

1 **R277. Education, Administration.**

2 **R277-460. Distribution of Substance Abuse Prevention Account.**

3 **R277-460-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) [Utah Constitution Article X, Section 3](#), which vests general control and
6 supervision over public education in the Board;

7 (b) Section [53G-10-405](#), which directs the Board to adopt rules providing for
8 instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and
9 controlled substances;

10 (c) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute the
11 Board's duties and responsibilities under the Utah Constitution and state law; and

12 (d) Section [51-9-405](#), which provides for funds from the Substance Abuse
13 Prevention Account to be allocated to the Board for:

14 (i) substance abuse prevention and education;

15 (ii) substance abuse prevention training for teachers and administrators; and

16 (iii) LEA programs to supplement, not supplant, existing local prevention efforts in
17 cooperation with local substance abuse authorities.

18 (2) The purpose of this rule is to provide for the distribution of the Board's share of
19 the money from the Substance Abuse Prevention Account.

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21 **R277-460-2. Definitions.**

22 (1) "Educational materials" means visual and auditory media, curricula, textbooks,
23 and other disposable or non-disposable items that enhance student understanding of the
24 subject matter.

25 (2) "Electronic cigarette product" has the same meaning as that term is defined in
26 Section 76-10-101.

27 ~~(2)~~(3) "Local substance abuse authority" means the person or group designated
28 by the Legislature as the county authority to receive public funds for substance abuse

29 prevention and treatment.

30 ~~[(3)]~~(4) "Substance abuse prevention education activities and intervention" means
31 proactive educational activities designed to eliminate any illegal use of alcohol, tobacco,
32 electronic cigarette products, and controlled substances.

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34 **R277-460-3. Fund Allocations.**

35 (1) Before making the distributions described in Subsections (2) and (3), the
36 Superintendent shall retain sufficient substance abuse prevention funds to pay for the
37 salary, benefits, and indirect costs of a program administrator at a salary level to be
38 determined by the Superintendent and support staff costs for the program administrator.

39 (2) After the allocation of substance abuse prevention funds is retained as described
40 in Subsection (1), the Superintendent may use up to 45% to:

41 (a) purchase educational materials to support and supplement existing substance
42 abuse prevention efforts;

43 (b) encourage and support statewide substance abuse prevention training for school
44 district and charter school teachers and administrators; and

45 (c) promote substance abuse prevention in the classroom.

46 (3) At least 55% of the substance abuse prevention funds remaining after the
47 allocation described in Subsection (1) shall be distributed to LEAs for use by the LEAs or
48 individual schools within the LEA based on application.

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50 **R277-460-4. Applications.**

51 (1) The Superintendent shall develop an application for LEAs that are interested in
52 applying for substance abuse prevention funds available as described in this R277-460.

53 (2) An LEA shall submit the LEA's application to the specialist designated by the
54 Superintendent.

55 (3)(a) Substance abuse prevention funds shall be distributed to LEAs based on
56 funds available from the Substance Abuse Prevention Account.

57 (b) The Superintendent shall describe the available funding amounts in the Board
58 application described in Subsection (1).

59 (4) An LEA's application for substance abuse prevention funds shall include the
60 following:

61 (a) the applicant's intention to collaborate with the local substance abuse authority
62 and community groups, including shared plans and strategies for substance abuse
63 prevention education, activities, and intervention;

64 (b) the applicant's plan for professional development on substance abuse;

65 (c) the use of funds to implement applicant's plan;

66 (d) teacher reports of classroom implementation and plans for classroom monitoring
67 visits;

68 (e) applicant's enhancement of substance abuse curriculum with additional
69 substance abuse activities and strategies; and

70 (f) applicant's implementation of substance abuse curriculum with school-based
71 behavioral/health or coordinated school health initiatives.

72

73 **R277-460-5. Limitations on Funds.**

74 (1) The Superintendent and LEAs shall use substance abuse prevention funds
75 exclusively for purposes set forth in Section [51-9-405](#).

76 (2) Transfer of funds between line items or the extension of project completion
77 dates may be made only with prior written approval of the Superintendent.

78 (3) An LEA may not use funds received under this R277-460 to supplant:

79 (a) funds currently available to the LEA; or

80 (b) funds available from other state or local sources.

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82 **R277-460-6. Evaluation and Reports.**

83 (1) An applicant that receives substance abuse prevention funds shall provide the
84 Superintendent with a year-end report on or before July 1 of the fiscal year in which the

85 award was made.

86 (2) The year-end report described in Subsection (1) shall include:

87 (a) an expenditure report;

88 (b) a narrative description of activities funded; and

89 (c) an action research or data project report.

90 (3) The Superintendent may require additional evaluation or audit procedures from
91 an award recipient to demonstrate the use of funds consistent with the law and Board
92 rules.

93 (4) The Superintendent shall annually report the following information to the Board's
94 Finance Committee:

95 (a) the number of LEAs receiving substance abuse prevention funds;

96 (b) a summary of the LEAs' use of program funds; and

97 (c) a description of how the Superintendent is using the funds described in
98 Subsections R277-460-3(1) and (2).

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100 **KEY: public schools, substance abuse prevention**

101 **Date of Enactment or Last Substantive Amendment: August 7, 2017**

102 **Notice of Continuation: June 6, 2017**

103 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; [53G-10-405](#); [51-9-405](#)**