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Lori A. Shilbnette  
Commissioner

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**GOVERNOR'S COMMISSION ON ALCOHOL & OTHER DRUGS**

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

November 13, 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 to support New Hampshire school districts and community organizations with access to adequate training and evidence-based K-12 prevention strategies and interventions for students affected by substance misuse disorders, 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 Commission Funds).

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.

**05-95-05-95-092-920510-33820000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVS, HHS: BEHAVIORAL HEALTH DIV, DIV , BUREAU OF DRUG and ALCOHOL SERVICES, GOVERNOR COMMISSION FUNDS**

State Fiscal Year	Class / Account	Class Title	Job Number	Total Amount
2021	049-584956	Transfers to Other State Agencies	92058502	\$500,000
			<b>Total</b>	<b>\$500,000</b>

**EXPLANATION**

The purpose of this request is to support New Hampshire school districts and community organizations with access to adequate training and evidence-based K-12 prevention strategies and interventions that will assist in reducing risk factors and strengthening protective factors for students affected by substance misuse disorders.

Participating New Hampshire school districts and community organizations across the state will benefit from evidence based K-12 prevention strategies and interventions such as the Law Enforcement Against Drugs, Good Behavior Game and other social emotional learning evidence-based practices upon Governor and Council approval to June 30, 2021.

The Department of Education will develop, enhance, and expand a statewide system of support for, and provide training to, local educational agencies and participating schools to

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and the Honorable Council  
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implement an evidence-based, multi-tiered framework for improving behavioral outcomes and learning conditions for students and to decrease risk factors and strengthen protective factors of substance misuse disorders for youth.

The Department will monitor contracted services using the following performance measures as reported in the semi-annual summaries:

- Decrease in substance misuse over the past thirty (30) days.
- Increase in age of first substance misuse.
- Increase in skill(s) and knowledge.
- Increase in connection to community resources.

As referenced in Section 2, Term, Subsection 2.2, Duration 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.

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 delivery that reduces risk for youth substance misuse.

Area served: Statewide

Source of Funds: Governor 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,

DocuSigned by:  
*Lori A. Weaver*  
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Lori A. Weaver  
Deputy Commissioner

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-03-EVIDE-01

1. GENERAL PROVISIONS

- 1.1. This Memorandum of Understanding is between the New Hampshire Department of Health and Human Services (DHHS), Division for Behavioral Health, Bureau of Drug and Alcohol Services, 129 Pleasant Street, Concord, NH 03301 and the New Hampshire Department of Education ("DOE"), Bureau of Student Wellness, 101 Pleasant Street, Concord, New Hampshire 03301 (referred to as the "Parties").
- 1.2. The purpose of this Memorandum of Understanding (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) in order to support NH school districts and community organizations with access to adequate training and evidence-based K-12 prevention strategies and interventions that will assist in reducing risk factors and strengthening protective factors for students affected by substance use disorders.
- 1.3. The Director of the DHHS Bureau of Drug and Alcohol Services serves as the Executive Director of the Governor's Commission and is responsible for administering the budget for the Governor's Commission.
- 1.4. On December 14, 2018, the Governor's Commission voted to approve funding to support access to K-12 substance-misuse prevention strategies and intervention and social-emotional learning practices. The original vote was renewed on March 10, 2020, pursuant to its authority under RSA 12-J: 3.
- 1.5. The DOE will develop, enhance, and expand a statewide system of support for, and provide training to, local educational agencies and schools to implement an evidence-based, multi-tiered framework for improving behavioral outcomes and learning conditions for students in participating communities and to decrease risk factors for substance misuse.
- 1.6. In connection with the performance of this Memorandum of Understanding, DHHS and DOE shall comply with all applicable laws and regulations.

2. TERM

- 2.1. Effective date: This MOU is effective upon Governor and Executive Council approval.
- 2.2. Duration: The duration of this MOU is from the Effective Date 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, approval by the Governor's Commission, and approval of the Governor and Executive Council.
- 2.3. Modification: The parties may modify this MOU by mutual written agreement at any time, subject to the approval of the parties, review by the Office of the Attorney General, and appropriate State of New Hampshire approval.



**Memorandum of Understanding Between DHHS and DOE  
MOU-2021-BDAS-03-EVIDE-01**

- 2.4. **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.

**3. RESPONSIBILITIES OF THE NEW HAMPSHIRE DEPARTMENT OF EDUCATION**

The DOE agrees to:

- 3.1. Use the funding provided by the DHHS from the Governor's Commission funds to support the implementation of substance-misuse prevention strategies and interventions and social-emotional learning practices.
- 3.2. Provide access to evidence-based K-12 prevention strategies and interventions to New Hampshire school districts and community organizations that includes but is not limited to:
- 3.2.1. Law Enforcement Against Drugs (LEAD).
- 3.2.2. Good Behavior Game (GBG).
- 3.2.3. Other Social Emotional Learning Evidence-Based Practices.
- 3.3. Provide social emotional learning training to New Hampshire school districts and community organizations to reduce risk and strengthen protective factors of substance use disorders for youth.
- 3.4. Provide semi-annual summaries on the progress of the use of funds to the Governor's Commission and to the DHHS. Data provided in these summaries shall be aggregated and not include any personally identifiable information or other confidential information and will evaluate the following anticipated outcomes:
- 3.4.1. Decrease in substance misuse over the past thirty (30) days.
- 3.4.2. Increase in age of first substance misuse.
- 3.4.3. Increase in skill(s) and knowledge.
- 3.4.4. Increase connection to community resources.
- 3.5. The DOE shall take appropriate steps to accept and expend the funds provided within the project period. The DOE agrees to submit annual invoices to the DHHS for costs incurred. Invoices must include a description of services and associated costs. Invoices shall be emailed to [invoicesforcontracts@dhhs.nh.gov](mailto:invoicesforcontracts@dhhs.nh.gov). Questions regarding invoices can be directed to

Jill Burke  
Bureau of Drug and Alcohol Services  
129 Pleasant Street  
Concord, NH 03301  
(603) 271-6112  
[Jill.Burke@dhhs.nh.gov](mailto: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 substance-misuse prevention strategies and interventions and social-emotional learning practices in communities, statewide, upon receipt of approved invoices and subject to the DOE's compliance



**Memorandum of Understanding Between DHHS and DOE  
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with the terms and conditions of this Memorandum of Understanding as follows:

- 4.1.1.1. Up to a maximum of \$500,000 in State Fiscal Year 2021, of which \$250,000 is unspent funding carried forward from State Fiscal Year 2020.

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

- 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 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 Understanding 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.

**APPROVALS:**

DocuSigned by: Lori A. Weaver on behalf of  
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Lori A. Shibinette  
Commissioner  
NH Department of Health and Human Services

11/16/2020  
Date

Frank Edelblut  
Frank Edelblut  
Commissioner  
Department of Education

10/29/2020  
Date



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

**OFFICE OF THE ATTORNEY GENERAL**

11/16/2020

Date: \_\_\_\_\_

DocuSigned by:  
  
Name: Catherine Pinos  
Title: Attorney

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

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_