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Frank Edelblut
Commissioner

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STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
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May 3, 2022

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

REQUESTED ACTION

Authorize the Department of Education (NHED), Division of Education Analytics and Resources to enter into a **sole source** Memorandum of Agreement (MOA), with the Department of Health and Human Services (DHHS), Bureau of Drug and Alcohol Services, Concord, NH (Vendor # 177923), in an amount not to exceed \$120,000, to support the administration, analysis, and reporting of the Youth Risk Behavior Survey and results thereof effective upon Governor and Council approval through June 30, 2027. 100% Federal Funds

Funds to support this request are anticipated to be available in the account titled Youth Risk Behavior Survey in FY22 through FY27 upon the availability and the continued appropriation of funds in the future operating budget, with the ability to adjust encumbrances between State Fiscal years through the Budget Office, without further Governor and Council approval, if needed and justified.

<u>FY</u>			
22	06-56-56-567010-33000000-085-588592	Interagency Xfr Out of Fed Fn	\$20,000.00
23	06-56-56-567010-33000000-085-588592	Interagency Xfr Out of Fed Fn	\$20,000.00
24	06-56-56-567010-33000000-085-588592	Interagency Xfr Out of Fed Fn	\$20,000.00
25	06-56-56-567010-33000000-085-588592	Interagency Xfr Out of Fed Fn	\$20,000.00
26	06-56-56-567010-33000000-085-588592	Interagency Xfr Out of Fed Fn	\$20,000.00
27	06-56-56-567010-33000000-085-588592	Interagency Xfr Out of Fed Fn	\$20,000.00
		Total	\$120,000.00

EXPLANATION

This request is **sole source** because DHHS is the state entity that has been administering the NH Youth Risk Behavior Survey (YRBS) and creating school level reports for decades. They have an

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
Page 2

established system for successfully administering the NH YRBS within NH public schools. Their epidemiologists produce the community level reports each year the YRBS has been administered. Staff from the Bureau of Public Health and the Bureau of Drug and Alcohol Services have extensive knowledge concerning NH health risk factors, the opioid epidemic in NH, and many other topics addressed within the NH YRBS. They have the connections within the public health regions and others programs within NH communities necessary for making informed decisions surrounding the selection of YRBS questions and analysis of the data. DHHS's knowledge and expertise is integral in the execution of this MOA.

The purpose of this MOA is to set forth the roles and responsibilities of NHED and DHHS regarding the use of funds from the Promoting the Health of NH Youth through School-Based Surveillance Federal Grant. The YRBS was developed by the Division of Adolescent and School Health (DASH) at the Centers for Disease Control and Prevention (CDC), in collaboration with more than 800 representatives from state and local agencies and other federal agencies. The primary purpose of the YRBS is to monitor priority health risk behaviors that contribute to the leading cases of mortality, morbidity, and social problems among youth and adults in the United States. NH has received this grant since the 1990s when it was first established.

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

Respectfully submitted,



Frank Edelblut

Commissioner of Education

Frank Edelblut
Commissioner



Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
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Memorandum of Agreement

Between the New Hampshire Department of Education

and the

New Hampshire Department of Health and Human Services

Relative to the New Hampshire Youth Risk Behavior Survey (YRBS)

Effective Date of Signature through June 30, 2027

The Agreement contains the option to renew for an undetermined period of time based on satisfactory delivery of services, available funding, and agreement of the parties.

Parties:

This Memorandum of Agreement (MOA) is between the New Hampshire Department of Education (hereinafter referred to as "NHED") and the New Hampshire Department of Health and Human Services (hereinafter referred to as "DHHS").

I. Statement of Purpose

- A. To define the terms of collaboration in administering the NH Youth Risk Behavior Survey (YRBS) to create statewide data sets in 2023, 2025, and 2027 that include statistically valid samples of New Hampshire high school students (grades 9 to 12). The NH YRBS currently provides the best sources of youth risk behavior data for state and local evaluation of many grants and programs. Survey administration standards established by the US Centers for Disease Control and Prevention will be in place to protect the confidentiality of schools and the anonymity of students, improve the quality of the data collected, and increase school and student participation rates.
- B. To allow DHHS and NHED to participate in the selection of questions for the 2023, 2025, and 2027 NH YRBS without bearing a cost for question inclusion, to interpret and release survey results, to further analyze the data sets, and share findings with NHED, participating high schools, and community partners.
- C. To allow DHHS to support and expand the capacity of NHED personnel so that, when and if funds are available, local education agencies have an option of conducting the YRBS with their entire student populations ("school-wide survey") and receiving a community level report if their school enrollment is greater than or equal to 60 students.
- D. To direct NHED and DHHS personnel to create a plan for coordinating student survey activities in future years to minimize disruption of school schedules while meeting the increasing demand for youth risk behavior, tobacco use, drug use, and other necessary data. This MOA addresses the specific inter-agency responsibilities for administering the NH YRBS.
- E. To allow DHHS to work with the Bureau of Student Wellness to facilitate technical assistance to school administrators in analyzing the community level reports as well as provide them with tools and resources such as infographics.

II. Definitions

- A. "YRBS" shall mean the survey instrument developed by the Centers for Disease Control and Prevention (CDC), Division of Adolescent and School Health (DASH). The survey allows for the assessment of the priority health risk behaviors that result in the greatest amount of morbidity, mortality, and social problems among youth.
- B. "NH YRBS" shall mean the aforementioned survey instrument with additional questions added to capture emerging health trends among New Hampshire's youth as determined by DHHS and NHED.

III. Goals

- A. To assure the NH YRBS will be successfully administered in high schools in 2023, 2025, and 2027 so as to achieve statistically valid data sets at the state, public health region, and school level.
- B. To provide local education agencies, when funds are available, the option of conducting the NH YRBS with their entire student populations and receiving a school-

specific report.

- C. To develop a plan for future collection of data about youth risk behaviors and protective factors to increase access to reliable, complete, and generalizable data.
- D. To provide tools and resources to school administrators to analyze the community level reports.

IV. Delineation of Intent

- A. The parties intend that this MOA will facilitate the efforts of each Department to cooperate in providing simultaneous administration of the NH YRBS.
- B. To provide funding, when available, to DHHS to support NH YRBS survey administration.

V. Specific Roles, Responsibilities, and Actions to be Taken

- A. Services to be provided to ensure successful administration of the NH YRBS include the following:
 - 1. NHED shall have the responsibility to:
 - a) Coordinate with DHHS for the administration of the statewide NH YRBS.
 - b) Participate in selecting optional questions that provide data such as perception of health risks, perception of social disapproval, and protective factors.
 - c) Transfer a sum of \$20,000 each year for an overall total of \$120,000 to DHHS to be used to pay survey-related expenses as approved in advance by NHED. The transfer will be completed by June 15th of each year beginning in 2022 and ending in 2027 upon submission of an invoice by DHHS. Other costs will be borne by DHHS at its discretion.
 - d) Make the results of the state-level YRBS report and Public Health Region level dataset as created by CDC available to DHHS for use according to NHED and CDC established procedures and guidelines.
 - 2. DHHS shall have the responsibility to:
 - a) Participate in selecting optional questions that provide data such as perception of health risk, perception of social disapproval, and protective factors.
 - b) Within the availability of funding:
 - Provide support in administering the statewide survey and coordinate administration of the optional school-wide surveys.
 - Create the public health region reports and generate community level reports from each school-wide survey.
 - Make the community level reports and public health region reports available to NHED for use according to NHED and CDC-established procedures and guidelines.
 - To provide tools and resources to school administrators to analyze the community level reports if requested by school.
- B. Availability of professionals to work together across programs:

NHED and DHHS shall each assign staff members to work together to develop and administer the NH YRBS. Such availability shall be specifically delineated and specific tasks defined and assigned prior to the implementation of the NH YRBS. Specific Services or Tasks of Each Partner Are As Follows:

1. For NHED:

- a) Review DHHS- recommended changes to survey questionnaires and gain CDC approval of changes by DHHS and NHED.
- b) Inform schools and districts about the impending survey by sending a mailing including an introductory letter from the Commissioner of Education with an explanation of the survey process, administration schedule, and importance of participation.
- c) Provide the most current anonymized student enrollment files for sampling and post- stratification purposes to DHHS. The files should include the student-level enrollment counts for grade 9-12 public schools, public academies, joint maintenance agreements, and charter schools. The enrollment file will be in the Excel spreadsheet format. The enrollment data file should contain a breakdown by grade, gender, race, and ethnicity.
- d) The YRBS Coordinator will submit the school enrollment files to CDC for sampling and post-stratification purposes in a timely manner that meets the needs of CDC.
- e) Submit the web-based application to the CDC and their contractor (Westat) which has been completed by DHHS.
- f) Coordinate with DHHS to provide either a meeting place or an alternate method for training of the school survey administrators.
- g) Participate in survey administration design and implementation.
- h) Release and distribute the state level survey results as they are received from CDC and reviewed by DHHS.
- i) Assist DHHS with the release of community level reports by providing the most current list of school official addresses and email addresses.

2. For DHHS:

- a) Manage the implementation of the statewide survey 2023, 2025, and 2027 NH YRBS, including the following activities:
- b) Assist in identifying and training school administrators that will coordinate the survey administration at each school. Provide a meeting place or method for training of the school survey administrators in coordination with the NHED.
- c) Provide the lead on encouraging participation of districts and schools that either have conducted school-wide surveys in the past or have expressed interest in doing so, and follow-up with schools that are included in the sampling plan but are not responding.
- d) Review the survey tracking system used in the previous survey cycle and assist in modifying to better suit user needs and contractor expectations.
- e) Create and maintain a tracking system for survey materials to be distributed to schools, received from schools, and sent to CDC.
- f) Submit proposed or revised survey questions to NHED for review, in the format needed by CDC for NHED to review and submit to CDC for approval.
- g) Complete the web-based application form and submit it to the YRBS Coordinator in a timely manner.
- h) Program the YRBS questionnaire in the web-based administration system
- i) Create a test data file and submit to CDC contractor (Westat) for review.
- j) After the YRBS goes live, submit a preliminary version of the YRBS data file to

- CDC contractor (Westat) for review.
- k) Create information packets for schools inviting them to participate in the NH YRBS.
 - l) Mail information packets to selected schools and follow-up with non-responding schools both prior to and after NH YRBS administration.
 - m) Prepare, distribute, and print survey letters, parental notification letters, and instructions for school administrators, teachers, and student participants, and paper survey materials.
 - n) Prepare and distribute web-based administration materials including printed cards with unique logins, instructions for web-based administration, and other web-based materials as needed for school administrators of the YRBS.
 - o) Obtain survey tools for scanning the paper surveys.
 - p) For the optional school-wide surveys, coordinate recruitment and survey web-based and administration activities, make necessary contractual arrangements for data entry cleaning and analysis, and generate a school specific report for each of the high schools that conduct a school-wide survey.
 - q) DHHS will advise NHED of the plan and timeframe for release of the public health region level YRBS Reports.
 - r) The school boards of high schools participating in the all-school surveys and NHED will receive the final community level report prior to the release of the report to community partners.
 - s) DHHS will advise NHED, superintendent, and the school principal (and the school survey contact person) via email of the report release dates before the community level reports are emailed to superintendents and school principals and the public health region reports are released.
 - t) Provide tools and resources such as infographics to school administrators for the purposes of assisting schools interpret the school level data and present the data to a variety of stakeholders.

3. For Both Partners:

- a) Identify the schedule and deadlines for the survey, which include dates of administration, date of release of parent letter, end date of survey, and determine the due date for reports to be presented to participating districts, the State Board of Education, and the Commissioners.
- b) If possible, attend a Superintendents' meeting to:
 - a. Share "success stories" from the previous administration of the survey.
 - b. Explain the various ways that agencies and communities use the data to design programs to improve the health of NH students.
 - c. Apprise them of the impending administration of the NH YRBS and to gain their support.
- c) Collaborate on obtaining agreements to participate for the schools and classes selected for the random sample.
- d) Adhere to a regular communication schedule between all staff involved in NH YRBS for problem solving and exchange of information.
- e) Plan and implement a training session for school teachers/staff that will be administering the survey.
- f) Collaborate on data interpretation and report distribution for the statewide survey.

VI. Monitoring Function

The Commissioners, or their designees, shall meet at least annually to clarify agency specific roles, responsibilities, and actions to be taken by their respective departments and to revise this MOA as necessary.

VII. Sub-agreements

- A. Where appropriate, the departments shall develop sub-agreements to carry out the responsibilities delineated in this MOA. The sub-agreements shall be in accord with the provisions of this MOA and subject to the approval of the Commissioners of the Departments of Education and Health and Human Services.
- B. Per 2 CFR 200.332 Requirements for pass-through entities. The following information can be found on the Notice of Award for each year through 6/30/2027. Below is the information from the Notice of Award for 6/25/2021:
 1. Federal Funds will be paid to DHHS
 2. DHHS's unique entity identifier; Account #484956
 3. Federal Award Identification Number (FAIN); NH87PS004341
 4. Federal Award Date 6/25/2021;
 5. Identification of whether the award is R&D: NO

VIII. Construction of Agreement

- A. Nothing in the MOA shall be construed as relieving the departments of Health and Human Services or NHED of fulfilling their obligations under the law.
- B. To the extent anything in this MOA shall conflict with state or federal law, now or in the future, state or federal law shall govern and the remaining portions of the agreement shall remain in effect.

IX. Dispute Resolution Mechanism

- A. The dispute resolution procedure is intended to provide a means whereby any disputes or questions regarding the administration of the MOA or the respective financial and programmatic responsibilities of the departments that are parties to the MOA can be resolved. It is further the intent of the parties that this mechanism will assist the parties in effectively meeting their obligations as set forth in the MOA.
- B. An individual who remains aggrieved following the pursuit and completion of applicable administrative remedies may submit a written request for resolution of jurisdictional issues to the Commissioner of Education or the Commissioner of Health and Human Services. Upon receipt of such a written request, the Commissioner of DHHS and the Commissioner of Education shall assign the case to the appropriate offices within both departments, which offices shall render a joint decision.
- C. If the designated representatives within each department cannot reach a joint decision, the case shall be referred to the Commissioner of DHHS and the Commissioner of Education who shall review the facts of the case as developed through the due process and complaint hearings, and render a joint decision.
- D. No matter regarding an obligation or responsibility claimed to be owed to an individual by the Department of Education or the Department of DHHS, or by any unit or agency within or under the jurisdiction of said departments, may be considered unless and until all available and appropriate administrative procedures to determine such obligations or responsibilities have been exhausted,

including, but not limited to, fair hearings, client rights appeals, and appeals regarding individual education plans.

E. This MOA does not confer any substantive or procedural rights upon any applicant or recipient of services that may be available through either the Department of Health and Human Services or the Department of Education, or through any entity that operates under or receives funds from either department.

X. Period of Effect.

This Memorandum of Agreement shall remain in effect (continue) until June 30th, 2027 or until terminated by either party upon 90 day written notice served on the other party.

CONDITIONAL NATURE OF AGREEMENT.

Notwithstanding any provision of this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability and continued appropriation of funds affected by any state or federal legislative or executive action that reduces, eliminates or otherwise modifies the appropriation or availability of funding for this Agreement and the Scope for Services, in whole or in part. In no event shall the State be liable for any payments hereunder in excess of such available appropriated funds. In the event of a reduction or termination of appropriated funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to reduce or terminate the Services under this Agreement immediately upon giving the Contractor notice of such reduction or termination. The State shall not be required to transfer funds from any other account or source to the Agreement in the event funds in that Account are reduced or unavailable.

Memorandum of Agreement Between
The New Hampshire Department of Education (NHED)

AND

The New Hampshire Department of Health and Human
Services (DHHS)

Relative to the New Hampshire Youth Risk Behavior Survey (YRBS)

IN WITNESS WHEREOF, the respective parties have hereunto set their hand on the dates indicated.

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

DATE: Apr 22, 2022

frank edelblut
frank edelblut (Apr 22, 2022 13:18 EDT)

By: L. Frank Edelblut, Commissioner of Education

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES

DATE: May 2, 2022

Lori Shibinette

By: Lori Shibinette, Commissioner of Health and Human Services

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE

DATE: May 3, 2022

Christopher Bond
Christopher Bond (May 3, 2022 16:00 EDT)

By: Christopher Bond, Attorney