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Digest of a Performance Audit of the FACT Initiative and At-risk Programs

Utah's Legislature has, within the **Utah Code**, addressed a number of specific behavioral problems that can prevent a child from achieving the highest level of success in their education and life. This audit deals primarily with the initiative to bring families, agencies, and communities together for the common cause of addressing a child's problems, called the FACT Initiative, and the At-risk Programs created by the Legislature and assigned to the State Office of Education. The at-risk programs addressed by the **Utah Code** in this report include: gang prevention and intervention, pregnancy prevention, and general flow-through funding. Each of these programs has been reviewed from a compliance perspective, addressing whether or not each piece of legislation has been followed.

We found that there is strong support justifying each of these programs and that the statutes have included the relevant principles found in national research. We also found that state and local agencies are following the basic premise of these statutes. They have designed programs that are community-based and family-oriented as called for in the legislation and are working toward the ultimate goal of the relevant statute. While overall we have found the program to be applied in keeping with legislative intent, we also note some areas that can be improved. These improvements are mostly in the area of legislative intent clarification.

The following briefly describes the most significant areas reviewed for this report:

FACT Initiative is Operating as Planned. Utah's FACT Initiative has been designed to address the needs of children and their families with multiple problems that cannot be adequately address by any one individual agency. FACT is actually a number of programs that are collaborative, community-based, family-centered, comprehensive service delivery systems that are well defined in the **Utah Code**. We reviewed the two largest programs of FACT, site-based and Local Interagency Councils (LICs), and found that both follow legislative intent and address their targeted populations.

While following legislative intent, we also note that the FACT Initiative may need some fine tuning. The site-based program may be losing some of its intended early intervention effectiveness as the program expands to accept students with problems attending higher grades. This may cause a dilution of limited funds. The LIC program may have a growing agency participation problem in rural settings as LIC's place greater demands on agency staff and take them from existing agency workloads. There is also a question of LIC

liability created by the mixing of agency and non-agency members that may need to be addressed.

Utah's Gang Prevention and Intervention Programs Need Better Monitoring. Utah's school district gang prevention and intervention programs may need greater oversight from the State Office of Education (SOE) to ensure they follow legislative intent. The gang prevention and intervention statute found in the **Utah Code** is based on sound principles that have been found effective in addressing student gang involvement. Our review found that these programs vary from district to district and do not always follow the intent of the legislation.

The Legislature may wish to clarify some intent language to address the need for program evaluation, the type of program eligible to receive funding, and the population they want targeted by the legislation. Utah school districts have created several types of programs with some emphasizing prevention and other emphasizing intervention. There is a wide variety of students addressed by these differing programs.

Other At-risk Programs are Following Legislative Intent. Other at-risk programs reviewed for this report include pregnancy prevention and general flow-through funding. We found both of these programs to be in compliance with the **Utah Code**, addressing their areas as intended. Utah's pregnancy prevention programs are abstinence-based and address children in programs throughout the state with few problems. The Legislature may, however, wish to revise the statute to allow district to design programs based on the most effective tools rather than requiring adoption of entire programs. This would allow the use of all effective tools rather than only those in a pre-existing program. It may also be beneficial to address the level of funding provided by the current legislated formula as it appears some districts may have excess funding. We found no problems with the use of the at-risk flow through funds.

Chapter I

Introduction

Utah's Legislature has addressed specific behavioral problems of at-risk children that are not conducive to their success in education or life within three sections of the **Utah Code**. All of these sections, the Families, Agencies, and Communities Together (FACT) initiative (**Utah Code 63-75 et. seq.**), educational at-risk programs (**Utah Code 53A-15-601**), and gang prevention and intervention (**Utah Code 53A-17-121**) have, for the most part, been successfully implemented throughout the state. In both cases, the legislation has included program criteria that are based on established information and provide a strong foundation for the state's at-risk programs.

In the course of this audit, we found that state and local agencies are following the basic premise of the legislation. Their programs have been designed and operated in keeping with the statute and, as such, fulfill legislative intent. This conclusion was reached by reviewing the progress of the legislation from its inception through the various levels of state and local government to its ultimate service delivery to at-risk children. In each case we found that the principles outlined in the statute have been used to provide services to the intended population. While meeting the principles, we believe that there are some areas within each of the programs reviewed that can be fine tuned to increase effectiveness.

Utah's Programs are Based on Need

The Utah State Legislature has recognized that although a great deal of funding is directed toward helping children, their problems do not always follow the artificial boundaries imposed by service providers. In addressing this point the Legislature has attempted to institute programs designed to address problems faced by Utah's children rather than follow the historic federal funding mechanisms. This report reviews two distinctly different Utah funding mechanisms that are meant to allow greater freedom at local levels, the FACT initiative and educational at-risk programs.

The FACT initiative is a unique method of addressing the needs of at-risk children that requires a collaborative effort by existing agencies to help the child and family as a whole rather than using a piecemeal approach. FACT has been implemented statewide as a community-based program that is intended to address all of the problems of a child and family. The program brings all the service providers together to aid the family in correcting interrelated problems rather than addressing one problem at a time, through one agency at a time.

Educational at-risk funding is intended to address specific problems facing Utah children by employing state grants that allow for locally designed and directed programs. This system

allows local school districts greater freedom to use state funds for local problems and needs. At-risk programs include gang prevention, pregnancy prevention, homeless and minority students, and a general funding program. Each at-risk program is allotted a given level of funding that is distributed by the State Office of Education via an application or grant process. While within the same general at-risk funding area, each program is handled differently legislatively and operationally.

Both FACT and at-risk programs are service delivery systems that can be shown, qualitatively, to address the needs of children and families with problems. Unfortunately, quantitatively measuring success for either system is extremely difficult and often subjective. The lack of quantitative measurements has been legislatively addressed in a number of these programs by establishing procedural criteria on which local programs must be based. As stated, we found the program criteria to be well founded and appropriate for program design and operation. This report reviews each program based on how services are designed and delivered in relation to what the Legislature envisioned through its stated program criteria.

Within this compliance approach the individual programs fair well and appear generally to be in compliance. It is our belief that in the instances where we did not find individual programs complying with the statute there were reasonable methods available to gain compliance. We believe that gaining compliance results in better services without undue hardships on service delivery.

Programs Address Specific Problems

Discussions with State Office of Education (SOE) personnel show a need for the FACT and educational at-risk programs because on-going programs under federal and state control do not address a number of specific problems facing children and families. For instance, Child Protective Services (CPS) addresses the needs of neglected and abused children but does not necessarily address the needs of children at risk of gang involvement, nor does CPS address the problems of needy children and families who have not been referred to their program. A common description of such on-going programs is that they are prescriptive, allowing little movement or freedom at the program delivery level. Often these programs have to wait for people in need to approach them before they provide services. While this prescriptive nature allows greater control and consistency from one local program to another it does not necessarily lend itself to fit a location's need nor be the best program for a given location.

Programs for at-risk children exist at all levels of federal, state, and local government. The SOE has compiled a list of these services and their funding and found that it amounts to hundreds of millions of dollars each year. This is used as support for the nearly \$11 million spent on FACT and the educational at-risk programs. The relatively small amount invested in these programs is only a fraction of the total spent and with the innovative approaches taken by these programs can be an effective tool.

Each of the programs reviewed in this report is somewhat unique and provides services in areas not addressed before or addresses them in a different way. In the case of FACT it is the state-supported collaborative nature of the program that sets it apart. The gang prevention and intervention program is an attempt at addressing gang problems as a school-based program rather than a law enforcement-based program. Pregnancy prevention is also a school-based program, attempting to address the growing concern for teenage pregnancy via an abstinence program. All of these programs demonstrate a state-led effort to address state and local problems with state funding and a larger degree of local program control.

Audit Scope and Objectives

This audit is the result of two separate requests concerning the efficiency and effectiveness of at-risk programming in the state. The first half of the request concerned the rapid growth of the FACT initiative in a very short time and its funding through the State Office of Education's Minimum School Fund. The concern was expressed by some that the FACT program was taking funding away from schools and possibly placing that funding in unnecessary, costly programs. The second part of the request concerned the efficiency and effectiveness of at-risk programming in Utah's schools. This part of the request was general in nature without any specific concerns.

There is a great deal of information supporting the need for more at-risk child intervention programs but, as has been stated, there is limited information on the success of at-risk programming. This lack of useable information greatly limited our ability to fully audit the effectiveness of such programming. Nationally, there has been general agreement that some kind of intervention beyond the existing programs is needed to help children. Unfortunately, there has been little agreement as to what is needed or how to measure any given program's success. In fact, with the variety of programs currently in operation it would be nearly impossible to isolate the effect of any single program.

For the purpose of this audit, we have viewed programming from a compliance perspective. In effect, we asked if the development and delivery of programs follows the Legislature's guidelines and thus meets the legislated intent of the program. We have addressed this issue of compliance with legislative intent in greater detail for two program areas: the FACT initiative and the state's at-risk gang prevention program. Additionally, we have addressed some other at-risk programs at a less intensive level.

The audit's observations are presented in the following chapters:

1. Determine if FACT initiative is operating as planned.
2. Determine if Utah's gang prevention and intervention programs need better monitoring.
3. Determine if other state at-risk programs are following legislative guidelines.

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Chapter II

FACT Initiative is Operating as Planned

Utah agency operations under the FACT initiative (**Utah Code** 63-75 Families, Agencies, and Communities Together for Children and Youth At Risk) appear to follow legislative mandates. Established by the Utah Legislature in 1989, FACT brings Utah agencies together in a service delivery system that combines a number of innovative ideas forming a comprehensive program to address the needs of Utah children. These ideas are clearly outlined in the **Utah Code** and have been made operational through state-wide, local FACT programs. We have reviewed the development of the FACT initiative and have found that Utah's service delivery agencies, although not entirely happy with the initiative and its effects on the organization of their agencies, are instituting FACT as outlined in the **Utah Code**. Our review indicates that service delivery appears to address appropriate clients and is largely in compliance with the statute, however some fine tuning of the system is possible.

FACT is Based on a Strong Foundation

The overriding statutes of the FACT initiative have been based on sound principles that have remained intact since the statutes' introduction in 1989. One constant of the FACT initiative has been in its design to address at-risk children with multiple problems who, without some intervention, will be less likely to succeed in life and contribute to society. The principle method used by the system has been a prevention and early intervention program based in selected schools commonly called FACT's Site-based Program. Additionally, FACT has a community-based component operated throughout the state under the control of local interagency councils (LICs). Both site-based and LIC systems are founded on sound research that has been embodied in Utah's statutes and in the FACT philosophy.

The idea of collaborative, comprehensive service like the FACT initiative is not new. The system described in Utah legislation is reasonable and is based on sound research of at-risk services. Such services have been used in a number of programs on national and state levels. Our review has found that Utah's initiative is unique in that it builds on the foundation of interagency collaboration, adding the additional elements of community-based programming, early intervention, and active family involvement. We did not identify any other programs in our review on the scale of Utah's FACT that have brought all of these elements together.

There have been a number of federal programs over the last decade that have been designed as collaborative efforts, primarily federal mental health grants. These efforts have been supported by a number of studies identifying the need for cooperation between service agencies. Further, studies consistently identify the need for community-based programming, early intervention, and active family involvement. All of the work reviewed during this audit

indicate that successful intervention is primarily dependent on correcting problems as early as possible within the family and the community.

Our review identified similar programs in other states that had some of the elements found in Utah's FACT; however, none were as complete as Utah's initiative. Unlike programs in other states, Utah's initiative combines all of the elements mentioned above to form a comprehensive system of service delivery. It is common to find early intervention programs, cooperative programs, community-based programs, and family involvement programs in other states but rare to find all of the components together in one package. In those cases where total packages were found, they are used in a limited way restricting clientele or services. Those states with these programs have looked to Utah as a leader in the field. Our review concluded that little criteria exist in other states for comparison purposes. As a result we have addressed FACT by attempting to determine its effectiveness in meeting its legislative objectives.

The impetus for the FACT initiative has been the establishing legislation that outlines program goals and objectives from the state level down to the local operational level. Control of the initiative rests with the legislatively established FACT council and its supporting steering committee. These groups develop the operating boundaries that are to be implemented by the local sites and Local Interagency Councils. It is at these levels that services are delivered to children and their families.

FACT is Legislatively Driven

The FACT initiative is based on legislation that has clearly delineated the services to be provided and the populations to be addressed by those services. Our review found that each of the sites we visited is following legislative intent; the building blocks of the initiative can be tracked through the system and are intact. In addition, the system structure envisioned by the Legislature is also followed. FACT, by design, lacks a state program administrator with a state administrative staff. In its place are councils and committees who rely on part-time technical assistants (TAs) from the involved state agencies for data collection and communication and local level councils and committees for administration of each operational site. This process is cumbersome and has resulted in some confusion and concern but has also allowed a great deal of interaction between agencies.

Utah Legislature saw a Need for Comprehensive At-Risk Programming

The FACT initiative began in the 1980's when Representative Lloyd Frandsen saw what he believed to be a deficiency in Utah's delivery of services to needy children. It was and is his feeling that the prescriptive, noncoordinated services performed by the state and federal government were so narrowly focused that they resulted in some children not receiving the

level of care he believed was needed. Rep. Frandsen's discussions with the directors of Utah's service delivery agencies found that each, in his mind, lacked some ability to fully address Utah's at-risk children. The Department of Human Services had the staff and the programs to address therapeutic needs of children but must wait for case referrals from other sources because they did not have the daily access to children that is available in schools. The SOE and local school districts had access to the children and the basic knowledge of problems they were facing but not the staff to address the needs. Additionally, the Department of Health dealt with children's health needs but, again, did not have ready access to Utah's children. The directors of these agencies formed the FACT Council as called for in the original legislation; the legislation was later amended to include the State Court Administrator to include the juvenile court perspective.

The result of Rep. Frandsen's discussions with the heads of Utah's agencies was a decision to write legislation that would test the ability of the agencies to work collaboratively. There was no pre-existing model from either federal agencies or other states, just a commitment from the three lead agencies to try. From this start the legislation was written and included elements that had been tested individually but never before as a complete system. These key elements of the FACT initiative found in the **Utah Code** are listed in Figure I.

FIGURE I

FACT STATUTORY ELEMENTS

- Collaborative Efforts
 - Community-based
 - Family Involvement
 - Early Intervention
 - Program Evaluation
 - Voluntary Treatment
 - System Evaluation
-

All of the FACT activities of state agencies and local communities are to be guided by the elements identified above. FACT legislation views these system elements as relevant and necessary for successful programs. Each reoccurs throughout the FACT organizational structure. The system evaluation component of FACT is an interesting and desirable addition within the statute that requires validation of program outcomes. Actual evaluation effort has been contracted to outside sources but relies heavily on information that is accurate and comparable from one site to another. This information is collected and summarized by internal system monitoring. Preliminary monitoring results indicate there is a positive effect from FACT interventions. It will be a number of years before any truly definitive results will be known.

Utah Legislature Also saw a Need for a New Delivery System Structure

The **Utah Code** goes beyond describing the key elements of a “FACT” program. It also includes sections that describe the loosely formed structure desired for delivering comprehensive and collaborative services. In essence, the statute describes what each level of the system should be doing to ensure service delivery as envisioned in the legislation. In these instances the statute is prescriptive in establishing the direction state and local entities will take in creating their FACT program, defining organizational structures and memberships. The kind of services provided are left to the entity’s discretion and thereby allow each entity to determine how they will meet legislative goals and objectives.

The basic premise of FACT’s organizational design is to connect the participating agencies at all possible levels. At the head of FACT is the FACT Council composed of the Executive Directors of Human Services and Health, the State Court Administrator, and the State Superintendent of Public Instruction. Advising the FACT Council is the FACT Steering Committee with membership of “at least 19 voting members” composed of state division directors, local representatives, and at-large members. The Steering Committee has a variety of subcommittees and part-time staff who act as the conduit to FACT sites throughout the state. It is this group that reviews funding applications submitted by the local FACT entities.

Local FACT units are composed of representatives of all the involved agencies within their area serving either on a local interagency council or as a member of a prevention and early intervention (site-based) program. Comprehensive and collaborative efforts are required at the operational level where services are delivered by a case management team, also composed of representatives from all the involved state and local agencies.

The weakest link in the system is the connection between state and local levels. To make this connection, FACT has created a technical assistance (TA) program in which each of the associated agencies has TA’s on staff and maintains some FACT funds for the positions. TA’s theoretically work in teams but in reality FACT sites deal primarily with a single TA team leader. Nearly all the sites we visited believed their TA’s were helpful but that the system was very inconsistent and lacked a clear direction. A common problem noted by the sites was that the TA’s were well versed in the operation of their own parent agency but were lacking when they had to deal with the other agencies. We found that each TA collected the statutorily required information but did not use a common methodology. Often, the collected information is based on the TA’s parent agency information need rather than FACT needs. This problem has been noted and has been somewhat addressed through a restructuring of TA assignments. We also believe that the situation should improve as TA knowledge of the other systems increases but note that this increase is dependent on maintaining the staff.

The FACT initiative is intended to be a system where no one individual or group has too much power. According to Rep. Frandsen, the system was intentionally designed to be obtuse

and thus allow for the greatest degree of free thought and creativity. This high level of freedom would allow each community to identify its own needs and address them as they best saw fit. At the state level, information would be gathered and reviewed to determine the best operating systems and thus allow the state to lend a hand as needed. FACT allows each community or site to design its own program for these services but gives state agencies a degree of control by requiring programs to contract with the FACT Council via submission of a plan for their service delivery system. The statute clearly states what should be included in the submitted plan. Interpretation of the plan is left to the FACT Council. Figure II identifies the information necessary within the plan for FACT Council consideration.

FIGURE II FACT PLAN REQUIREMENTS

- Designation of fiscal agent
 - Assurance of inclusive planning process
 - Description of system administration
 - Complete Budget
 - Description of monitoring system
 - Waivers
-

The **Utah Code** is also clear as to what information within the applications should be used by the FACT Council for awarding funds. Applications should include information on the elements outlined in Figure II and information on development and implementation of service plans. What is not included within the statute is the methodology for reviewing the applications' information or the weighting of the various elements.

The FACT Council, as the grantor of the awards, is also given the responsibility of assigning funds to each of the selected sites. For the site-based program this has been done using information collected by other programs on the condition of each site. This information includes K-3 population, income, school lunch, and marital status. Many of the selected schools have been declared highly impacted schools using the same information. LIC funding, given that it is intended to address a wider age group in a broader geographical area, is based primarily on the total population within the LIC's authority.

FACT is Complying With Legislative Intent

The program elements identified by Utah's Legislature and codified for the initiative are addressed throughout the FACT system. The FACT initiative's site-based program appears to be comprehensive and addressing appropriate clients through a collaboration of service agencies. The LIC program operations also appear to follow the **Utah Code** and are delivering

services to those intended to receive the services. Further, the FACT system's technical assistant (TA) program appears to effectively monitor FACT operations, ensuring compliance with legislative intent. Our evaluations demonstrated that FACT funding is going where intended and is based on reasonable approaches.

Services are Delivered as the Legislature Intended

Our positive determination of site-based and LIC effectiveness is based on observations of multi-agency case management meetings, multiple agency and individual agency home visits, staff interviews, TA interviews, and both formal and informal case file reviews. These observations were compared to the elements outlined in the **Utah Code**. Additionally, our observations were compared to our research of effective program elements. In both cases the services compared favorably.

In the site-based program children at risk of academic failure and social misbehavior are identified and addressed within their own community by a multi cultural site committee of appropriate agencies. Site-based committees are usually based in elementary schools and address their services toward the students in that school, primarily in the first four grade levels. This structure creates a finite population thus allowing a family and community focus. Within this context, the FACT site committees look at child and family as a unit, addressing a wide variety of each family's problems. Our observations support the effectiveness of this approach in that the structure allows for all of the statutory elements.

Our review of LIC case management sessions and LIC case files, as with the site-based, showed that all elements required by statute are met and are functioning as envisioned by the Legislature. The LIC's are unlike the site-based programs in that they lack a clearly defined population in either location or age. It is the LIC's task to seek out children, usually in their teens, with multiple, severe problems and address those problems from a multi-agency perspective. All LIC cases reviewed show two or more agencies actively participating in service delivery for clients. Families are involved and cases are severe enough to justify LIC involvement. Our observations from case management meetings show that there was significant sharing of information and ideas.

Case File Review Demonstrates Operational Follow Through of Legislated Program Elements. We came to this conclusion on operational follow through after formally reviewing all cases in five site-based schools and three LICs and informally reviewing cases while attending 14 case management meetings at various sites. Our goal in reviewing case files was to identify that state-required documents containing substantial information were present. Basically this review included intake documents, service plans, and follow-through documents. Each of these documents lends insight into who is involved in the process, what plan of action is ordered by the FACT site team, and what actions have been taken by the individual members of the team.

Following the case file review format described above we formally reviewed over 90 files of the estimated total statewide caseload of 2,000 children in 107 schools and an additional 500 children in 27 LIC programs. Within the body of case files reviewed we found the following:

- All clients entered the system voluntarily.
- All clients had referrals showing multiple problems needing more than one agency.
- All client files show proper case tracking procedures.
- All client files show a clear matching of committee established need and the ultimate service delivered.
- All client files show an assigned case manager.
- All services were provided as recommended by the site committee.

Our findings from these file reviews was further supported by an informal review of 75 additional case files observed during case management meetings. This informal review concurred with the formal review. Additionally, we can state that FACT files, because of state oversight via the TA program, have uniformity from one site to another. Case files reviewed in Ogden and Weber School Districts are similar to those found in Salt Lake and Jordan School Districts. File differences were no more than personal preferences of the file clerk. All maintained identical documentation and included all required information.

Case File Findings are Supported by Meeting Observations. As noted above, we attended a total of 14 case management meetings at a number of FACT sites throughout the Wasatch Front. In each of these meetings we observed meeting attendance and membership, the meeting process, and gained some insight as to the knowledge each member had of individual cases. This was a positive experience as we found complete attendance from those required to be involved; further, the staff were knowledgeable about cases brought before the site teams.

Meeting attendance for both site-based and LIC meetings we visited demonstrated involvement from all legislation-required agencies. At this level of the FACT system it is also possible to get a feel for interagency collaboration that cannot be quantified. Informal discussions with service level staff from each agency concerning the operation of FACT was positive. A common comment was that the staff person wanted to stay with FACT because they felt that the system was a positive step in service provision. It was the level of support they received from their own agency they believed to be lacking.

In each of the meetings we attended approximately five of each site's 25 cases were discussed at some length. Each of these cases had been assigned to a case management team and a case leader. A common element of these discussions was a multi-agency home visit that identified family dynamics and support of the child in question. We also accompanied home visit teams and individual team members a number of times to verify the accuracy of statements made in the meetings and to interview the child's parent(s). Discussions with parents showed that each was aware of the FACT program, that they had voluntarily entered

the program, and that they were active participants in the process. Parents routinely attended the case management meetings.

FACT Technical Assistants Agree That Cases are Sufficiently Maintained. It was not possible for us to visit every FACT site in the state for our case file review. Rather, after reviewing a small percentage of the total we interviewed the state's TA's to gain their assessment of case files. Past and current TA's believe that case files are well maintained and accurate. The TA's told us that they routinely review all case files for the sites assigned to their teams and that the files are complete. They did point out that some sites did have problems when their program began but these problems are resolving.

The case file documents we looked at in our review are also the documents used by the TA's in their summary reports and program monitoring. TA's make frequent visits to sites and, according to site program staff, do review the files. As a side note demonstrating the contact between FACT sites and TA's, we noted a level of friction between the two groups. Sites are, at times, upset by the level of control asserted by the TA's.

FACT Funds are Being Used as Intended

Besides services being appropriately delivered, FACT funding has followed the services provided by the programs and is being spent to meet the needs of children as intended by the Legislature. In the case of the site-based program, funds are distributed by reasonable criteria to school districts, to schools, and to students and their families attending those schools. The criteria used include low income data, school records, mobility factors, and parent status. LIC funding is similarly distributed to local areas using appropriate criteria. Ensuring the criteria is used appropriately to accurately distribute the funding is the purpose of a standardized process that begins at the state level and continues until it reaches the child. The process is, however, complicated and sometimes misunderstood.

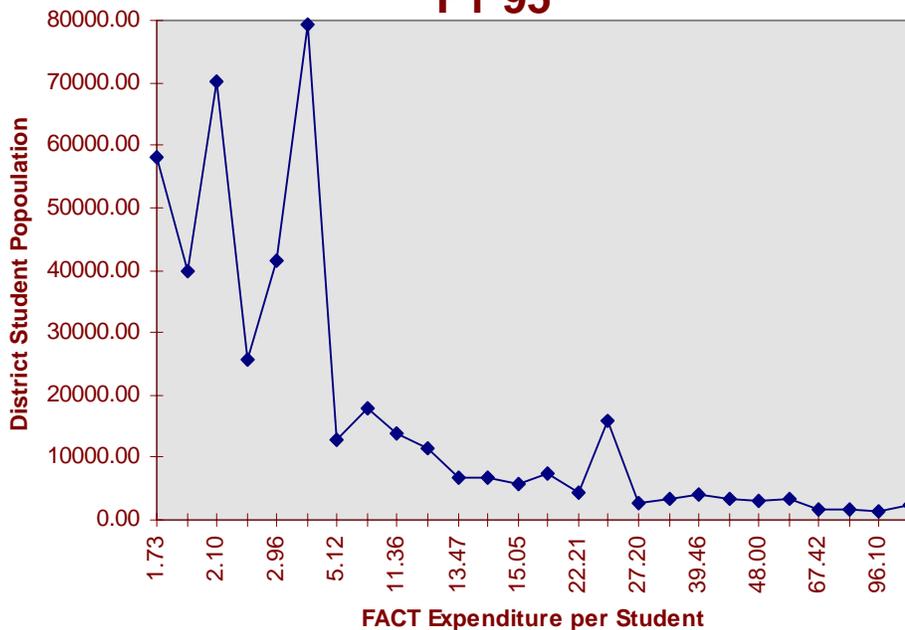
The Prevention/Early Intervention Aspect of FACT's Site-based Program Sets it Apart from Existing Service Programs. Site-based programs, a new method of providing assistance, serve clients not yet in the overall service delivery system. This means site-based is an addition to the state's overall system and needs new, additional staff. We reviewed all of the state's site-based applications and found that each requests additional FACT-specific staff in health, child and family services, mental health, and family support. We reviewed seven of the site-based applications in greater depth and visited each of these sites to verify expenditures. We did not find any deviation from the applications. The greatest portion of FACT funding in FY 1995, approximately \$4,300,000, was used to purchase additional service-delivery staff. The program's funding has grown each year from its inception.

In addition to funding service staff, FACT funding is used for site coordination and for expenses for which other agencies do not or will not pay. As a prevention-based program, a large share of FACT clients are not in the system and cannot be addressed by existing services.

An example is the purchase, by FACT, of beds and bedding for children without. The Office of Family Support (OFS) can and does purchase beds for children within their system but there must be an active OFS case file. FACT clients do not always fit into the OFS's programs and, as a result, would not be eligible for that office's aid. Some other FACT purchases include washers and dryers for schools so the children can have clean clothing or medications to prevent the spread of hair lice.

The distribution of FACT funding to the various sites, because of population density differences, varies greatly. In the case of site-based programs, the larger population school districts gain a great deal from the economies of scale afforded by their size. Smaller districts, because of minimum award requirements, gain on a funding-per-student basis. Figure III demonstrates the differences in FACT funds given school districts as a function of funds per student.

Figure III
FACT per Student Expenditures
FY 95



It is clear from the figure that per student FACT funding varies widely from one district to another. It is also clear that FACT, a program based on individualized treatment and case management, awards Utah's smaller rural districts far more funding per student than larger districts. The figure does not, however, show the entire picture. FACT funds are meant to initialize a site's program, not fully fund that program's operation. Each of the involved organizations has to use some of their existing funds for FACT clients. This is true for both

site-based and LIC programs. It is thought that the economies of scale in the larger districts compensate for their lower FACT funding.

The figure also does not show how funds are distributed once they are given to the districts. We found that at the school level FACT funds are distributed to the schools within their respective districts with the greatest need and the most support from the site's staff. For example, in the Salt Lake City School District, funds were distributed to the schools showing the greatest problems with low income (based on the reduced price lunch program), family mobility, single parent households, and minority status. When one school was uninterested in supporting FACT, even though that school qualified, it was not funded. On average, a school receives \$40,000 and directly serves 19 families. This breaks down to just over \$2,000 per FACT family. We did not attempt to establish the actual total cost of care for a FACT client in the course of this audit.

The LIC Program is Newer and is not as Dependent on FACT for its Operational Funding. In FY 1995 LIC's received approximately \$800,000 of FACT funds, primarily for coordination. All of this money was given to the Division of Mental Health and was then passed through to LIC fiscal agents. For the most part the fiscal agent role has been staffed by local mental health agencies. LIC operations do not need as much FACT funding as the site-based program because LIC acts as more of a service clearing house than a service provider. LIC's spend approximately \$1,600 per family per year. The LIC identifies client need and then directs clients to services in existing programs. When necessary, LIC's will use FACT funds when no other funding is available.

Just as with site-based programs, the state provides oversight of the LIC's through the application process. We reviewed all LIC applications and found they address the needs of children as specified in the statute. LIC program funding is primarily distributed on a population basis and is treated consistently throughout the state. Our attendance at case management meetings in three of the state's LIC's found that funding is flowing from the state to the LIC and ultimately for the needs of LIC clients.

Some Fine Tuning of the Program May Be Useful

While the FACT initiative is operating as intended, there are some points within the system that may benefit from further fine tuning. In the site-based program, we see the possibility for future problems as the expansion of the site-based program from a K-3 to a K-6 program may create a dilution of the funding and reduce some of its early intervention effectiveness. The LIC program depends on the participation of member agencies which in rural settings may have difficulty meeting the additional demands of FACT on their staff. Also, the LIC program structure may need clarification to eliminate a gap in program liability.

Expansion of the Site Based Program into Higher Grades may Diminish the Effectiveness of Early Intervention

FACT's site-based programs, as envisioned in the **Utah Code**, are founded in part on the premise of early intervention but FACT's effectiveness as an early intervention program may be weakened by its expansion into higher school grades. This early intervention premise is based on national research that identifies higher success rates for at risk children if intervention occurs as early as possible. FACT, being school-based, piloted its programs grades kindergarten through three and then designed its interventions based on the success of its pilots and the national research. FACT is also to act as a stepping stone that brings children and their families into the state's system and, after addressing early intervention needs, mainstreams them into regular state service programs.

The direction FACT is currently taking moves it away from this early grade structure and addresses FACT as a program open to all elementary grades. Funding levels do not change with this adjustment but services may change as funds are redistributed through seven grades instead of four making less funding available for each individual in the program. This change also allows sites to maintain children that were in the program and have aged beyond the program's age limits. This increase does not seem to fit the early intervention program originally designed nor does it appear to meet the FACT goal of stabilizing families so they can be mainstreamed into existing agency programs. The Legislature may need to clarify its position as to what type of program it desires.

Rural LIC Participants Have Concerns

LIC operations are comprehensive in nature; clients and their families are addressed as a whole. Unlike the site-based program, the comprehensive nature of LIC's comes from the sharing of information by the participating agencies. The LIC for the most part acts as a clearinghouse for existing therapeutic programs rather than being itself a therapy program. LIC's, as established by the **Utah Code**, are nebulous programs that are dependent on the active participation and referral of clients from member agencies. Participation of member agencies is compromised because each of these agencies has other duties and other priorities that take precedent over FACT.

Since FACT relies on participating agencies for services, FACT agencies have, by the influence of the legislation, felt forced to rearrange existing agency programs and program funding to address new clients introduced by FACT. Agencies are concerned with the level of FACT demands placed on them because they have existing programs and existing goals obligated by other legislation. These concerns are best seen in FACT's failure to address differences in organizational structure and the geographic distribution of the participating agency staff.

FACT, as a community-based system, does not necessarily match the boundaries used by the various agencies. Schools are the sites in the site-based program and the educational FACT staff are on site. The other FACT agencies are not routinely in the schools and have not based their programs on delivery to schools. These staff must cover a number of sites as FACT is a meeting-driven program that intends to frequently gather case workers from each organization to comprehensively address a single client's needs. This level of staff coverage is very possible for school staff working at the site but extremely difficult for the agencies with staff working on a regional basis.

The situation is made worse for the other agencies because not only do they have to accept the cost of making staff available for the case meetings, but they have to forgo the revenue they depend on from their everyday operations. Having a local mental health worker in a FACT meeting means an hourly expense to their agency as well as the loss of billable hours. Much of this time is spent in the rural districts in travel.

There are benefits for all of the involved agencies in the form of reduced number of future clients and problems addressed before they become unmanageable. The Division of Child and Family Services (DCFS) was initially a detractor of the FACT initiative and offered marginal support. In the last year, however, DCFS has had a turnaround and now believes in the effectiveness of community-based service models. DCFS is now experimenting with a FACT-like model in Salt Lake County and credits FACT with its change in service delivery.

Participation is further compromised by the uncertainty of agency responsibilities within a loose FACT/ LIC organizational structure. LIC member agencies fear that LIC actions may limit the level of some agencies' participation. The possible reduction in LIC program participation may already be felt by LIC's in the form of reduced program referrals. If agency referrals do not come in, LIC caseloads drop and coordinated meetings rapidly lose their effectiveness because agency staff are gathered for too few cases. In effect, taking agency staff away from their regular duties to attend inefficient meetings.

LIC Control of Cases Creates a Question of Liability

The transfer of case control from state and local agencies to LIC councils raises questions not only as to who is responsible but who is liable for treatment errors. LIC's, composed of agency staff and lay people, have the power to order client treatment. The ability to order treatment creates the implied liability that comes with the authority. We are concerned with where that liability lies.

A review of this situation by State Risk Management and an Assistant Attorney General resulted in their determination that the LIC's authority and responsibility as outlined in the **Utah Code** are so broad that the LIC can be held liable for its actions. In addition to the LIC as an entity being held accountable, agencies and individuals serving on the LIC can also be held accountable for LIC decisions, even if they are in disagreement with the LIC's actions.

Since no clear boundaries are defined for LIC actions, it is the opinion of the Assistant Attorney General that all parties serving on the LIC would be named in any legal case. For state and county agencies to be named would be an inconvenience but could be handled through their legal counsel. There would also be a disagreement as to which of the two governmental levels would be held responsible, the state for creating the statute and providing some staffing or the county for creating the LIC and also providing some staffing.

While state and county employees serving on an LIC are indemnified it is also clear that individuals such as parent advocates, parents, and non-government community leaders are not. These individuals would be left to defend themselves in any legal action unless the state or county decides to cover them. It is the Assistant Attorney General's belief that exposure to this level of risk is unacceptable and he would counsel against serving on LIC's.

There are two avenues available to correct this situation. First, the **Utah Code** can be revised to make LIC's a non-decision making body that makes recommendations for treatment and leave the final decision to the service provider. This may reduce the FACT statute's intent for community-based decision making. Second, the **Utah Code** can be revised to accept non-government individuals serving on LIC's as volunteers covered by the Volunteer Government Workers Act, **Utah Code** 67-20-1 through 8. This action would offer LIC volunteers the same level of liability protection available to state employees.

Recommendations:

1. We recommend that the Legislature consider adding language to the FACT statute that clearly defines the population targeted in the site-based program.
2. We recommend the FACT Steering Committee examine the effect of the LIC program on rural service providers to determine possible methods of gaining greater program acceptance.
3. We recommend that the Legislature revise the statute to avoid LIC liability problems by either covering LIC volunteer members under the Volunteer Government Workers Act or making LIC's recommending bodies rather than decision making bodies.

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Chapter III

Utah's Gang Prevention and Intervention Programs Need Better Monitoring

Utah's education-based gang prevention and intervention programs need to be better monitored by the State Office of Education (SOE) to ensure legislative intent is followed. Our review of district gang prevention and intervention activities found that Utah's programs are not receiving SOE oversight at a level sufficient to ensure they consistently meet legislative intent. Following legislative intent is important because it defines the type of programs the Legislature believes, from prior research, will be successful. Utah legislation for at-risk gang prevention and intervention (**Utah Code 53A-15-601**) establishes operational and control elements that delineate the state's requirements for these programs that should be followed if school districts wish to receive gang prevention funding. By creating these elements and assigning the program to the SOE, we believe that legislative intent implies the SOE's responsibility for program oversight and monitoring. State Office of Education monitoring is important not only to ensure that the **Utah Code** is being followed, but to provide information and feedback to districts that could help them establish better programs and more effective means of serving students.

In addition to improving program monitoring, the Legislature may also wish to clarify the types of programs eligible to receive funding. There appears to be some confusion over what the Legislature intended for education at-risk gang prevention and intervention programs. In this case, prevention programs address children displaying characteristics that may lead to gang involvement while intervention addresses children that have already turned to gangs or display gang-like behavior. Utah's school districts have created several different types of programs, with some emphasizing prevention and others emphasizing intervention. This confusion in combination with weak program monitoring has resulted in a lack of consistency that could be addressed through the SOE's grant application and review process.

Legislative Intent is not Always Followed

Our review found that not all school districts with gang prevention and intervention programs funded with at-risk monies (as described in Chapter IV) follow the legislative criteria. This is unfortunate because the Legislature has established operating criteria for the program as a means of effectively dealing with gang problems. The criteria are based on sound research that identifies the principles of good programs. For instance, the statute requires trained, experienced staff to provide a high level of counseling and requires that staff use home visits to gain family involvement in their intervention. Research has shown both of these examples to be some of the most effective methods of reducing gang involvement. Given

the difficulty in accurately measuring the effectiveness of a program, it becomes questionable as to how effective a program can be if it doesn't have the foundation of proven criteria that define program structure and services.

It is our belief that districts do not consistently follow the legislated criteria because SOE program oversight and monitoring is minimal. Currently, the SOE does not actively monitor programs because they do not see this oversight function as their role. Occasional site visits may be conducted, but they do not provide the depth necessary to ensure the **Utah Code's** criteria are followed. We believe that the legislature has implied SOE oversight and therefore monitoring is expected. Further, we also believe that school districts have an implied responsibility for their programs' compliance with legislative intent.

Legislature has Developed Good Gang Program Criteria

The Utah Legislature conducted a number of hearings prior to initiating at-risk gang prevention and intervention funding. The resulting legislation contains operating criteria for the program required of any school district applying for and receiving this funding. These criteria form the foundation for district gang intervention and prevention programs. We found that these legislative elements are well supported by research and are used nationally in similar programs. Specialists in the field indicate that home visits are used through out the country and have shown to be an effective tool in helping deal with gangs and gang activity. Most of the elements are community and family based that, according to research, are effective tools for gang intervention. In addition to staffing qualification criteria, Utah's legislation has two required general operational criteria: 1) provide independent gang intervention both inside and outside of school grounds when necessary; and 2) manage case files and maintain profiles on all at-risk students. Figure V outlines the criteria found in Utah's statute. These criteria are discussed in greater detail in the following sections.

Figure IV
Elements of Utah's Gang
Prevention and Intervention Program

Provide independent gang intervention inside and outside of school grounds, including:

- meet with gang members.
- intervene in situations involving gangs.
- conduct in-home visits with families.
- notify law enforcement when required.

Manage case files and maintain profiles on at-risk and high-risk students, including:

- attendance records.
- academic records.
- extra-curricular activities.

Provide a program coordinator at each school with duties to include:

- present on school grounds during school hours.
- previous training on gang prevention and intervention in schools.
- understanding of the cultural background of gang members.
- a minimum of one year's experience or on-site training in gang related issues.

Provide Independent Gang Intervention Both Inside and Outside of School Grounds.

The Legislature has provided further program direction by listing the activities deemed important in providing independent gang intervention, *“including: (I) meeting with gang members whose activities impact students in the program; (ii) intervening in situations involving gangs that impact students in the program; (iii) in-home visits with families of students in the program designed to encourage parents to become involved in their child's education; and (iv) notifying law enforcement personnel when a particular problem cannot be defused or when required by law...”*.

These elements are meant to create an active, involved program that is visible and deals directly with the child and the family. This position is best seen in the requirement of in-home visits. These visits are a vital part of the gang prevention and intervention program as they go beyond encouraging parents to become involved; they also provide a valuable insight into the child's home life.

Manage Case Files and Maintain Profiles on At-risk and High-risk Students. While the above establishes the interaction side of the legislated program, a second set of criteria establishes the record-keeping side. We also believe that these criteria imply therapeutic values by the inclusion of maintaining profiles. Required case file records are to include information regarding: (1) student attendance; (2) academic achievement; and (3) extra-curricular activities. We believe that case files should include the information gained from the contact required in the first set of criteria. This means recording the number, nature, and results of home visits, similar records of phone and other family contacts, contacts with law enforcement, and recording the meetings and interventions with the child. Case files can also include safe school violations, juvenile court records, counselors daily notes on student progress, and even student writings on thoughts and feelings. The importance of maintaining case files is to provide valuable information about the student that could help in determining what type of services or intervention is needed.

Provide Qualified Trained Coordinators That Are Present at School During School Hours. Providing qualified coordinators, as outlined in the **Utah Code**, means hiring coordinators that have an understanding of the cultural backgrounds of gang members and are aware of the potential for gang involvement in all situations. Coordinators are also required to have a minimum of one-year experience or on-site training in gang-related issues inside the schools. All of this is meant to help program coordinators better understand the needs of the students.

In addition to the three components mentioned above, we believe that programs should be community based, drawing from the local community to address the child's needs. It appears that the SOE agrees with this conclusion as it has included community-based language in the grant application process. The application requires the district to list all community agencies or organizations that have been or will be directly involved in the development of the proposed gang intervention and prevention program. It also asks them to list who will participate in the implementation process and how. Research indicates that programs are more likely to experience greater success if they are involved in a collaborative effort with the community. Some of the community agencies involved in the effort include local business, nonprofit organizations, and local city and county government.

Legislated Criteria are not Consistently Applied

Our review found that districts do not always adhere to the **Utah Code's** criteria noted above. The importance of following legislative criteria goes beyond ensuring districts follow what research has shown to be effective means of dealing with gangs and gang activity; it also reduces the state's liability for problems that can occur in this arena. We found that, in some of the districts we reviewed, case files are not well maintained, home visits are sporadic, and parents are not always contacted to get their permission for program membership. Omission of this information may expose the district to legal liability as it may indicate a deviation from established practices and policies put in place to protect the child.

Our review of school district gang prevention and intervention programs included in-depth looks at four of the state's largest gang prevention programs: Salt Lake, Granite, Davis, and Ogden. Our review of Salt Lake City School District's contracted Colors for Success (Colors) program included five schools; two high school and three elementary. The review of Granite School District's in-house program included three schools, all junior highs. Our review of Davis School District's program was actually a review of two separate programs. A review of the PRISM program in two schools and a review of the SHOUPP dropout reinstatement program operated out of a Davis high school. Ogden School District's program is also operated under contracted by Colors for Success. Additionally we performed less intensive reviews of programs in Jordan, Weber, and South Sanpete School Districts.

Some District Programs do not Comply With Specific Criteria. While all of the districts we looked at have programs that attempt to address their gang problems, they do not necessarily fully address the criteria set out in the **Utah Code**. We stress the need to address these criteria because our review has shown that effectiveness of any individual program is extremely difficult to measure. Without a concrete measure for effectiveness the best method of addressing the problem becomes developing programs based on the best possible research and attaching them to structures that support that research. Utah's statute identifies criteria based on research, however, without some form of validation and documentation it is impossible to know if the criteria is followed. We found that there is a lacking in this documentation, specifically in the district's use of case files.

An example of this failure is Salt Lake City School District's (SLCSD) case files. In our review of 80 case files, we found that over 70 percent appeared to be incomplete. Some case files had only partial documentation, while others contained no information. Specifically, we noted that required attendance records, grade information, and parental permission slips, necessary to allow a child to participate in the program, were missing in a large number of files. Some files even had permission slips signed by the student rather than the parent. In addition to incomplete files we found that many of the case files appear to be missing. At one particular school we found that the program had been in place for over three years; however, we could only find records for one year. According to the program staff, these records must have been lost during recent moves.

Our review of intact case files also identified problems. We evaluated existing files and attempted to match these records with information and statistics submitted by the contractor to SLCSD and, ultimately, to the SOE. Each year a summary report of the program is submitted, identifying the number of students in the program and the services they receive. The report, which has been used to support continued state funding, identifies the number of home visits, phone contacts, visits with students, and incident reports. We could not find support for the numbers reported in this summary.

Because of the lack of documentation, we attempted to verify if the services were provided but not recorded. We obtained the names of all the students in the program for the 1995-96

school year and then contacted parents to verify if services had actually been performed as reported. What we found was that nearly 70 percent of all parents contacted said they had never received a home visit and that a number of the remaining 30 percent said they had only been visited once, while most said they had been visited twice throughout the year. By comparison, the summary report contained figures indicating that each parents had received a minimum of 10 home visits throughout the year.

We also asked parents if they had received phone calls, given written permission, and if they knew why their child was in the program. About 50 percent of these parents said they had received some phone calls but could not remember how many contacts were actually made. However, they were able to tell us that the reason for most of the calls was to identify the academic progress of their child.

When asked about giving permission, over 60 percent said that they did not give written permission for their son or daughter to participate in the program. One parent had not even heard of the program and did not know her child had joined. Thirty percent said they could not remember if they gave permission or not. Ten percent said they actually remember giving written permission. Finally, less than 50 percent of parents actually knew why their child was in the program. Parents who knew told us the most common reason their child was in the program was because of academics. Permission slips are a good indicator of parental involvement which is required by the **Utah Code**. The contractor responded that they were unaware of most of the above situations and expressed concern, reporting that they would look into the situation and take the necessary action to eliminate the problems.

In addition to not fully complying with legislated criteria, we have other concerns with the SLCSD program and its sister program in the Ogden City School District. Since these districts use a contractor for their gang prevention programs they do not have the level of control over staff behavior allowed by direct participation. Contracted staff are not bound by the rules and regulations that control district staff; they are bound by their own policies and procedures and, if properly executed, by a contract with the district. Neither program operates under a contracted agreement; both operate under policies set by the contractor that, with written approval of the organization's executive director, may be overridden.

The control exerted by a contractor's policies does not appear to be sufficient to eliminate district and state liability for the action of the contractor's agents if students are injured. We found that district liability can be adversely effected in two areas where the contractor either does not consistently follow policy or has overridden policy. In one case, we found that the contractor's staff was breaking policy by transporting students without permission and allowing single students to ride in private vehicles. Staff on occasion would transport students from various locations to program-sponsored activities, oftentimes one-on-one. According to Colors policy, no employee is allowed to provide transportation to any student unless written permission is given. In addition, policy states that Colors staff are not allowed to travel alone with students unless written permission explicitly so states. According to the contractor, they

were unaware of the situation and plan to take measures to assure policy is followed in the future. Even though these rides were given with good intention, they violate the contractor's policies.

The district has not reduced the risk of liability by requiring the contractor to follow district established policies and procedures. Rather, the district has allowed the contractor to create its own policies and procedures which govern contractor employee conduct. In theory, if the contractor's policies are sound and followed, district liability is somewhat reduced. However, the district is at risk when the contractor's policy allows for exceptions. As an example, the contractor exercised this exception to its own policy when permission was given to a male staff member allowing a female student in the program to live in his family home. According to the male staff member, the student was allowed to live in his home because her mother had left the state and the student wanted to finish her education here. The contractor's policies prohibit this kind of contact with students because of the legal implications but also allow for exceptions with the written permission of the contractor's executive director or his designee. Under comparable district policy, district personnel cannot invite school-aged persons in the district into the district employee's home. The district policy has no exceptions.

Some Programs Appear to be in Compliance. Our review of the Granite School District (Granite) program shows that case files appear to be in order and required information is present. Granite has documentation supporting all information submitted to the SOE. All of the case files reviewed show permission slips, attendance and grade information, extra curricular activities, referral information, home visits, school discipline records and other information that all help to determine what type of intervention is needed. In addition, Granite keeps a number of private files containing additional student information from the Department of Human Services, law enforcement agencies, and the courts. We contacted a sample of parents with children in this program and all indicated that both home visits and phone contacts were being received regularly. Comments we received from parents were positive.

The results of our review of one Davis County School District (Davis) program was similar to that of Granite. The Davis SHOUPP program is funded with gang prevention monies but is really a drop-out reinstatement program that is indirectly related to gang prevention as delineate in the statute. Davis' PRISM program, on the other hand, appears to be following most of the criteria set out in the legislation. We found that files appear to be in order with all required information present. Program files and supporting information have all the documentation to support information submitted to the State Office of Education. This information on each student include attendance records, grade information, permission slips, student contracts, home visits, school discipline records, and extra curricular activities. We also made independent phone calls to parents to verify that home visits are being made. The results showed that parents received home visits regularly and that phone calls were frequently made by the staff.

Improved Program Monitoring is Needed

Because of the lack of program compliance with the **Utah Code** by some districts, we believe that improved program monitoring is needed. We define monitoring as a formal evaluation process of program control review that begins with the submission of the grant application and continues throughout the term of the grant. An additional benefit of this system is the feedback available to districts as to how their program is performing and the sharing of information between districts, both improving program compliance and, ultimately, effectiveness. We believe that the SOE should be both an evaluator and a resource to the districts. It is also our opinion that SOE monitoring does not preclude the individual district's responsibility for overseeing their own programs. We found a great deal of disparity in the level of internal monitoring from one district to another.

State Office of Education Views Itself as Facilitator not Evaluator. The SOE views their role more as a facilitator in reviewing applications and disbursing money than as an evaluator overseeing how programs are implemented. According to SOE staff, they do not interpret the **Utah Code** as identifying them as an evaluator. They feel that the **Utah Code** is not clear as to whose responsibility it is to monitor programs or even if the Legislature wants programs to be monitored. According to administrative rule R277-436-5C, the SOE may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law. In our opinion, this clearly gives the SOE the authority to audit and evaluate district programs.

We also found that the majority of the districts were under the impression that the SOE would be reviewing and monitoring their programs. Districts said that based on language in the application, they interpreted the site visit as an evaluation of the program. Many of the districts told us that they were not receiving the site visits on a regular basis. We were unable to find any documentation from the SOE verifying that site visits had taken place. Most districts would like to have an evaluation to determine if they are complying with the law and receive feedback and direction that could help them better their program. Districts would also like more communication from the SOE regarding program improvements. The SOE says that they are reluctant to communicate with districts regarding specific improvements because the grant money is competitive and they do not want to show favoritism or give someone an unfair advantage. However, districts that we talked to did not express concern over competition; they were more concerned about program improvement.

In our opinion, the SOE has ultimate control over the evaluation function and needs to take responsibility for it. They need to develop and establish good evaluation measures that will ensure that monies being given for these programs are being used in compliance with the **Utah Code**. According to the SOE, they are willing to take an evaluation role but claim they would need additional monies to do it. For example, staff would need travel expenses and related monies to visit all districts that are funded. The SOE suggests that this money could come from the overall total amount given for gang funding. In our opinion, this request appears

reasonable. We would suggest that the SOE determine how much is needed and present that to the Legislature for approval.

In Addition to the SOE, Districts Also Need to Take Some Monitoring Responsibility. Districts can establish local controls that will help monitor programs. For instance, school administration can become more involved in the program. We found that program staff at Granite are required to involve school administration in certain decisions concerning students in the program. For example, a student cannot join the program without the administration's approval. This helps the administration become more aware of what type of students are in the program and how the program is working. At one of the SLCS D's schools, we found that school counselors were involved with the contracted gang prevention staff in making decisions and sharing information about students. According to both, this makes their jobs easier. However, at another SLCS D school we found that the administration was hardly involved in the program. When we asked for a list of students in the program, they could not tell us which students were involved nor could they tell us what kind of services they were receiving. We think that more administrative involvement may result in more accountability and a better program.

Legislative Intent Needs Clarification

One reason legislative intent is not always followed is that each district has a different interpretation of the **Utah Code's** intent when describing gang prevention and intervention programs. We believe that clarification is needed, because not everyone agrees on how this funding is intended to be used or what type of student should be considered at risk. The SOE has a broad view of how the money is to be used and what type of a student is considered at risk. On the other hand, the Office of Legislative Research and General Counsel has a more narrow view. This lack of clarity and consensus has resulted in some districts choosing prevention-type programs while others have selected intervention-type programs. Some districts have chosen to target students with academic problems, whereas, others have chosen to serve students involved in more direct gang activity. Each district seems to interpret the **Utah Code** a little differently from the next. As a result, we believe that the Legislature needs to clarify the intent of the **Utah Code**, giving districts better direction as to who they should serve and how.

"At-Risk" is Interpreted Differently

At the time this section of the **Utah Code** was written, there were no definitions for the term "at-risk students" which is used to define the target population to be served by gang prevention programs. As a result the SOE defined at-risk within its administrative rules. According to R277-436-1 of the education administration rules, an at-risk student is a student who, because of his individual needs, requires some kind of uniquely defined intervention in order to achieve literacy, graduate and be prepared for transition from school to post school

options. However, this definition does not mention gangs or gang activity as related to a student risk.

The SOE believes that to be at-risk a student does not necessarily have to be involved in gangs or gang activity; (i.e. it may only mean that the student needs help with academics or that attendance is lacking). Both poor academics and poor attendance are nationally recognized as gang involvement indicators. Improving these indicators, it is believed, will reduce a child's desire to join a gang. As a result of this interpretation, some district's gang programs appear to be open to entire student populations, defining everyone as at risk if they have academic problems. This definition may or may not be compatible with the original intent of the legislation.

According to an Associate Legislative General Counsel, the **Utah Code** was written with the intention of serving students who are involved in gangs and gang activity. The term "at-risk" was intended to mean those students on the high school level who were already involved in gangs and gang activity. At the elementary level, at-risk was intended to mean those students who were susceptible and likely to become involved in gangs and gang activity later on. Therefore, it was expected that an intervention-type program would be established at the high school level and a prevention-type program at the elementary level. The program was originally presented to the Legislature in this manner.

The SOE has allowed districts to establish both intervention and prevention-type programs. According to the SOE, the legislation allows for either type of program in any level of school throughout the state. Because of this interpretation, we found that gang programs differ in terms of how they serve students and what type of students they serve. The Legislature may wish to further address the type of program desired.

Gang Programs Vary in Scope. Because the language in the **Utah Code** is written as "gang prevention and intervention," some districts appear to have developed more intervention-type programs while others have restricted the scope of their programs to include only prevention efforts. The SOE has defined prevention as instructional and support strategies, activities, and curricula designed and implemented to provide successful experiences for the student and family so as to help students avoid gang involvement and activity. Intervention is defined as providing specific services centered around such things as social competence, citizenship, academic achievement, literacy, and interpersonal relationships with the goal to influence a person's decision to turn away from gangs. We would conclude that the SLCS D's Colors program has more of a prevention scope, the Granite program has more of an intervention scope and the Davis programs are a mixture of both. In each case, we found that the programs tend to target a different type of students.

A review of SLCS D program admissions information reveals that the majority of students are involved for academic reasons. According to a file review, 85 percent of all students in the program were listed as being in the program for low grades and/or poor attendance. The

average GPA of students sampled in the program was 1.39. The objective stated in the case files and reiterated by Colors staff, for all of these students, was to help the student graduate. The remainder of the students were in the program either because of behavior problems or family problems. According to Colors staff, students with low academic achievement are more likely to join a gang than those who have high achievement. Although many of these students showed low academic achievement, there was nothing in the files to further indicate that they were involved in gangs or gang activity.

Our review shows that the majority of students in the Colors program do not demonstrate strong gang affiliation. They have been selected by the Colors staff or joined the program voluntarily for academic or social reasons. Interviews with staff confirmed that many students were asked to join the program when they were found loitering in the halls after the class bell had rung. Colors staff would find students who were not attending class regularly and those students would then be brought into the program. In addition to staff seeking out students, we found that students occasionally asked to join the program. According to parents, the most frequent reason given as to why they asked to join was to be involved in the social activities, such as dances and sporting events, sponsored by Colors.

A selection committee composed of school principals, counselors, Colors staff and others has been set up to evaluate students for acceptance into the program. However, we found that the selection committee at one particular high school is rarely used. According to Colors officials, it is not a requirement that students go through the selection committee. Colors does not identify the type of student that is eligible for the program, electing to consider it open to everyone in the school, especially those with low achievement. Selection committees were found to be used more often at the elementary level. These observations indicate a program that is more preventive in nature.

Our review of the Granite School District CMI program shows that students are involved for more than just academic reasons. According to CMI records, most students in the program have juvenile records and have been involved in criminal activity, whether it is gang related or not. One student had been picked up numerous times for painting gang graffiti, drug use and destruction of property. Another student had been charged with gang-related vehicle theft. The majority of students were also involved in safe school violations such as fighting or carrying weapons in school. According to records, one CMI student was caught fighting in school with a knife.

Our review found that the school administration plays an active role in the selection of students for the CMI program. CMI staff regularly team-up with school administrators in selecting students for the program. Criteria have been established by both CMI and school administration that show the type of student eligible for the program. Parents may ask for the student to join; however, the student would have to meet the criteria established or have other valid reasons in order to participate. In one case, we found that the students had been referred to the program by the juvenile courts. All students are interviewed prior to entering the

program. If a student is found unwilling to participate in the program and to adhere to the guidelines they generally are not accepted. Criteria for the selection consists of such things as poor academic performance, school suspension, safe school violations, drug use, juvenile probation, and criminal activity.

A number of students participating in the Davis County School District PRISM program have severe attendance and/or academic problems, but a majority of them are either known or suspected gang members, or have displayed behavior or associations that place them at risk of gang involvement. Several students had been charged with weapons violations, others had been charged with drug use or distribution, and a number of students had been disciplined for fighting or other violent activities. The aim of the program is not only to provide services that troubled youth need, but also to reduce the number of incidents of serious negative behavior occurring in Davis schools.

We found that the regular school personnel are instrumental in getting students currently participating or at risk of participating in gang activity involved in the PRISM program. School administrators are constantly in contact with local law enforcement to help them identify active or suspected gang members. Others school personnel are charged with identifying students who have severe attendance, academic, or discipline problems and these students, along with their parents, are encouraged to participate in a variety of program components. Referrals are also taken directly from parents and from the students themselves but these are the exception rather than the rule.

As can be seen in these synopses of SLCSD, Granite, and Davis programs, there are a variety of interpretations of the **Utah Code**. Districts have not been given clear direction as to the type of students they should be serving and how they should be serving them. As a result, the state has a number of programs that differ considerably. Some address gang problems more than others using intervention programs for hard-corp, gang-involved children and prevention programs for the children not yet to that point. We believe not all participants have fully understood the intent of the legislation. It is our conclusion that the Legislature needs to more fully clarify the intent of the **Utah Code** so its interpretation is more consistent.

Further, education officials question whether gang money would be better spent in a more intervention-type program rather than in prevention. The reason they question this is that the state has a number of existing programs in place that are specifically targeted at prevention. Such programs include Highly Impacted Schools and FACT. On the other hand the state has very few if any programs leaning toward an intervention approach. We believe this is an issue that the Legislature may wish to address.

Application of Elements in Gang Programs Differ. We found that gang program service methodology is surprisingly different from district to district and, within districts, from school to school. This lack of uniform methodology may not be what the Legislature desires. For example, the private contractor Colors has hired case managers who are located on the school

premises during school hours. Their main duty is to look after school property, make sure students are in class, and counsel students as needed. Granite has hired para-professionals who are required to teach Count Me In (CMI) classes for half the day and track students the other half. CMI classes are reserved for students in the program and are designed to help them stay in school and out of gangs. Davis mostly uses existing teachers to organize and operate its programs. Teachers use preparation time and after school hours to teach classes that are designed to help students with academic, social, problem-solving, and anger management skills. Davis has also hired part-time staff to track students and maintain case files.

Another example of the differences between district programs is in how home visits are conducted. All programs, as stated earlier, are required to conduct home visits. Granite's CMI program staff not only go into the home to help parents become involved, but they also assess the home environment. According to Granite officials, a home visit can lend valuable insight when determining what kind of factors may be influencing a child's education and gang involvement. Our review of Granite's case files demonstrated the usefulness of this more intensive home visit. In one case, the file related an instance where a staff person went to the home to inform parents of a particular incident that had happened at school, only to find that certain needs of the family were not being met. The staff person was able to contact Human Services and help in solving the needs of the family. As a result, the case file showed that the child made immediate progress in school.

In the SLCSO program, home visits are designed to help parents know how a program student is progressing academically. However, we found that some records did not pertain to the students' academic progress. For example, a number of records indicated that Colors staff went to a students' homes to examine hair for lice. These health related visits were to homes of program members and nonmembers and were all reported as home visits. In effect, each of these visits was weighed the same as a gang-related therapeutic visit. Some records of home visits appear vague and did not have a stated meaning or purpose. In our opinion, these type of home visits do not appear consistent with legislative intent in addressing gang problems.

Grant Awarding Process Appears Confusing and Inconsistent

The State Office of Education's funding distribution process appears inconsistent and confusing to the districts. We found one district who met the requirements of the grant award criteria but was not funded while another district, that did not meet criteria, was funded. In addition, we found districts who wanted to apply for funding to address their gang problems were told not to apply because there was not enough money for new applications. The reason for this inconsistency and confusion is that the SOE has not always followed its own criteria and has not gathered sufficient information on which to base its' decisions. We believe the SOE should establish information and criteria that clearly show how they will distribute funds

and consistently follow those criteria. In doing so, we believe that funding will become fair and equitable among districts.

SOE Does not Always Follow Criteria

Our review found that some districts' applications have been funded without meeting SOE criteria. One particular application was shown by the panel to have met criteria as a community-based program. However, when we reviewed the application we found no evidence of community-based involvement in the application. We found that the program had only listed school principals and educators as program participants. The application, although not containing the required criteria, was still funded. In another example, Davis' SHOUPP program for dropouts did include in its' application that the program would comply with the home visit requirement. However, the application also shows that this program is not conducive to home visits. Our review showed that this district was not conducting home visits as required by the **Utah Code**. Again, this application was approved and funding was granted. The SOE is looking into why these applications were funded without fully meeting the criteria.

One contractor's application was accepted one year and then denied the next. According to records, this application was accepted the first time based on meeting the application criteria. The program was implemented and, according to school officials, was doing well. However, the following year when the same application was submitted for continued funding, the review panel denied it although all criteria were still met. According to the contractor submitting the application, when confronted with denying the application, no explanation was given or offered. According to the SOE, the reason the application was denied was that another program already existed in that particular district and that they did not want more than one program from any one district. There were at that time, as well as now, districts with multiple programs.

Some districts have expressed concern over how the funding is distributed. Districts through the application, request the amount of money that they feel they need. However, the SOE has the final decision on how much they get. Generally, districts have received close to or slightly less than the amount asked for. However, some districts have noticed large differences in the amount of money one district gets versus another.

Districts have also been told by the SOE that they could not apply for funding unless they had received funding in prior years. As a result, districts have felt left out of a funding process that they believe should be open to all districts with a need. The State Office of Education claims they understood the legislative intent was to only fund on-going projects in this third year of funding since this was only supposed to be a three year program.

The SOE has told us that the reason for these inconsistencies is the fact that some districts have more gang members and more gang activity than others. The SOE has never collected and reviewed this type of information, nor have they required the districts' applications to

include this information until this year. Some of the districts that we reviewed did not have any information regarding gang membership or activity specific to their district. The SOE says they use state-wide gang membership and activity figures in determining their grant awards. However, the SOE was unable to provide us with those figures. When we asked the local gang task force for the information we were told that information is private, law enforcement intelligence information that could not be shared with us, the SOE, or local school districts.

We also found that some of the review sheets used by the panelists to determine if a program should be funded were not filled out completely. Some score sheets for applicants were partly filled out, others not at all. Yet in each case the panelists recommended that the applicant be funded. It is difficult to determine if the funding is justified when the scoring sheet that is used as comparison to other applications is not filled out.

We believe that the State Office of Education needs to establish information and criteria that can be used to create a systematic methodology for their distribution of funds. This methodology should be based on the statute's criteria and should clearly demonstrate a fair and equitable process. We found that some of the same programs that were audited in this report show good indicators of program need that can be used as a basis for fund distribution that the SOE many want to consider. For example, the FACT distributes money by using indicators that show the need for service. The funding is distributed based on percentages within a school of such things as minority status, free lunch recipients, single parent households, and family mobility. In addition, we found that local gang prevention programs like Granite's CMI have developed some indicators (juvenile records, criminal records, and safe school violations) that could be used by the SOE to determine who is at risk. They have also communicated with local law enforcement, to the degree possible, to determine which students are actual gang members. Granite uses all of this information to determine who is at risk and which students they will target for their program. We believe that these are good examples of indicators that could be used by the SOE to more equitably and fairly distribute gang funds.

The State Office of Education has recently taken steps towards a more consistent and equitable funding process. Since our audit began, the SOE has revised the application for the districts to make it more consistent with the criteria. For example, the new application now focuses on the need for gang intervention services and the targeted population. Districts are now required to show who will be served and how they will be served, as compared to the old application where they were asked only to briefly summarize the program.

Recommendations:

1. We recommend the State Office of Education identify its needs in the oversight and administration of school district gang prevention and intervention programs and present its findings to the Legislature.

2. We recommend the SOE study program targeted populations, service delivery methods and the value of prevention and/or intervention programming and present their recommendations to the Legislature for possible revision of the statute.
3. We recommend the State Office of Education create a systematic methodology for the evaluation and acceptance of gang prevention and intervention program applications. This system should be based on established information and criteria available to all interested parties.
4. We recommend School Districts with services provided by non-district staff always have written contracts that clearly define the obligations of both parties. Specifically, the contract should establish indemnity, non-delegatory duties, and require the district be named on the contractor's insurance coverage.

Chapter IV

Other At-risk Programs are Following Legislative Guidelines

In addition to funding for gang prevention programs, **Utah Code 53A-17a-121** also appropriates funds for other areas including teenage pregnancy prevention programs, homeless and minority students, and general non-descriptive funds, (the State Office of Education refers to these funds as flow-through funds) for students at risk. Figure V shows how the Legislature distributed funding for educational at-risk programs in this section for the 1996 fiscal year.

Figure V	
At-Risk Program Allocations	
FY 96	
Program	Appropriation
Pregnancy Prevention	\$ 841,676
Homeless and Minority Students	1,074,702
Gang Prevention	586,043
Flow-Through	3,382,355

As this figure demonstrates, the majority of the at-risk funding is left in the general flow-through category, but they have also appropriated a substantive portion for specific programs such as pregnancy prevention, gang prevention, and homeless and minority students. Our audit found that, in general, programs in the three funding categories we will discuss in this chapter are functioning according to the intentions of the Legislature. However, we also found some areas where state funds could be used more efficiently and where the role of the State Office of Education (SOE) should be clarified.

This particular section of the statute also appropriated funds for mathematics, engineering and science achievement (MESA) programs. Nevertheless, we did not review these programs for two reasons: First, the appropriation for MESA was only a little over \$300,000, so the potential financial risk in this area was fairly low; secondly, MESA funds do not target at-risk students as defined by the SOE, who has characterized a student at risk as one *“...who because of his individual needs requires some kind of uniquely designed intervention in order to achieve literacy, graduate and be prepared for transition from school to post-school options.”*

Instead, MESA programs were designed to help high achieving women and minority students excel in these various technical subjects and attend college in those fields. As a result, funding for MESA may be more appropriately placed in another area of educational programing.

Out of the at-risk areas that are included in this section of the report, most of our time was spent reviewing the teenage pregnancy prevention programs. We note that these programs also do not conform to the above definitions of at-risk students, but rather are curriculum programs that target all students in the general student population and have even been incorporated into curriculum and development at the SOE rather than at-risk services.

In our opinion, the pregnancy prevention programs are promoting abstinence-based values and behavior regarding sexual activity and in doing such are following legislative intent. However, concerns have arisen regarding the amount of funds being placed in the programs, the manner in which the funds are being used, and the need to take advantage of new curriculum opportunities in this area.

Our audit also reviewed the funds left as general flow-through funds for students at-risk and the money allocated for homeless and minority students. Although we will discuss it in more detail later in this chapter, in general we found that the flow-through at-risk funds were being used in a variety of ways, but all in behalf of a district's at-risk population.

Homeless and minority money is basically being used in two ways. First, a portion of the funding is spent on fulfilling the immediate needs of homeless students. Examples include the purchase of hygiene products and school supplies, and the providing of individual tutoring services. This is the case in all of the districts we reviewed except for the Salt Lake School District where they use their money to run a fully equipped classroom at the local homeless shelter. The other portion of the funds is most often used as a supplement to funds in bilingual education. Since we found no use of these funds outside of the bounds established by the legislation and because the proportion of funds being directed here is much smaller than the non-descriptive proportion, we saw no need for any further review at this time. The rest of this chapter is divided into two sections that detail our review of the state pregnancy prevention program and general at-risk funds.

Teenage Pregnancy Prevention Programs Promote Abstinence but can be More Efficient

In an effort to strengthen the state's fight against teen pregnancies, the Utah Legislature has appropriated funds for the establishment of teenage pregnancy prevention programs, which encompass local community values, in Utah's public schools. Our audit not only reviewed the direction that these programs have received from the Legislature, but we also evaluated how

the appropriation is being used and what progress has been made in Utah and around the country in this area of education.

We concluded that the central theme and a few basic elements of acceptable programs have been outlined by the Legislature in addition to the specific appropriation amount. Our audit also found that the appropriated funds are indeed being spent on programs that are adhering to the Legislature's mandate.

It is our opinion that more effort needs to be made to see that pregnancy prevention funds are being used in an efficient manner. We found that only half of the school districts have applied for funds to establish pregnancy prevention programs under the guidelines of the Legislature; the other half have foregone this opportunity mainly because of a lack of community interest in the selection of a program dealing with this topic. This being the case, an appropriation that was meant to fund programs in 40 districts is only being requested by 19 districts. Further, concerns have arisen about how funds are being spent in some of those 19 districts. For example, one district spent pregnancy prevention funds last year on various pieces of electronic hardware that are mainly used in teaching topics other than pregnancy prevention.

Our audit also found that the appropriated funds are indeed being spent on programs that are adhering to the statute. We found that programs that were among the few being designed and tested six or seven years ago are no longer alone and pregnancy prevention curriculum opportunities have increased since the passage of this legislation. There have also been developments in the testing and evaluation of specific curriculum tools. Justifiably, new research and evaluations of both old and new curricula should be given ample consideration when districts are deciding which programs to use and also when the SOE is approving those programs.

Legislature Sets Strict Limits on Programs Available for Use in Utah's School Districts

The 1996 amendment to **Utah Code 53A-17a-121** allocated \$841,676 for teenage pregnancy prevention programs. Before districts can receive their share of the funds, the statute requires that they provide the SOE with prior research about the program they wish to implement. This research has to demonstrate that students who participate in the prevention program attain and retain knowledge, values, attitudes, and behaviors that promote abstinence from sexual activity before marriage. The research must also show that students in the program have lower pregnancy rates than students not participating in the program. Programs that have no prior research or whose research has not proven these required conclusions cannot receive any state funds. Even though the legislation requires research showing reductions in premarital sexual activity and teenage pregnancies, the statute does not prescribe what methods acceptable programs should use to reach those outcomes.

In addition to requiring supportive research, the statute also states that each district must obtain written consent from a parent or guardian before any student is allowed to participate in the pregnancy prevention program. If the program includes any promotion of abortion or instruction on the use of birth control devices it is further required that parental permission be specifically given. The program must also involve parents in a substantive manner.

Finally, the district must also ensure that all teaching materials, handouts, media materials, audiovisual materials, textbooks, curriculum materials, and course outlines are approved by the local and state school boards.

Program Funding may Need to be Re-evaluated

According to the Office of Legislative Research and General Counsel, the Legislature intended that, although the decision would ultimately be made at the local level, the pregnancy prevention funds would be used in most if not all school districts throughout Utah. However, the number of districts applying for such funds has only reached 19 and so those districts are receiving a larger portion of the appropriation than expected. As a result, districts have more money than the Legislature thought was necessary to run their programs. Consequently, some districts have commented that they are receiving too much money, and as a result we became concerned with how several districts are spending their portion of the funding.

Some Districts are Appropriated More Money Than Needed Because Participation was not as High as Anticipated. The statute states that the SOE shall allocate these funds to districts based on a *“district’s total number of students enrolled in classes...that teach a curriculum of teenage pregnancy prevention as compared to the total number of students enrolled in such programs in school districts throughout the state.”* By stating such, the Legislature intended that this money would be sufficient to establish programs throughout the entire state. A staff person in the Office of Legislative Research and General Counsel that was involved in the drafting of this legislation concurred with this interpretation of the statute; in their opinion, the Legislature wanted the local school districts to make the decision about whether or not to participate but they anticipated that most, if not all, of the districts would apply for program funding and the \$841,000 would be distributed among all of Utah’s school districts.

However, since the adoption of this section of the statute there have been no more than 19 out of 40 school districts that have applied for a portion of funds in any given year. These 19 districts do include 82% of the state’s student population, but that still leaves 18% of the population not receiving funds. As required by the statute, the SOE divided 100% of the pregnancy prevention funds between the applying districts based on a district’s share of students in 8th and 10th grades where the pregnancy prevention curriculum was usually taught. However, under this formula “small” districts had difficulty in establishing a program with only their small per pupil share of the funding. And some “large” districts mentioned that they had been given so much money that they couldn’t spend it all. As evidence of this, Jordan

School District, with the knowledge of the SOE, used some of their excess funds to provide textbooks for Tootle School District's pregnancy prevention program.

In 1995, the SOE changed their administrative rules to include in the distribution formula, which is still distributing 100% of the funds, a \$10,000 base amount for each district whose grant application was approved--all 19 grant applications that were submitted were subsequently approved. Added to this base amount is the district's per pupil allocation from the remaining funds, again based on 8th and 10th grade student populations.

In spite of these changes, Jordan School District told us that they still could not find enough books or videos on which to spend their money. There is further evidence that some small districts were now experiencing an over-abundance of funds as well. According to the SOE specialist, in 1995 Millard School District received more pregnancy prevention funds than they could use during that school year. In 1996 they did not reapply for any funds and they have been able to simply run their program with the leftover funds from the year before.

Using the distribution formula the SOE has established, we calculated that if the other 21 districts had chosen to participate this last year, their share of the funding allocation would have amounted to 34% of the funds or approximately \$290,000 even though these districts only comprise 18% of the state's 8th and 10th grade student population. This difference in percentages is a result of the minimum base amount allocated to all districts regardless of the size of their student population.

We recommend that the Legislature reiterate its intent regarding whether or not the decision to adopt pregnancy prevention programs should be left in the hands of the local school districts. If this is the case and a majority of the school districts continue to decide not to participate, we also recommend that the Legislature review the funds designated for these programs to determine if the current level of funding is appropriate to maintain the level of services being provided and prevent the unnecessary use of excess funds. The Legislature may also wish to consider, at this time, the future needs of the program given the possibility of more districts becoming involved and the likelihood of changes in existing programs.

Some Expenditures With Pregnancy Prevention Funds may Have Been Unnecessary.

We reviewed the specific monetary outlays being made by districts with their pregnancy prevention funds and found that the funds were not necessarily used exclusively for pregnancy prevention programs. Our audit found that pregnancy prevention funds in one district were subsidizing the purchase of electronic hardware that is mainly used to teach health topics other than pregnancy prevention. This district, Jordan School District, not able to find any more books or videos to buy, told us that the only other thing they could find to spend their money on was over \$50,000 worth of electronic hardware. They justified using pregnancy prevention funds for these purchases by saying that the hardware would be used to help expand the variety of materials that their teachers have to use in the program. Some of the hardware included 11 computers with CD ROMs for health teachers in several schools. The CD ROMs were

intended to supplement the materials available for teachers to use in delivering their pregnancy prevention programs to their students. However, we also found that there are only a limited number of board-approved CD's on the topics of human sexuality or human reproduction that can accompany their pregnancy prevention curriculum. Despite their usefulness in other ways, these computers have done little to expand the variety of materials that teachers have to teach pregnancy prevention. These funds also purchased laser-disc players for some teachers. Again, there are very few laser discs available that can be used to coordinate with the topics in the district's pregnancy prevention program.

Some of Jordan District's teachers also received VCRs and TV's for their exclusive use in conjunction with the above mentioned support equipment. While most teachers throughout the state must go to their school's media center to check out a TV and VCR to show a video in their classroom, a health teacher in Jordan School District who teaches a pregnancy prevention program has the equipment sitting in the classroom at all times.

Davis County School District (DCSD) told us that they were not receiving too much money but were receiving funds sufficient for their needs. However, after reviewing DCSD's use of these funds we were concerned with some of the district's expenditures. One example has to do with DSCD's purchase of support materials. Last year DSCD spent \$26,000 on support materials; with most of this money they purchased 210 videos on four different topics, with every teacher in the pregnancy prevention program receiving their own copy of each video. The SOE considered this unnecessary, noting that it is common practice in schools for teachers who were located in the same schools to share the videos, especially since they are only used once during the course.

We also have a concern with how DCSD has used a portion of their money to hire a full-time program coordinator. This coordinator is charged with assisting and training other teachers in implementing the pregnancy prevention program and researching support materials to accompany the district's core curriculum. On the other hand, Jordan School District, who has an even larger student population and uses a structurally identical program, has only felt it necessary to hire a part-time coordinator to perform the same duties. After speaking with several teachers in DCSD about the duties of their coordinator and using Jordan for comparison, the SOE feels that a pregnancy prevention program does not need a full-time coordinator and to hire one is an unnecessary use of these funds.

We believe that unnecessary expenditures with pregnancy prevention funds are a result of districts receiving excess funds because of a lack of participation by Utah's school districts. In the previous section we presented our recommendation regarding these excess funds. To address the problem of unnecessary expenditures more directly, we also recommend that the grant applications be expanded to include a proposed budget from each district delineating how they intend to use these funds. The SOE should then be authorized to review the proposed expenditures and require districts to make changes to or eliminate expenditures that cannot be appropriately justified as making their program more effective. If districts cannot find more

appropriate ways to spend these funds, provisions should be made to allow the excess funds to be reverted back into the general funds for at-risk services.

Programs Need to Take Advantage of Research to Improve Effectiveness

Like other areas in education, pregnancy prevention curriculum is continuously being tested and improved. However, some of Utah's school districts have elected to not incorporate these innovations into their own curriculum because of a lack of interest. As a result, students in Utah may not be receiving the most effective pregnancy prevention curriculum that is currently available.

In the late 1980's, there were very few well researched abstinence based pregnancy prevention programs in existence. A couple of Utah school districts were involved in doing pilot tests of three of those early programs. A group of Utah-based researchers then wrote reports about the pilot studies, and legislation was adopted to favor the implementation of these programs that had already been tested here in Utah. Even today, many of Utah's school districts are using these programs.

On the other hand, more abstinence-based programs have been developed and researched and are receiving positive reviews from around the country. Furthermore, studies have been conducted since Utah's programs were tested that actually identify those teaching methods that are more successful at reducing the risks associated with teenage sexual activity. A few Utah districts have elected to use some of these newer programs that were tested outside of Utah. The SOE would like all districts to have programs, new or old, that not only reduce pregnancy rates and increase sexual abstinence but that also use the most effective teaching methods possible. Meanwhile, all pregnancy prevention programs currently in use throughout the state do comply with all statute requirements.

Pregnancy Prevention Programs Tested and Adopted in Utah During Those Initial Years met all Legislative Requirements. During the 1980's, pregnancy prevention programs began to be developed under the guidelines of the federal government's Adolescent Family Life Act of 1981, which was passed to examine the effectiveness of abstinence education. During that time, at least five scientific studies of three of these programs, which included the Utah pilot studies, were reporting a large measure of success with their curricula. With these programs in mind, the Legislature appropriated funds for pregnancy prevention programs that promoted strong parental involvement and abstinence as the preventive measure against teen pregnancy and sexually transmitted disease. The Legislature also included in their guidelines the requirement that only those programs which had been proven successful in studies with student populations similar to those in applying districts could be used. However, according to the SOE the unique homogeneous nature of Utah's population has created a situation where only the programs actually tested in Utah strictly comply with this requirement.

Two of the programs that have been tested here in Utah, Sex Respect and Teen-Aid, were among the programs being applauded during these early years. Both programs produced positive changes in their test populations' attitudes toward abstinence and in their rejection of teen sex prior to marriage. Using these results to comply with the statute requirements regarding supportive research from similar student populations, Sex Respect and/or Teen-Aid were adopted in the very beginning by a majority of the school districts in Utah and are still being used in 10 of the 19 districts.

In the meantime, a few districts had come across other abstinence-based programs that they preferred to Sex Respect and Teen-Aid. Moreover, Sex Respect and Teen-Aid were being challenged by national organizations who claimed that these two programs conveyed insufficient and inaccurate information, reinforced gender stereotypes, presented only one side of controversial issues, and lacked respect for cultural and economic differences. As a result, the SOE changed their Administrative Rules to allow districts to implement other programs that had been proven successful in places other than Utah but that did not encompass any of the problems that were associated with the programs that had been tested here. The SOE broadened the definition of "similar population" to include "*a population of K-12 students from throughout the United States whose composition is approximately the same in terms of age, gender mix, and socio-economic status.*" Since then, three other programs have been adopted by the other nine districts receiving pregnancy prevention funds.

All of the programs that are in use here in Utah, whether they be Sex Respect, Teen-Aid, or some newer program, have complied with all other statute requirements. They all obtain parental permission, involve parents in the program, and get approval from local and state school boards for all teaching materials.

Districts Should Take Advantage of Research to Improve Their Pregnancy Prevention Curriculum. Recently, the SOE has compiled a comprehensive list of currently available abstinence-based pregnancy prevention programs, the geographic areas in which they have been piloted, their curriculum emphasis, and their evaluation results. Unlike the situation that existed when this funding was first appropriated, the SOE indicates that there are now more abstinence-based programs that meet the basic legislative requirements of reducing teen pregnancy rates and increasing attitudes and behaviors toward abstinence.

Additionally, the SOE has noticed that there is a large variation in which tools the different programs are using to convey their prevention curriculum. At least one comprehensive study commissioned by the Center for Disease Control and Prevention, published in 1994, has quantitatively identified common tools in effective school-based programs aimed at reducing sexual risk behaviors. But unlike FACT and gang prevention, the state pregnancy prevention program has not incorporated the distinguishing characteristics of effective programs into their curriculum guidelines. Instead, the statute has required that they remain focused on the adoption of entire programs.

When we spoke to a sample of districts about the development of new programs and the recent research of effective educational tools we found that many of these districts have continued using the older programs because: (1) they had never taken the time necessary to switch to another program; or, (2) they were comfortable with what they were teaching; or, (3) they actually felt their current programs were the best ones available for their communities.

However, these districts have been doing their own internal program evaluations and as a result they have done a large amount of adding to and/or subtracting from the Sex Respect and Teen-Aid curriculum. Thus, the pregnancy prevention curriculum that is now being taught by many of these districts is entirely different than the program curriculum that was piloted in Utah. In their own way, the districts themselves have shown that even successfully tested programs may not be fulfilling all of the needs of Utah's children in this area.

In summary, legislative guidelines for the state pregnancy prevention program required districts to only implement entire programs that had been tested and proven successful in reducing teen pregnancies and teenage pre-marital sexual activity. So, those districts that are using only parts of tested programs and/or programs supplemented with other materials may not be in compliance with statute requirements. However, restricting them from implementing other effective educational methods actually limits the effectiveness of a district's pregnancy prevention curriculum. Therefore, the Legislature may wish to clarify their intent in this matter.

We recommend that the legislation governing the state pregnancy prevention program be reviewed and possibly altered to include guidelines directing the adoption of educational methods that have been proven effective in this area rather than just programs. It should then be the responsibility of the SOE to ensure that district curricula not only comply with legislative intent regarding the promotion of teenage sexual abstinence, but that they also require the incorporation of teaching methods into their curriculum that have been proven most effective at reducing sexual risk behaviors.

Districts' Use of Flow-Through Funds Complies with Legislative Guidelines

In **Utah Code 53A-17a-121**, the Legislature appropriated general flow-through funding for at-risk student programs. Portions of the original 1996 appropriation of \$6,201,274 were subsequently segregated off to fund specific at-risk programs such as pregnancy prevention. The remaining balance was left by the Legislature as flow-through funds to be used for other non-specified at-risk student programs. Our review of the flow-through funds found that they are being spent for at-risk programs as intended by the Legislature. Since there are no distribution or spending provisions provided by the actual legislation, the State Board has

established spending rules in order to guide how the money is distributed to and spent by the districts but has done so in the least restrictive manner possible.

Flow-Through Funding is Distributed According to Utah Code and Administrative Rules

Except for the funds that were specifically designated for pregnancy prevention programs, homeless and minority students, MESA programs, and gang prevention programs, the Legislature placed no restrictions on how the rest of the appropriated funds in this section (\$3,382,355 in FY 1996) should be distributed, except that they are appropriated to districts for at-risk student programs. Given this lack of legislative direction, the SOE has developed a distribution formula governing how the rest of these funds are to be disbursed among the state's school districts.

The SOE's formula takes three things into account: 1) selected prior year weighted pupil units (WPU) per district; 2) a district's low-income population; 3) and a guarantee minimum base of \$18,600. This means that the district with most WPU's and the highest low income count, Granite School District, receives \$521,236 in on-going flow-through funding, and the district with the least WPU's and the smallest low income count, Daggett School District, receives \$18,600 in on-going flow-through funding. Our review of the SOE's distribution of these funds found that all flow-through is being dispersed according to this established formula.

District Use of Flow-through Funds Follows State Guidance

According to the SOE's At-Risk Director, the origination of these flow-through funds was based on a philosophy that education needs greater flexibility to deal with students who do not fit into the standard molds. With this legislatively created line item in a district's budget, the SOE intended that the districts would have funds to be used based on the loosest definition of need and with the greatest flexibility on what services districts would develop to fill those needs. There is little, if any, monitoring or evaluation of how the money is spent, but the SOE intended it to be that way and the legislation makes no provision to the contrary. The only restriction the SOE puts on districts is that they must use their share of the appropriation consistent with the SOE's Master Plan for Services for Students At-Risk.

This Master Plan describes conditions that may contribute to a student being at risk and proposed strategies for addressing services that students at risk are not receiving in the current educational system. In general, all of the school districts that we reviewed were spending their funds on programs that could be related to the SOE's Master Plan for services for at-risk students. Because of the general nature of this document, the districts have done a wide variety of things with their funds. Nevertheless, the districts are following the intent of the Legislature and the SOE by using these funds to fulfill the differing needs of at-risk students.

Weber County School District has reported using a portion of their funds for a Saturday alternative program for students in grades 4 through 9. They have also used at-risk funds to hire a tracker in every junior high for the purpose of tracking and mentoring at-risk children. On the other hand, Davis County School District has reported using some of their funds to help finance their alternative junior high and elementary programs, to run a telephone hot-line for teens, to hire three elementary counselors and, to pay the tuition for low-income families sending their children to the district's preschool. Granite School District reported using their share of the funding to do things such as providing safe school training for members of their staff, hiring social workers and psychologists, and paying the salary of a secretary at the Juvenile Court.

Despite the variety of services being purchased by these funds, we did not find any school districts spending funds on services that could not somehow be associated with the SOE's Master Plan. Some school districts had a hard time delineating exactly where all of their funds were being used because they had been placed into their general funds and were not tracked from there. One district's at-risk director did not even know how much flow-through funding his district was receiving let alone what programs were benefitting from those funds. A closer look at their financial records did show that the money was indeed funding at-risk programs.

The last official review that the SOE did of these funds was in 1991. That review also found all districts in compliance with the SOE's guidelines. Since any further review of these funds would require outlays of SOE resources in an area that has yet to show any potential for risk, it is our recommendation that the SOE continue to perform periodic reviews of the funding as was done in 1991 to maintain accountability.

Recommendations:

1. We recommend the Legislature review the current and future funding needs of the state pregnancy prevention program to determine the amount of funding necessary given the number and needs of districts participating in the program.
2. We recommend the districts' grant applications submitted to the SOE contain a proposed budget stating how they intend to use the funding provided.
3. We recommend the Legislature review the statute governing pregnancy prevention programs to determine if the programs should be based on the implementation of the most effective educational methods rather than pre-existing programs.

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Agency Response