the parties and approval from the Governor and Executive Council; and

WHEREAS, the parties agree to modify the terms of the MOU, and increase the price limitation to support continued delivery of these services; and

WHEREAS, all terms and conditions of the MOU not consistent with this Amendment #1 remain in full force and effect; and

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained in the MOU and set forth herein, the parties hereto agree to amend as follows:

1. Modify Section 2, Subsection 2.1, Duration, to read:

   2.2. Duration: This MOU is effective September 23, 2020, through June 30, 2022, subject to the approval of the Governor and Executive Council.

2. Modify Section 4, Responsibilities of the Department of Health and Human Services, Subsection 4.1., by modifying Paragraph 4.1.1.:

   4.1.1. Provide funding to the DOE to support the implementation of the MTSS-B program up to a maximum amount of $1,000,000.

**New Hampshire Department of Health and Human Services**
**Multi-Tier System of Support – Behavioral Health**

This Amendment shall be effective upon the date of Governor and Executive Council approval.

IN WITNESS WHEREOF, the parties have set their hands as of the date written below,

State of New Hampshire
Department of Health and Human Services

6/15/2021
Date

DocuSigned by:
Katja Fox
ED9D05B04C63442...

Name: Katja Fox
Title: Director

New Hampshire Department of Education

6/14/2021
Date

Name: Frank Edelblut
Title: Commissioner of Education

**New Hampshire Department of Health and Human Services**
**Multi-Tier System of Support – Behavioral Health**

The preceding Amendment, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

6/15/2021

Date

DocuSigned by:
D5CA9202E32C4A5...

Name: Catherine Pinos
Title: Attorney

I hereby certify that the foregoing Amendment was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on: _____ (date of meeting)

OFFICE OF THE SECRETARY OF STATE

Date

Name:
Title:

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STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

*GOVERNOR'S COMMISSION ON ALCOHOL & OTHER DRUGS*

Lori A. Shibinette
Commissioner

129 PLEASANT STREET, CONCORD, NH 03301
603-271-9564 1-800-804-0909
Fax: 603-271-6105 TDD Access: 1-800-735-2964 www.dhhs.nh.gov/dcbcs/bdas

August 12, 2020

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

## REQUESTED ACTION

Authorize the Department of Health and Human Services, Division for Behavioral Health, on behalf of the Governor's Commission on Alcohol and Other Drugs, to enter into a Memorandum of Understanding with the New Hampshire Department of Education (VC#200915-B001), Concord, New Hampshire in the amount of $500,000 for expansion of the Multi-Tiered System of Support for Behavioral Health and Wellness program with the option to renew for up to one (1) additional year, effective upon Governor and Council approval through June 30, 2021. 100% Other Funds (Governor's Commission on Alcohol and Other Drugs).

Funds are available in the following account for State Fiscal Year 2021, with the authority to adjust budget line items within the price limitation through the Budget Office, if needed and justified.

**05-95-92-920510-33820000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVS, HHS: BEHAVIORAL HEALTH DIV, BUREAU OF DRUG AND ALCOHOL SERVICES, GOVERNOR'S COMMISSION FUNDS.**

| State Fiscal Year | Class / Account | Class Title | Job Number | Total Amount |
|---|---|---|---|---|
| 2021 | 049-584956 | Contracts for Prog Svc | 92058502 | $500,000 |
| | | | **Total** | **$500,000** |

## EXPLANATION

The purpose of this request is to expand the Multi-Tiered System of Support for Behavioral Wellness program in participating New Hampshire school districts. Phase 1 of the implementation process includes the exploration of program fluency and program adoption in participating school districts.

The Multi-Tiered System of Support for Behavioral Health and Wellness will serve approximately 5,000 youth between the ages of 12 to 18 from the date of Governor and Executive Council approval to June 30, 2021.

The New Hampshire Department of Education will be implementing and maintaining the Multi-Tiered System of Support for Behavioral Health and Wellness by establishing a team to institute operating procedures, using current partnership and service contract data to determine program needs and to identify areas of redundancy with program fidelity and outcomes, measuring the benefits of program implementation and securing buy-in within education districts,

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community organizations, behavioral health organizations and other stakeholders within New Hampshire communities by increasing confidence in the program core features and practices.

Due to the Covid-19 pandemic, the New Hampshire Department of Education has established a number of operational changes to prevent and reduce the potential negative effects to meet the contract deliverables. The New Hampshire Department of Education has successfully been using e-platforms to deliver and enhance methods of communication, collaboration and planning in establishing Multi-Tiered System of Support for Behavioral Wellness in several NH districts since the onset of COVID 19.

The New Hampshire Department of Education has been able to successfully replicate the Multi-Tiered System of Support for Behavioral Wellness implementation stages relying on Zoom technology for the necessary district leadership meetings as well as Tiers 1-3 teams. The tasks that need to happen during the implementation stage will be accomplished through virtual technology (Zoom) as well as other relevant e-platforms such as email.

The Department will monitor the Memorandum of Understanding by reviewing quarterly summaries provided by the New Hampshire Department of Education on the progress of program expenditures and program outcomes.

As referenced in Section 2, Term of the attached Memorandum of Understanding, the parties have the option to extend the agreement for up to one (1) additional year, contingent upon satisfactory delivery of services, available funding and Governor and Council approval.

Should the Governor and Council not authorize this request, behavioral health and wellness programs will not have the required support to successfully implement, maintain, and improve program delivery that reduces risk for youth substance misuse.

Area served: Statewide

Source of Funds:100% Other Funds from The Governor's Commission Funds

Respectfully submitted,

Lori Shibinette

Lori A. Shibinette
Commissioner

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**MEMORANDUM OF UNDERSTANDING BETWEEN**
**THE STATE OF NEW HAMPSHIRE**
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**AND**

**THE NEW HAMPSHIRE DEPARTMENT OF EDUCATION**

**MOU-2021-BDAS-01-MULTI-01**

## 1. GENERAL PROVISIONS

1.1. This Memorandum of Understanding (MOU) is between the New Hampshire Department of Health and Human Services (DHHS), Division of Behavioral Health, Bureau of Drug and Alcohol Services, 129 Pleasant Street, Concord, NH 03301 and the New Hampshire Department of Education ("DOE"), 101 Pleasant Street, Concord, New Hampshire 03301 (referred to as the "Parties").

1.2. The purpose of this MOU is to set forth the roles and responsibilities of the DHHS and the DOE regarding the use of funds from the Governor's Commission on Alcohol and Other Drugs (Governor's Commission) for the expansion of the Multi-Tiered System of Support for Behavioral Health and Wellness (MTSS-B) program in participating New Hampshire school districts for youths between the ages of twelve (12) to eighteen (18).

1.3. In connection with the performance of this MOU, the DHHS and the DOE shall comply with all applicable laws and regulations.

## 2. TERM

2.1. Duration: This MOU is effective upon the date of approval by the Governor and Executive Council through June 30, 2021. The parties may extend this MOU for up to one (1) year at any time by mutual written agreement, subject to the continued availability of funds, satisfactory performance of responsibilities, and approval by the Governor and Executive Council.

2.2. Modification: The parties may modify this MOU by mutual written agreement at any time, subject to the approval of the Governor and Executive Council.

2.3. Termination: Either party may unilaterally terminate this MOU upon written notice to the other party, in which case the termination shall be effective thirty (30) days after the date of that notice or at a later date specified in the notice. In the event of an early termination of this MOU for any other reason than the completion of services, the DOE shall deliver to the DHHS, not later than thirty (30) days after the termination, a "Termination Report" describing in detail all activities performed and the MOU funds used up to and including the date of termination. In the event the services and/or prescribed outcomes described within this MOU are not met to the satisfaction of the DHHS, the DHHS reserves the right to terminate this Agreement and any remaining funds will be forfeited. Such termination shall be submitted in writing to the DOE and will require the DOE to deliver a final Termination Report as described above.

## 3. RESPONSIBILITIES OF THE NEW HAMPSHIRE DEPARTMENT OF EDCUATION

3.1. The DOE agrees to:

3.1.1. Use the funding provided by the DHHS from the Governor's Commission funds only to support the implementation and maintenance of the MTSS-B Model.

3.1.1.1. Begin implementing Phase 1: Exploration and Adoption by:

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3.1.1.1.1. Establishing an exploration team to institute team operating procedures to increase fluency with MTSS-B core features and practices.

3.1.1.1.1.1. The exploration team shall be comprised of key executive-level team members within the school.

3.1.1.1.2. Using data from current district-level partnerships and service contract assessments to determine program needs and to identify areas of redundancy with program fidelity and outcomes.

3.1.1.1.3. Determining the benefits of implementation by assessing the compatibility of MTSS-B with school districts and communities using a tool approved by the DOE.

3.1.1.1.4. Securing buy-in to increase confidence in the MTSS-B core features and practices with school administrators, teachers, school support staff, school boards, parents, community organizations serving youth, behavioral health organizations and other stakeholders by providing information sessions, presentations and technical assistance from the DOE in the facilitation of implementation.

3.1.1.2. Make funds available to local education agencies for program implementation and maintenance through an application process.

3.1.2. The DOE shall provide quarterly summaries on the progress of the use funds to the Governor's Commission and the DHHS. Any data provided in these summaries shall be aggregated and not include any personally identifiable information or other confidential information.

3.1.3. The DOE shall take appropriate steps to accept and expend the funds provided within the project period. The DOE agrees to submit quarterly invoices to the DHHS for costs incurred. Invoices must include a description of services and associated costs.

3.1.3.1. Mail, or email, invoices to:

Jill Burke
Bureau of Drug and Alcohol Services
129 Pleasant Street
Concord, NH 03301
(603) 271-6112
Jill.Burke@dhhs.nh.gov

**4. RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

4.1. The DHHS agrees to:

4.1.1. Provide funding to the DOE to support the implementation of the MTSS-B program up to a maximum amount of $500,000 in State Fiscal Year 2021.

4.1.2. Pay the DOE within thirty (30) days of receipt of the approved invoices.

4.1.3. Monitor the expenditure of funds within this MOU by reviewing quarterly summaries and associated invoices provided to the DHHS by the DOE.

**5. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE PARTIES:**

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5.1. Notwithstanding any provision of this MOU to the contrary, all obligations of the DHHS hereunder are contingent upon the availability and continued availability of funds from the Governor's Commission. The DHHS shall not be required to transfer funds from any other source in the event that such funds become unavailable. The DHHS may adjust encumbrances between State Fiscal Years within the price limitation through the Budget Office, if needed and justified.

5.2. Disputes arising under this MOU which cannot be resolved between the agencies shall be referred to the New Hampshire Department of Justice for review and resolution.

5.3. This MOU shall be construed in accordance with the laws of the State of New Hampshire.

5.4. The parties hereto do not intend to benefit any third parties and this MOU and shall not be construed to confer any such benefit.

5.5. In the event any of the provisions of this MOU are held to be contrary to any state or federal law, the remaining provisions of this Memorandum of MOU will remain in full force and effect.

5.6. This MOU, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire MOU and understandings between the parties, and supersedes all prior Memoranda of Understanding and understandings relating hereto.

5.7. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.

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**APPROVALS:**

Lori A. Shibinette
Commissioner
NH Department of Health and Human Services

Date: 8/20/2020

Frank Edelblut
Commissioner
Department of Education

Date: 8-28-20

The preceding Memorandum of Understanding, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

Date: 09/03/20

Name: Catherine Pinos
Title: Catherine Pinos, Attorney

The foregoing Memorandum of Understanding was approved by the following authority of the State of New Hampshire:

Date:

Name:
Title: