

1     **R277. Education, Administration.**

2     **R277-444. Distribution of Money to Arts [and Science] Organizations.**

3     **R277-444-1. Authority, [and] Purpose, and Oversight Category.**

4             (1) This rule is authorized by:

5                 (a) Utah Constitution [Article X, Section 3](#), which vests general control and  
6                 supervision of the public school system with the Board;

7                 (b) Subsection [53E-3-401](#)(4), which allows the Board to adopt rules in accordance  
8                 with its responsibilities; and

9                 (c) Section [53E-3-501](#), which directs the Board to establish rules and standards  
10                 for the public schools, including curriculum and instruction requirements.

11             (2) The purpose of this rule is to provide for the distribution of money appropriated  
12             by the state to an eligible arts [or science] organization that:

13                 (a) provides an educational service to a student or teacher; and

14                 (b) facilitates a student developing and using the knowledge, skills, and  
15                 appreciation defined in an arts [or science] core standard.

16             (3) This Rule R277-444 is categorized as Category 3 as described in Rule R277-  
17             111.

18

19     **R277-444-2. Definitions.**

20             (1) "Arts organization" means a professional artistic organization that provides an  
21             educational service related to dance, music, drama, art, visual art, or media art in the  
22             state.

23             (2) "City" has the same meaning as that term is defined in Subsection [10-1-104](#)(1).

24             (3) "Community" means the group of persons that have an interest or involvement  
25             in the education of a person in kindergarten through grade 12, including:

26                 (a) a student, parent, teacher, and administrator; and

27                 (b) an association or council that represents a person described in Subsection  
28                 (2)(a).

29             (4) "Core standard" means a standard:

30 (a) established by the Board in Rule [R277-700](#) as required by Section [53E-3-501](#);  
31 and

32 (b) that defines the knowledge and skills a student should have in kindergarten  
33 through grade 12 to enable a student to be prepared for college or workforce training.

34 (5) "Cost effectiveness" means:

35 (a) maximization of the educational potential of the resources available through  
36 the organization; and

37 (b) not using money received through a program for the necessary maintenance  
38 and operational costs of the organization.

39 (6)(a) "Educational service" means an in-depth instructional workshop,  
40 demonstration, presentation, performance, residency, tour, exhibit, teacher professional  
41 development, side-by-side mentoring, or hands-on activity that:

42 (i) relates to an arts [or science] core standard;

43 (ii) except as provided in Subsection (6)(b), takes place in a public school, charter  
44 school, professional venue, or a facility;

45 (b) "Educational service" may include a distance experience that is provided from  
46 a remote location, or that take place outside of the regular school day, if done in addition  
47 to the requirements of Subsection (6)(a).

48 (7) "Educational soundness" means an educational service that:

49 (a) is designed for the community and grade level being served, including a  
50 suggested preparatory activity and a follow-up activity that are relevant to a core standard;

51 (b) features literal interaction of a student or teacher with an artist[ or-scientist];

52 (c) focuses on a specific core standard; and

53 (d) shows continuous improvement guided by analysis of an evaluative tool.

54 (8) "Fiscal agent" means a city that:

55 (a) is designated by an organization as described in Subsection R277-444-4(5);

56 and

57 (b) acts on behalf of an organization to perform financial or compliance duties.

58       (9) "Hands-on activity" means an activity that includes active involvement of a  
59 student with an artist or scientist, ideally with material provided by the organization.

60       [(10) "Informal Science Education Enhancement program" or "iSEE program"  
61 means a program described in Section R277-444-7 for which a science organization may  
62 apply to receive money appropriated by the state.]

63       (11) "Organization" means:

64       (a) a nonprofit corporation organized under:

65       (i) [Title 16, Chapter 6a](#), Utah Revised Nonprofit Corporation Act; or

66       (ii) Section 501(c)(3), Internal Revenue Code; and

67       (b)[(i)] an arts organization[; or

68       (ii) a science organization].

69       (12) "Procedural efficiency" means the organization delivers the educational  
70 service at the lowest cost possible.

71       (13) "Professional excellence" means the organization:

72       (a) has been juried or reviewed, based on criteria for artistic or scientific  
73 excellence, by a panel of recognized and qualified critics in the appropriate discipline;

74       (b) has received a recognition of excellence through an award, a prize, a grant, a  
75 commission, or an invitation to participate in a recognized series of presentations in a  
76 well-known venue;

77       (c) includes a recognized and qualified professional in the appropriate discipline  
78 who has created an artistic [or scientific] project or composition specifically for the  
79 organization to present; or

80       (d) any combination of criteria described in Subsections (13)(a) through (c).

81       (14) "Professional outreach programs in the schools program" or "POPS program"  
82 means a program described in Section R277-444-7 for which an arts organization may  
83 apply to receive money appropriated by the state.

84       (15)(a) "Program" means the system through which the Board grants money  
85 appropriated by the state to an organization to enable the organization to provide its

86 expertise and resources through an educational service in the teaching of a core  
87 standard.

88 (b) "Program" includes:

89 (i) the provisional program;

90 (ii) the POPS program; and

91 ~~[(iii) the iSEE program;]~~

92 ~~[(iv) the Integrated Student; and]~~

93 ~~[(v)] (iii) the Subsidy program.~~

94 ~~[(16) "Science organization" means a professional science organization that  
95 provides a science related educational service in the state.]~~

96

### 97 **R277-444-3. Program Application.**

98 (1) If the state appropriates money for a program, an organization may apply to  
99 receive money from a program:

100 (a) on an application form provided by the Superintendent; and

101 (b) during the fiscal year immediately prior to the fiscal year in which the  
102 organization is to receive the money.

103 (2) The application shall include:

104 (a) documentation that the organization is:

105 (i) a non-profit corporation that has existed at least three consecutive years prior  
106 to the date of the application;

107 (ii) an arts organization ~~[or a science]~~ organization that has attained professional  
108 excellence in the discipline; and

109 (iii) fiscally responsible; and

110 (iv) can practice procedural efficiency.

111 (b) a description of the matching funds required by Subsection R277-444-4(3);  
112 [and]

113 (c) an educational service plan, which describes:

114 (i) the educational service that the organization will use the program money to  
115 provide; and

116 (ii) a plan to creatively and effectively provide the educational service; and  
117 (d) any supplemental documentation to comply with state law and this rule as  
118 requested by the superintendent.

119 (3)[(a)] The Superintendent shall evaluate [an application with community  
120 representatives and make a recommendation on the application to the Board.

121 (b) The Board shall] and approve or deny an application based on:

122 (i) whether the organization meets the requirements of this rule; and

123 (ii) how well the organization's educational service plan meets the purpose of this  
124 rule.

125

126

## 126 R277-444-4. Grant General Provisions and Disbursement.

127                   (1) The Superintendent shall disburse the appropriated money to an organization  
128                   consistent with Sections 63G-6b-201 and 301.

129 (1)(a) The Superintendent shall make a recommendation to the Board regarding the  
130 grant amount for an organization based on:

131 (i) the annual appropriation for a program;

132 (ii) the grant amount an organization received in a previous fiscal year, if any;

133 (iii) an organization's year-end report, if any; and

134 (iv) how well the organization's educational service plan meets the purpose of this  
135 rule relative to the other organizations participating in the program.

136 (b) If the state reduces the amount of money appropriated for a program from the  
137 previous fiscal year, the Board may use its discretion to allocate the money among the  
138 organizations participating in the program.

139 (2)(a) The Superintendent shall notify an organization of the grant amount within 30  
140 days of the Board meeting in which it is approved, but no earlier than July 1.

141 (b)(i) The Superintendent shall disburse the money to an organization after an  
142 organization submits a request for reimbursement.

143        ~~(ii) An organization shall submit a reimbursement request for education service plan  
144 implementation expenses:~~

145        ~~(A) by the annual deadline specified by the Superintendent; and  
146        (B) in a form prescribed by the Superintendent.]~~

147        ~~[(3)](2) An organization that receives money from a program shall have equal  
148 matching money from another source to support its delivery of an educational service.~~

149        ~~[(4)](3) (a) Except as provided by Subsection (4)(b), an organization may not  
150 charge the school, teacher, or student a fee for the educational service for which the  
151 organization receives program money.~~

152        (b) An organization that receives money from the Subsidy program may charge a  
153 fee for an educational service.

154        ~~[(5)](4) (a) An organization may designate a city as the organization's fiscal agent  
155 if:~~

156        (i) the city's governing body oversees and monitors the organization and fiscal  
157 agent's compliance with program requirements;

158        (ii) the city complies with board rules;

159        (iii) the city and the organization use program money for required purposes  
160 described in this rule; and

161        (iv) the city and the organization have an agreement or contract in place regarding  
162 the designation of the city as the organization's fiscal agent.

163        (b) A city fiscal agent may not use program money:

164        (i) for the city's general administrative purposes; or

165        (ii) to fund administrative costs to act as the organization's fiscal agent.

166        ~~[(6)](5) An [scientist,]artist, or entity hired or sponsored by an organization to  
167 provide an educational service shall comply with the procedures and requirements of this  
168 rule.~~

169        (6) The final disbursement of funds shall not be made until after the year-end  
170 report has been received.

171

172 **R277-444-5. Year-end Report - Evaluation -- Accountability -- Variations.**

173 (1)(a) An organization that receives money from a program shall submit a year-  
174 end report to the Superintendent by the required annual deadline.

175 (b) The year-end report shall include:

176 (i) documentation of the organization's non-profit status;

177 (ii) a budget expenditure report and income source report using a form provided  
178 by the Superintendent, including a report and accounting of matching funds and a fee  
179 charged, if any, for an educational service;

180 (iii) a record of the dates and places of all educational services rendered, the  
181 number of hours of educational service per LEA, school, and classroom, as applicable,  
182 with the number of students and teachers served, including:

183 (A) documentation of the schools that have been offered an opportunity to receive  
184 an educational service over a three year period, to the extent possible and consistent with  
185 the organization's plan;

186 (B) documentation of collaboration with the Superintendent and the community in  
187 planning the educational service, including the content, a preparatory activity, and a  
188 follow-up activity that are relevant to a core standard;

189 (C) a brief description of the educational service provided through the program,  
190 and if requested, copies of any material developed; and

191 (D) a description of how the educational service contributed to a student  
192 developing and using the knowledge, skills, and appreciation defined in an arts [or  
193 science] core standard;

194 (iv) a summary of the organization's evaluation of:

195 (A) cost-effectiveness;

196 (B) procedural efficiency;

197 (C) collaborative practices;

198 (D) educational soundness; and

199 (E) professional excellence; and

200 (v) a description of the [resultant goal or plan for continued evaluation and  
201 improvement] results of an evaluation system prescribed by the Superintendent and any  
202 implemented improvements based on feedback.

203 (2) The Superintendent may visit an organization to evaluate the effectiveness  
204 and preparation of the organization:

205 (a) before the [Board] Superintendent approves an application;  
206 (b) before disbursing money; and  
207 (c) during an educational service.

208 (3)(a) In addition to the year-end report required by Subsection (1), the  
209 Superintendent may require an evaluation or an audit procedure from an organization  
210 demonstrating use of money consistent with state law and this rule.

211 (b) If the [Board] Superintendent finds that an organization did not use money  
212 received from a program consistent with state law and this rule, the [Board]  
213 Superintendent may:

214 (i) reduce or eliminate the grant to the organization in the current fiscal year;  
215 (ii) deny an organization's participation in a program in a future fiscal year; or  
216 (iii) impose any other consequence the Board deems necessary to ensure the  
217 proper use of public funds.

218 (4)(a) An organization may not deviate from the approved educational service plan  
219 for which the organization receives money unless:

220 (i) the organization submits a written request for variation to the Superintendent;  
221 (ii) the organization receives approval from the Superintendent for the variation;  
222 and

223 (iii) the variation is consistent with state law and this rule.

224 (b) An organization shall describe the nature and justification for a variation  
225 approved under Subsection (4)(a) in a year-end report.

226 (5) The Superintendent shall ensure that participating LEAs receive educational  
227 services in a balanced and comprehensive manner over a three year period.

228

229 **R277-444-6. Provisional Program Requirements.**

230 (1) Through the provisional program, and pending legislative funding, the Board  
231 may grant an organization money to enable the organization to:

232 (a) further develop an educational service that is sound;

233 (b) increase the number of students or teachers who receive an educational  
234 service; or

235 (c) expand the geographical location in which the educational service is delivered.

236 ~~(2) The Board may grant money from the provisional program to an organization  
237 for one year.]~~

238 ~~(3)(2) An organization may apply for a grant each year for up to five years if the  
239 organization demonstrates an increase in the educational service between the year-end  
240 report and the proposed educational service plan described in the application.~~

241 (3)(a) An arts organization may apply for the POPS program if the organization:

242 (i) has successfully participated in the provisional program for three consecutive  
243 years in which the state appropriates money to the provisional program;

244 (ii) has educational staff and the capacity to deliver an educational service state-  
245 wide; and

246 (iii) demonstrates during participation in the provisional program:

247 (A) the quality and improvement of an educational service;

248 (B) fiscal responsibility.

249 (C) cost-effectiveness;

250 (D) procedural efficiency;

251 (E) collaborative practices;

252 (F) educational soundness; and

253 (G) professional excellence.

254 (b) An organization shall submit a letter of intent to transition from the provisional  
255 program to the POPS program to the Superintendent by October 1 of the calendar year  
256 immediately before the calendar year in which the organization submits the application  
257 for the POPS program.

258

259

260 **R277-444-7. POPS [and iSEE] Program Requirements.**

261 (1)(a) Through the POPS program, the Board may grant money to an arts  
262 organization to provide an educational service state-wide.

263 [(b) Through the iSEE program, the Board may grant money to a science  
264 organization to provide an educational service state-wide.]

265 [(e)](b) A grant from the POPS program [or iSEE program] is on-going, subject to  
266 the review required by Subsection (4).

267 [(2)(a) An arts organization may apply for the POPS program and a science  
268 organization may apply for the iSEE program if the organization:

269 (i) has successfully participated in the provisional program for three consecutive  
270 years in which the state appropriates money to the provisional program;

271 (ii) has educational staff and the capacity to deliver an educational service state-  
272 wide; and

273 (iii) demonstrates during participation in the provisional program:

274 (A) the quality and improvement of an educational service; and

275 (B) fiscal responsibility.

276 (b) An organization shall submit a letter of intent to transition from the provisional  
277 program to the POPS program or the iSEE program to the Superintendent by October 1  
278 of the calendar year immediately before the calendar year in which the organization  
279 submits the application for the POPS program or the iSEE program.]

280 [(3)](2) An organization that receives money from the POPS program [or iSEE  
281 program] may not receive money from the provisional program or the Subsidy program in  
282 the same fiscal year.

283 [(4)](3)(a) At least once every four years, the Superintendent shall review and  
284 evaluate all organizations' participation in the POPS program [and the iSEE program],  
285 which may include:

286                   (i) evaluation of an educational service plan, or year-end report, ~~reimbursement~~  
287 ~~form, or audit;}~~ and

288                   (ii) attendance at an educational service or a site visit~~;~~; and  
289                   (iii) financial monitoring.

290                   (b) The Superintendent shall:

291                   (i) report to the Board the results of the review and evaluation; and  
292                   (ii) make a recommendation to the Board regarding an organization's continued  
293 participation in the program based on how well the organization fulfills the purpose of this  
294 rule.

295                   (4) Each Utah school shall be offered an opportunity to receive services from each  
296 discipline at least once every three years.

297                   (5) A POPS program organizations shall comply with state law.

298

## 299 **R277-444-8. Subsidy Program Requirements.**

300                   (1)(a) Through the subsidy program, the ~~Board~~ Superintendent may grant money  
301 to an organization that provides a valuable education service but does not qualify for  
302 participation in another program.

303                   (b) A grant from the subsidy program is on-going, subject to the review required  
304 by Subsection (5).

305                   (2)(a) An organization may apply to receive money through the subsidy program  
306 if the organization has successfully participated in the provisional program for three  
307 consecutive years in which the state appropriated money to the provisional program.

308                   (b) An organization shall submit a letter of intent to transition from the provisional  
309 program to the subsidy program to the Superintendent:

310                   (i) within the calendar year immediately before the calendar year in which the  
311 organization will submit an application for the subsidy program; and

312                   (ii) by the deadline set by the Superintendent.

313                   (3) ~~[The Board may approve an application to participate in the subsidy program~~  
314 ~~if the Board finds the organization:~~

315        (a) has successfully provided a valuable educational service during its  
316 participation in the provisional program; and  
317        (b) does not meet the requirements to participate in the POPS program [or iSEE  
318 program] because the organization:  
319        (i) delivers an educational service regionally instead of state-wide; or  
320                (ii) charges a fee for an educational service.]  
321        (4) An arts organization may apply for the Subsidy program if the organization:  
322                (i) has successfully provided a valuable educational service during its participation  
323 in the Provisional program; and  
324                (ii) does not meet the requirements to participate in the POPS program [or iSEE  
325 program] because the organization:  
326                (A) delivers an educational service regionally instead of state-wide; or  
327                (B) charges a fee for an educational service.  
328                (iii) demonstrates during participation in the Provisional program:  
329                (A) the quality and improvement of an educational service; and  
330                (B) fiscal responsibility.  
331                (C) cost-effectiveness;  
332                (D) procedural efficiency;  
333                (E) collaborative practices;  
334                (F) educational soundness; and  
335                (G) professional excellence.  
336        (4)(5) An organization that receives money from the subsidy program may not  
337 receive money from the another program in the same fiscal year.  
338        (5)(6)(a) At least once every four years, the Superintendent shall review and  
339 evaluate all organizations' participation in the subsidy program, which may include:  
340                (i) evaluation of an educational service plan, year-end report, reimbursement form,  
341 or audit; and  
342                (ii) attendance at an educational service or a site visit.  
343        (b) The Superintendent shall:

344 (i) report to the Board the results of the review and evaluation; and  
345 (ii) make a recommendation to the Board regarding an organization's continued  
346 participation in the subsidy program based on how well the organization fulfills the  
347 purpose of this rule.

348

349 KEY: arts, [science,] core standards, POPS, grant program

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352 Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)  
353 [3-501](#)