

Brookline School Board
Wednesday, September 25, 2019
Captain Samuel Douglass Academy
6:00 PM

All Times are estimates and subject to change without notice

- 6:00 Call to Order
- 6:05 Agenda adjustments
Correspondence/Resignations/Nominations
- 6:15 Public Input
- 6:20 Principal's report
 - Enrollment update, staffing, building maintenance, Theater Club Shed Project and the Eagle Scout Bridge Project
- 7:00 Discussion
 - Medicaid to School – Assistant Superintendent Thompson
 - Full day Kindergarten – Principal Molinari
 - Principal's search committee timeline – Assistant Superintendent Bergskaug
 - Superintendent's evaluation update – Board Members Sarris and Marsano
- 7:25 **Deliberations**
 - To see what action the Board will take regarding policy EHAB- data governance policy 3rd reading and adoption
- 7:35 Approval of Minutes – August, 2019
- 7:40 Non-public under RSA 91-A: 3II (a) Compensation and/or (c) reputation
- 7:45 Motion to adjourn

Brookline School Administrator's Report

September 25, 2019

Calendar, Events, Programs

August 30th	RMMS Flagpole Ceremony	October 1st-11th	NWEA Testing (CSDA)
September 3rd	Preschool First Day	October 10th	Grade 6 to Pack Monadnock
September 4th	Grades 1- 3 Open House grades 1-3	October 11 th	Progress Reports
September 10th	Instrument Rental Night (CSDA)	October 11th	Gr. 2 to Cider Mill Trails
September 11th	Blue Jay Assembly- Friendship	October 14th	School Closed (Columbus Day)
September 11th	Fall Curriculum Night (CSDA)	October 21st-25th	PTO Fall Book Fair (RMMS)
September 17th	Taste of PTO - Car pickup line	October 21st-25th	Grade 4 to Old School House
September 17th	PTO Meeting @ RMMS 6:30 p.m.	October 24th	Family Book Fair Night (RMMS)
September 18th	School Picture Day	October 25th	Grade 3 Trebuchet Day
September 20th	Gaga Pit Delivery	October 31 st	Halloween Parade
September 26th	SAU Loves to Run	November 1st	Grade 4 to NH State House

Brookline Administrator's Report

BSD:

- School Opening Report
- Transportation
- Policy KF - Penny Sale
- Kindergarten Steering Committee Update
- Brookline Staffing Update
- Eagle Scout Bridge Project Update
- CSDA Theater Club Shed Project Update -- Boy Scouts & Parent Volunteers
- CSDA Gaga Pit Donation -- Girl Scouts

BSD Enrollment Summary

Pre - 3/4	Pre-4	K	1	2	3	4	5	6
12	6	73 52 full 21 half	71 18, 18, 18 11	87 22,22,21,21	82 22,21,20, 19	76 19, 19, 19, 19	90 22, 22, 23, 23	80 19, 20, 20, 21

RMMS: 331

CSDA: 246

Captain Samuel Douglass Academy Principal Search

Timeline

When	What	Who
Week of 9/25	Present Process and Timeline to Brookline Board for approval	Asst Superintendent & Board
Week of 9/30	Send email communication to parents & staff for volunteers for committee and panel participation	Asst Superintendent
Week of 10/14	Draft advertisement	Asst Superintendent
Week of 11/25	Post position and advertise opening (keep position open until 1/3)	Asst Superintendent & Human Resources
Week of 1/6	Committee meeting Review applicants	Asst Superintendent & Committee
Week of 1/13	Round 1 Interviews	Asst Superintendent & Committee
Week of 1/20	Identify Finalists, complete references and site visits	Asst Superintendent & Committee
Week of 1/27	Hold Meet and Greet with Finalists Faculty panel and Community/School Board panel	Asst Superintendent & Committee & Panelists
Week of 1/27	Finalists meet with SAU Admin	SAU Admin
1/29/20	Candidate moves forward to Brookline School Board	

Committee Members

- Assistant Superintendent Curriculum, Instruction, & Assessment
- Building Level Administrator
- 3 Professional Staff Members
- 1-2 Support Staff Members
- 1 Brookline Board Member
- Community Member from Brookline



School Administrative Unit #41

Hollis, Brookline & Hollis-Brookline Cooperative School Districts
Office of the Superintendent of Schools
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To: Brookline School Board
From: Bob Thompson, Assistant Superintendent of Student Services
Date: September 19, 2019
Re: Medicaid to Schools Legislative Changes

Current Issue:

Medicaid to Schools provides revenue to SAU 41 for rehabilitative services provided to students with disabilities provided in the IEP which are deemed medically necessary. SAU 41 receives an estimated \$275,000 in revenue based upon claims submitted annually.

On Thursday, August 29th the New Hampshire Department of Health and Human Services issued emergency rules regarding the Medicaid to Schools Program. These emergency rules were legislated to replace the existing Medicaid rules which had expired. The Rules govern the process to submit claims and seek reimbursement for both Medicaid and Medicaid programs. These changes pose new language which substantially limits the district's ability to seek reimbursement for all services effective immediately. This will impact projected revenue for FY 20 and FY 21 as rule making will not be proposed until February 2020 at the earliest, yet the rule language is not expected to change at that time.

New Rule Language

The new emergency rules place restrictions on the process for ordering, recommending or referring services by requiring that only a Physician, Physician Assistant (PA) or Advanced Practice Registered Nurse (APRN) may order services. Throughout the history of Medicaid to Schools, a physician or a "licensed practitioner of the healing arts" has been allowed to order, recommend or refer services, when ordered by an IEP team. Never has the program restricted the licensed practitioner of the healing arts to only a PA or APRN.

The Emergency Rules, as written, no longer recognizes school counselors, school counseling directors and NHDOE certified school psychologists as providers of mental health services, The emergency rule requires that a registered nurse or licensed practicing nurse provide activities that require an order under the direction of a Physician, APRN or PA without defining what activities require an order. Additionally, the emergency rules no longer recognize a NHDOE certified speech language specialist who delivers speech services under the direction of a qualified SLP or audiologist.

Course of Action

- After seeking counsel, the district will continue the practice of logging all services as a matter of best practice. However, the district will not seek reimbursement through the New Hampshire Department of Health and Human Services until further notice. Medicaid services

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are able to be back billed for up to 18 month from services rendered. In the event the Rules change, the district would like to be prepared to submit for claims

- The SAU will reflect revenue changes in FY21 budgets and plan to address the deficit of revenues in the FY20 budgets
- The New Hampshire Association of Special Education Administrators (NHASEA), will submit written testimony in opposition of these new emergency rules to the Joint Legislative Committee on Administrative Rules (JLCAR) on September 20th. I should have an update for the board after this meeting.
- The New Hampshire Superintendent's Association, Association of Business Administrators are collaborating with the NHASEA regarding this matter.
- Regional Special Education Directors are exploring viable options to pursue medical practitioners to contract to authorize these services.

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Policy EHAB – DATA GOVERNANCE AND SECURITY

Category: Priority/Required by Law

Related Policies [EHAA](#), [EHB](#), [GBEBD](#), [GBEF](#), [IHBH](#), [JICJ](#), [JICL](#), [JICM](#), [KD](#), & [KDC](#)

To accomplish the District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

A. Definitions

Confidential Data/Information - Information that the District is prohibited by law, policy or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

Critical Data/Information - Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with one or more District Information Security Officers ("ISOs") (see paragraph C, below) shall create a Data and Privacy Governance Plan ("Data Governance Plan"), to be presented to the Board no later than June 30, 2019. Thereafter, the Superintendent, in consultation with an ISO, shall update the Data Governance Plan for presentation to the Board no later than June 30 each year.

The Data Governance Plan shall include:

- (a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);

(d) A response plan for any breach of information; and

(e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

2. Policies and Administrative Procedures. The Superintendent, in consultation with ~~the~~ an ISOs, is directed to review, modify and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures may or may not be included in the annual Data Governance Plan.

C. Information Security Officers.

The Network Administrator and the Database Manager are hereby designated as the District's Information Security Officers (ISOs) and report directly to the Superintendent or designee. The ISOs are responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISOs will work with the both District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The other members of the ~~full technology~~ Data Governance Team (DGT) (the Assistant Superintendent of Curriculum, Instruction, and Assessment, and the Business Administrator) are the District's alternate ISOs and will assume the responsibilities of an ISO when the ISOs are not available.

D. Responsibility and Data Stewardship.

All District employees, volunteers and agents are responsible for accurately collecting, maintaining and securing District data including, but not limited to, Confidential and/or Critical Data/Information.

E. Data Managers.

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISOs in enforcing District policies and procedures regarding data management.

F. Confidential and Critical Information.

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify an ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise. The ISOs or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. ~~When necessary,~~ The Superintendent, ISOs, or designee are authorized to secure resources to assist the District in promptly and appropriately addressing a security breach as stipulated in the Data Governance Plan.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

G. Using Online Services and Applications.

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website until the DGT (Data Governance Team) approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, an ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

H. Training.

The ISOs will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will

receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

I. Data Retention and Deletion.

The ISOs or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated into the data/record retention schedule established under Policy [EHB](#) and administrative procedure [EHB-R](#), including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy [EHB](#).

J. Consequences

Employees who fail to follow the law or District policies or procedures regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures or other rules will result in the same consequences, regardless of the success of the attempt.

Legal References:

*15 U.S.C. §§ 6501-6506 * Children's Online Privacy Protection Act (COPPA)*

*20 U.S.C. § 1232g * Family Educational Rights and Privacy Act (FERPA)*

*20 U.S.C. § 1232h * Protection of Pupil Rights Amendment (PPRA)*

*20 U.S.C. § 1400-1417 * Individuals with Disabilities Education Act (IDEA)*

*20 U.S.C. § 7926 * Elementary and Secondary Education Act (ESSA)*

*RSA 189:65 * Definitions*

*RSA 186:66 * Student Information Protection and Privacy*

*RSA 189:67 * Limits on Disclosure of Information*

*RSA 189:68 * Student Privacy*

*RSA 189:68-a * Student Online Personal Information*

*RSA 359-C: 19-21 * Right to Privacy/Notice of Security Breach*

District Policy History:

1st Reading: June 12, 2019

2nd Reading: August 28, 2019

3rd Reading & Adoption: September 25, 2019