



## Tooele County Council Agenda Item Summary

**Department Making Request:**

Health

**Meeting Date:**

*Pat. - 1.04 - CC*

**Item Title:**

**Sexual Risk Avoidance Education**

**Summary:**

Grant from Utah Department of Health for \$62,730 for the period of October 2021 through September 2022, to provide sexual risk education to the youth and parents of the community. Grant is included in 2022 budget.

Contract is signed and all parties have copies.



## UTAH DEPARTMENT OF HEALTH CONTRACT

PO Box 144003, Salt Lake City, Utah 84114  
288 North 1460 West, Salt Lake City, Utah 84116

2230007  
Department Log Number

222700789  
State Contract Number

1. **CONTRACT NAME:** The name of this contract is FY 2022 Tooele County Sexual Risk Avoidance Education (SRAE)
2. **CONTRACTING PARTIES:** This contract is between the Utah Department of Health (DEPARTMENT) and the following CONTRACTOR:

### **PAYMENT ADDRESS**

Tooele County Health Department  
151 N Main St  
Tooele UT, 84074-2141

### **MAILING ADDRESS**

Tooele County Health Department  
151 N Main St  
Tooele UT, 84074-2141

**Vendor ID:** 31718J  
**Commodity Code:** 99999

**Pursuant to Utah Code Ann. 26B-1-201, as of July 1, 2022, the parties agree that the contracting parties, with all its contractual obligations, duties, and rights, will be the Department of Health and Human Services ("Department") and Contractor.**

3. **GENERAL PURPOSE OF CONTRACT:** The general purpose of this contract is to provide Sexual Risk Avoidance Education to youth, ages 10-19, and/or their parents.
4. **CONTRACT PERIOD:** The service period of this contract is 10/01/2021 through 09/30/2022, unless terminated or extended by agreement in accordance with the terms and conditions of this contract.
5. **CONTRACT AMOUNT:** The DEPARTMENT agrees to pay \$62,730.00 in accordance with the provisions of this contract. This contract is funded with 100% federal funds, 0% state funds, and 0% other funds.
6. **CONTRACT INQUIRIES:** Inquiries regarding this Contract shall be directed to the following individuals:

### **CONTRACTOR**

Brad Gillies  
(435) 277-2463  
bgillies@tooelehealth.org

### **DEPARTMENT**

Family Health and Preparedness  
Maternal and Child Health  
Ellen Seely  
(801) 865-0887

7. SUB – RECIPIENT INFORMATION:

DUNS: 094650249

Indirect Cost Rate: 0%

Federal Program Name:	Sexual Risk Avoidance Education (SRAE)	Award Number:	2101UTSRAE
Name of Federal Awarding Agency:	HHS, Family & Youth Services Bureau	Federal Award Identification Number:	2101UTSRAE
CFDA Title:	Sexual Risk Avoidance Education (SRAE)	Federal Award Date:	9/20/2021
CFDA Number:	93.235	Funding Amount:	\$62730.00

8. REFERENCE TO ATTACHMENTS INCLUDED AS PART OF THIS CONTRACT:

- Attachment A: Special Provisions
- Attachment B: Guidance for Religious Programs

9. DOCUMENTS INCORPORATED INTO THIS CONTRACT BY REFERENCE BUT NOT ATTACHED:

- A. All other governmental laws, regulations, or actions applicable to services provided herein.
- B. All Assurances and all responses to bids as provided by the CONTRACTOR.
- C. Utah Department of Health General Provisions and Business Associates Agreement currently in effect until 6/30/2023.

10. This contract, its attachments, and all documents incorporated by reference constitute the entire agreement between the parties and supersedes all prior written or oral agreements between the parties relating to the subject matter of this contract.

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**Contract with Utah Department of Health and Tooele County Health Department, Log # 2230007**

IN WITNESS WHEREOF, the parties enter into this agreement.

**CONTRACTOR**

**STATE**

By:  12-17-21  
Jeff Coombs Date  
Health Officer

By:  12/21/2021  
Shari A. Watkins, C.P.A. Date  
Director, Office Fiscal Operations

Jan A. Walker 11/3/22  
Co. Mgr

**APPROVED AS TO FORM:**

 12/30/2021

**Colin R. Winchester**  
**Deputy Tooele County Attorney**

ATTACHMENT A  
Special Provisions  
Sexual Risk Avoidance Education (SRAE)

I. General Purpose

- A. The purpose of Sexual Risk Avoidance Education (SRAE) is to implement evidence-based programs for youth, ages 10-19, and/or their parents, that teach participants to voluntarily refrain from sexual activity; normalize the optimal health behavior of avoiding non-marital sexual activity; and address the social, psychological, and health gains to be realized by refraining from sexual activity and engaging in healthy relationships. The target population for this program is Utah youth ages 10-19 and/or their parents, with a specific focus on youth in the Utah juvenile justice and foster care systems; youth of Hispanic, Black/African American, Pacific Islander, or American Indian origin; and youth residing in rural areas or other disadvantaged geographical areas with teen birth rates higher than Utah's average.

The State SRAE Program is authorized and funded by Section 510 of the Social Security Act (42 U.S.C. § 710), as amended by Section 50502 of the Bipartisan Budget Act of 2018 (Pub. L. No. 115-123), and as further amended by section 701 of Division S of the Consolidated Appropriations Act, 2018 (Pub. L. No. 115-141).

II. Definitions

- A. "Age-appropriate" means suitable (in term of topics, messages, and teaching methods) to the developmental and social maturity of the particular age or age group of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical of the age or age group.
- B. "Antidiscrimination Policies" means antidiscrimination policies as defined by federal Title V Abstinence Education and Personal Responsibility Education Program (PREP) guidance.
- C. "Department" means the Utah Department of Health.
- D. "Fidelity" means the degree to which an intervention is delivered as designed, faithfulness with which a curriculum or program is implemented, or how well the program is implemented without compromising the core content that is essential for its effectiveness. The General Adaptation Guidance document outlines fidelity requirements in detail. Adaptations are categorized as either green, yellow, or red light. Green light adaptations can be made by a program educator/facilitator at any time without prior approval of the Department. Yellow light adaptations cannot be made without prior approval from the Department. Red light adaptations will never be approved by the Department and should not be made for any reason.
- E. "Medical Accuracy" means material that is verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals where applicable, or comprised of information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.
- F. "Positive youth development" means an intentional, prosocial approach that engages youth within their communities, schools, organizations, peer groups, and families in a manner that is productive and constructive; recognizes, utilizes, and enhances young

people's strengths; and promotes positive outcomes for young people by providing opportunities, fostering positive relationships, and furnishing the support needed to build on their leadership strengths.

- G. "Program Management Plan" means a plan developed by the Sub recipient to assist them in effective management of formal or informal agreements with community partners, sub-contractors, or schools.
- H. "Sub recipient" means Tooele County Health Department.
- I. "Trauma-informed" means a program organization, or system that realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved in the system; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively resist re-traumatization.

### III. Funding

- A. The Federal funds provided under the Sub-award are from the following Federal award:
  - i. Program Name: Title V State Sexual Risk Avoidance Education
  - ii. Funding Source: Department of Health & Human Services; Administration on Children, Youth and Families (ACYF); Family and Youth Services Bureau (FYSB)
  - iii. CFDA Number: 93.235
  - iv. CFDA Name: Affordable Care Act (ACA) Abstinence Education Program
  - v. Award Date: 09/30/2021
  - vi. Indirect Cost Rate: 0%
- B. The SUB RECIPIENT shall be reimbursed by the DEPARTMENT for funds expended between October 1, 2021 and September 30, 2022, up to the maximum amount of the sub-award.
- C. Funding may not be used for purposes contrary to applicable federal, state, and local laws.

### IV. Responsibilities of the SUB RECIPIENT

- A. The SUB RECIPIENT shall:
  - i. Implement an evidence-based program to provide sexual risk avoidance education to Utah youth aged 10-19 and/or their parents;
  - ii. Ensure that the unambiguous and primary emphasis and context for each topic described below is a message to youth that normalizes the optimal health behavior of avoiding non-marital sexual activity:
    - a. The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decision making, and a focus on the future;
    - b. The advantage of refraining from non-marital sexual activity in order to improve the future prospects, and physical and emotional health of youth;
    - c. The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity;
    - d. The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families;
    - e. How other youth risk behaviors, such as drug and alcohol usage, increase the risk of teen sex;

- f. How to avoid, and receive help regarding sexual coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.
- B. Reach at least 1,000 youth through the *Choosing the Best* intervention;
- C. Ensure the medical accuracy of programs supported with these funds;
- D. Ensure that the implemented program does not contain or promote any religious information, references, or instruction, as outlined in Attachment B of this Sub-award;
- E. Give credit to the U.S. Department of Health and Human Services, Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB) when funding is used for the following:
  - i. Written or verbal advertising; and
  - ii. Discussion of the program in brochures, flyers, informational material, talk shows, etc.;
- F. Obtain parent/guardian permission forms for each youth prior to participation in the program and administration of a pre-survey and post-survey;
- G. Administer a pre-test and post-test to program participants in order to collect data on required federal and state indicators ;
- H. Collect and appropriately manage participant data, including numbers served, demographics, dosage, and retention. The SUB RECIPIENT shall ensure that all sensitive or identifiable data, including names, phone numbers, email or physical addresses, is protected, stored in secure files, and appropriately shared;
- I. Ensure the evidence-based program model(s) selected are implemented with fidelity as outlined in the General Adaptations Guidance document;
  - i. Educators or staff hired by the SUB RECIPIENT shall receive formal training by a certified trainer prior to beginning implementation of the selected evidence-based program model(s). Following completion of this training, the SUB RECIPIENT shall submit certificates of completion to the DEPARTMENT for each staff who will be facilitating the program;
  - ii. Educators or staff hired by the SUB RECIPIENT shall provide an outline of lesson plans and copies of other materials, such as PowerPoint presentations and handouts, to the DEPARTMENT at the beginning of the fiscal year. DEPARTMENT staff will review the materials and approve, request changes, or disapprove. Any changes made to these materials by the SUB RECIPIENT or their hired staff during the course of the fiscal year shall be submitted to the DEPARTMENT for approval;
  - iii. Educators or staff hired by the SUB RECIPIENT shall submit an Adaptations Request form to the DEPARTMENT prior to making any "Yellow light" adaptations to the program model. DEPARTMENT staff will consult national program developers when necessary and will approve, request changes, or disapprove; and
  - iv. Educators or staff hired by the SUB RECIPIENT shall complete a semi-annual check-in call with staff from the DEPARTMENT to discuss successes and challenges with implementation of the program model;
- J. Ensure implemented programs are age-appropriate; inclusive to all individuals, relationships, families, and cultures; trauma-informed; and based on a framework of positive youth development principles.
  - i. Educators or staff hired by the SUB RECIPIENT shall receive training from DEPARTMENT staff on educational best practices and funding requirements prior to beginning implementation of programs;

- K. Establish and publicize policies prohibiting harassment or discrimination of program participants based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin;
  - i. All youth-serving staff shall be trained to prevent and respond to harassment or bullying in all forms;
  - ii. The SUB RECIPIENT shall be prepared to monitor claims, address them seriously, and document any corrective action to assure all participants that programs implemented by the SUB RECIPIENT are safe, inclusive, and non-stigmatizing by design and in operation;
- L. Participate in two annual site visits with program staff from the DEPARTMENT to monitor compliance with federal project guidelines as follows;
  - i. The first site visit conducted by the DEPARTMENT annually will include an office audit to assess the SUB RECIPIENT'S processes and management of data;
  - ii. The second site conducted by the DEPARTMENT annually will include an observation of program implementation to determine if the SUB RECIPIENT is maintaining fidelity to the evidence-based program model and providing medically-accurate, trauma-informed, age-appropriate, and LGBTQ or culturally inclusive education to program participants; and
  - iii. If schedules or geographical distances do not permit two separately scheduled visits annually, the DEPARTMENT may conduct a single site visit, which combines both office audit and observation elements.
- M. Participate in a monthly check-in call with program staff from the DEPARTMENT to evaluate progress towards goals and objectives and to receive any necessary technical assistance;
- N. If the SUB RECIPIENT has a formal or informal agreement or sub-contract with another community partner or school district, the SUB RECIPIENT shall develop and submit a Program Management Plan to the DEPARTMENT at the beginning of the fiscal year, prior to program implementation;
- O. Abide by all other funding terms and conditions as set forth in this sub-award.

V. Reporting Requirements

- A. The SUB RECIPIENT shall submit:
  - i. An expenditure report to the DEPARTMENT on a monthly basis, by the 15<sup>th</sup> of each month;
  - ii. Semi-annual reports to the DEPARTMENT by April 10, 2022, and October 10, 2022;
  - iii. Performance measure reports to the DEPARTMENT by February 10, 2022 and August 10, 2022;
  - iv. Budget revisions to the DEPARTMENT no later than July 10, 2022; and
  - v. Work plan revisions to the DEPARTMENT no later than July 10, 2022;
- B. The SUB RECIPIENT shall provide all reports on templates provided by the DEPARTMENT.

VI. Failure to Meet Grant Requirements

- A. Failure to meet the terms and conditions of this Sub-award shall result in corrective action, as follows:
  - i. First offense shall result in a written warning from the DEPARTMENT to the SUB RECIPIENT and mandatory participation in training and technical assistance provided by the DEPARTMENT to the program staff hired by the SUB RECIPIENT.



- ii. Second offense shall result in a formal warning letter from the DEPARTMENT to the SUB RECIPIENT, additional participation in training and technical assistance provided by the Family & Youth Services Bureau to the program staff hired by the SUB RECIPIENT, and a deduction of points from future applications for teen pregnancy prevention programs funding submitted by the SUB RECIPIENT.
  - iii. Third offense shall result in termination of the Sub-award by the DEPARTMENT.
- B. The SUB RECIPIENT shall be responsible for ensuring that their community partners or sub-contractors meet all grant requirements. Any failure to meet these requirements by a community partner or sub-contractor is considered a breach of this Sub-award by the SUB RECIPIENT.

## APPENDIX B

### Guidance for Funding Recipients That Implement Religious Programs:

#### 1. Religious Materials

Eliminate all religious materials from the presentation of the federally funded program. This includes:

- Bibles or other books of worship;
- Registration materials that include religious inquiries or references;
- Follow-up activities that include or lead to religious outreach; and
- Religious content in materials.

*45 CFR Part 87.2(c). ("If an organization conducts [inherently religious] activities, the activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from the Department . . . .". 69 FR. 42586, 42593 (2004).*

#### 2. Separate and Distinct Programs

Any program with religious content must be a separate and distinct program from the federally funded program, and the distinction must be completely clear to the recipient. Some of the ways in which this may be accomplished include, but are not limited to, the following examples:

- Creating separate and distinct names for the programs;
- Creating separate and distinct looks for the promotional materials used to promote each program; and
- Promoting only the federally funded program in materials, websites, or commercials purchased with any portion of the federal funds.

Note: If an organization offers both a federally funded program and a religious program that provide the same social service, or the clients served are children, it is very important that the separation between the programs be accentuated.

*45 CFR Part 87.2(c). ("Organizations that receive direct financial assistance from the Department [under any Department program] may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded with direct financial assistance from the Department.") 69 FR. 42586, 42593 (2004).*

#### 3. Separate Presentations

Completely separate the presentation of any program with religious content from the presentation of the federally funded program by time or location *in such a way that it is clear that the two programs are separate and distinct*. If separating the two programs by time but presenting them in the same location, one program must *completely* end before the other program begins.

Some of the ways in which separation of presentations may be accomplished include, but are not limited to, the following examples:

- The programs are held in completely different sites or on completely different days.
- The programs are held at the same site at completely different times.  
Separation may be accomplished through such means as:
  - Have sufficient time between the two programs to vacate the room, turn down the lights, leave the stage, etc., in order to reasonably conclude the first program before beginning the second;
  - Completely dismiss the participants of the first program;
  - The second program could follow in the same room or, where feasible, in a different room to further distinguish the difference between the programs.
- The programs are held in different locations of the same site at the same time. Separation may be accomplished through such means as:
  - Completely separate registration locations; and
  - Completely separate areas where programs are held such as by room, hallway, or floor, etc.

*45 CFR Part 87.2(c). ("If an organization conducts [inherently religious] activities, the activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from the Department . . . .") 69 FR. 42586, 42593 (2004).*

#### **4. Availability of Other Programs**

After the federally funded program has ended, a grantee may provide a brief and non-coercive invitation to attend a separate religious program.

The invitation should make it very clear that this is a separate program from, and not a continuation of, the federally funded program. It must also be clear that participants are not required to attend the separate religious program, and that participation in federally funded programs are not contingent on participation in other programs sponsored by the grantee organization.

Religious materials, such as a registration that includes religious follow-up, may only be provided in the privately funded program rather than the federally funded program.

*45 CFR Part 87.2(c). "Participation [in any privately funded inherently religious activities] must be voluntary for beneficiaries of the programs or services funded with [direct Federal financial] assistance." 69 FR 42586, 42593 (2004).*

#### **5. Cost Allocation**

Demonstrate that federal funds are being used only for the federally funded program. Some of the ways in which separation of funds may be accomplished include, but are not limited to, the following examples:

- Implement the use of time sheets that keep track of all staff hours charged to the federally funded grant, whether the staff work in other programs or not.
- Require any staff working in both federally funded programs and other programs to clearly indicate how many hours are spent on each program.
- If any staff works on both a federally funded program and a non-federally funded program at the same site on the same day, require the staff to clearly indicate not only how many hours are spent on the federally funded program but also which specific hours are spent on the federally funded program. The hours should reflect that time spent on any program with religious content have been completely separated from hours spent on the federally funded program.
- Show cost allocations for all items and activities that involve both programs, such as staff time, equipment, or other expenses such as travel to event sites. This may be accomplished through such means as:
  - Example: if transportation is used to go to a site where a federally funded program is conducted and a religious or non-religious program funded through other means is also conducted by the grantee at the same site, one half of the travel costs (gas, lodging, etc.) should be charged to the federally funded program. If three separate and distinct programs are conducted at a site by a federally funded grantee and one of them is the federally funded program, only one third of the travel costs should be charged to the federally funded program, etc.
  - Example: if an electronic device is used 30 percent of the time for the federally funded program, this should be demonstrated through clear record keeping. Only 30 percent of the cost of the electronic device should be charged to the program.

*2 CFR Part 225 (OMB Circular A-87), Appendix A. § C.3.a; 45 CFR Part 87.2.*

## **6. Advertisements**

Federally funded programs cannot limit advertising the grant program services exclusively to religious target populations.

*45 CFR Part 87.2(e). "An organization that participates in programs funded by direct financial assistance from the Department shall not, in providing services, discriminate against a program beneficiary or prospective beneficiary on the basis of religion or religious belief."*

