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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: April 9-10, 2015

ACTION: R277-490 *Beverley Taylor Sorenson Arts Learning Program* (Amendment)

Background:

In accordance with S. B. 75 *Elementary Arts Learning Program Amendments* (2015 General Session) and its affect on Utah State Code 53A-17a-162, changes are needed in Board Rule R277-490.

Key Points:

Recommended changes to R277-490 have been drafted for Board review. Those changes reflect the changes to legislation regarding the Beverley Taylor Sorenson Arts Learning Program. Changes in legislation allow LEAs more flexibility in use of grant money for elementary arts specialists in this program. The legislation also defines the roles of the USOE and the Beverley Taylor Sorenson endowed universities.

Anticipated Action:

The Law and Licensing Committee will consider approving R277-490 *Beverley Taylor Sorenson Arts Learning Program*, as amended, on first reading. If approved, the full Board will consider approving R277-490 on second reading.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Cathy Jensen, 801-538-7793

1 **R277. Education, Administration.**

2 **R277-490. Beverley Taylor Sorenson Elementary Arts Learning**
3 **Program (BTSALP).**

4 **R277-490-[2]1. Authority and Purpose.**

5 A. This rule is authorized by Utah Constitution Article
6 X, Section 3 which vests general control and supervision of
7 public education in the Board, Section 53A-1-401(3) which
8 permits the Board to adopt rules in accordance with its
9 responsibilities, and Section 53A-17a-162 which directs the
10 Board to establish a grant program for LEAs to hire qualified
11 arts professionals to encourage student participation in the
12 arts in Utah public schools and embrace student learning in
13 Core subject areas.

14 B. The purpose of this rule is:

15 (1) to implement the Beverley Taylor Sorenson Elementary
16 Arts Learning Program model in public schools through LEAs
17 and consortia that submit grant[~~s~~] applications to hire arts
18 specialists [~~who are highly qualified~~]as defined in R277-490-
19 2F and paid on the licensed teacher salary schedule;

20 (2) to distribute funds to[~~arts specialists through~~]
21 LEAs to purchase supplies and equipment as provided for in
22 Section 53A-17a-162(4) and (6);

23 [~~(3) to allow ten Utah school districts/consortia to~~
24 ~~hire arts coordinators;~~]

25 ([~~4~~]3) [~~to establish partnerships within established~~
26 ~~networks with Utah higher education institutions] to fund
27 activities at endowed universities as defined in Section 53A-
28 17a-162 to provide pre-service training, professional
29 development, research and leadership for arts educators and
30 arts education in Utah public schools; and~~

31 ([~~5~~]4) appropriately monitor, evaluate and report
32 programs and Program results.

33 **R277-490-[1]2. Definitions.**

34 A. "Arts equipment and supplies" means musical
35 instruments, recording and play-back devices, cameras,
36 projectors, computers to be used in the program, CDs, DVDs,

37 teacher reference books, and art-making supplies. This list
38 is not exhaustive.

39 B. "Arts Program coordinators (coordinator)" means
40 individuals, employed full-time, who are responsible to
41 coordinate arts programs for the LEA (as defined in R277-490-
42 [†]2G) or consortium, inform arts teachers, organize arts
43 professional development (including organizing arts local
44 learning communities), oversee/guide/organize the gathering of
45 assessment data, represent the LEA or consortium arts program,
46 and provide general leadership for arts education throughout
47 the LEA or consortium.

48 C. "Beverley Taylor Sorenson Elementary Arts Learning
49 Program model" means a Program in grades K-6 with the
50 following components:

51 (1) a qualified arts specialist to work collaboratively
52 with the regular classroom teacher to deliver quality,
53 sequential, and developmental arts instruction in alignment
54 with the state Fine Arts Core Curriculum;~~[-and]~~

55 (2) regular collaboration between the classroom teacher
56 and arts specialist in planning arts integrated
57 instruction~~[-];~~ and

58 (3) other activities that may be proposed by LEAs on a
59 grant application and approved by the Board.

60 D. "Board" means the Utah State Board of Education.

61 E. "Endowed university" means an institution of higher
62 education in the state as defined in Section 53A-17a-
63 162(1)(b).

64 ~~[†]F.~~ "Highly qualified school arts program specialist
65 (arts specialist)" means:

66 (1) an educator with a current educator license and a
67 Level 2 or K-12 specialist endorsement in the art form; or

68 (2) an elementary classroom teacher with a current
69 educator license who is currently enrolled in a Level 2
70 specialist endorsement program in the art form~~[-and who works~~
71 ~~with a mentor who holds an arts endorsement];~~ or

72 (3) a professional artist employed by a public school and
73 accepted into the Board Alternative Routes to License (ARL)

74 program under R277-503 to complete a K-12 endorsement in the
75 art form, which includes the Praxis exam in the case of art,
76 music, or theatre[-]; or

77 (4) an individual who qualifies for any type of educator
78 license under current Board rule that qualifies the individual
79 for the position provided that:

80 (a) an LEA provides an affidavit verifying that a
81 reasonable search was conducted for an individual who would
82 qualify for an educator license through other means; and

83 (b) the LEA reopens the position and conducts a new
84 search every two years.

85 ([4]5) In addition to required licensure and
86 endorsements, prospective teachers should provide evidence of
87 facilitating elementary Core learning in at least one art
88 form.

89 [~~F. "Independent evaluator," for purposes of this rule~~
90 ~~and Program, means an evaluator selected jointly by the Board~~
91 ~~and the Utah Arts Council through the required procurement~~
92 ~~process. The evaluator shall have experience and expertise in~~
93 ~~education programs and in the arts.]~~

94 G. "LEA" means a local education agency, including local
95 school boards/public school districts, charter schools, and
96 for purposes of this rule, the Utah Schools for the Deaf and
97 the Blind.

98 H. "Matching funds," for purposes of this rule and
99 Program, means funds that equal 20 percent of the total [~~grant~~
100 ~~amount received]~~costs for salary plus benefits incurred by an
101 LEA/consortium to fund an LEA/consortium arts [~~coordinator~~
102 ~~under Section 53A-17a-162(3)(c) and]~~specialist in R277-490-
103 [5]2F.

104 I. "USOE" means the Utah State Office of Education.

105 [~~J. "Utah Arts Council" is a state and nationally funded~~
106 ~~government entity that assists with professional development~~
107 ~~and provides direct matching grants to nonprofit organizations~~
108 ~~across the state of Utah. The Utah Arts Council also conducts~~
109 ~~programs which provide outreach services (including financial~~
110 ~~assistance) to schools, local arts councils and organizations,~~

111 ~~community centers, performing groups, and individual artists.]~~

112 **R277-490-3. Arts Specialist Grant Program.**

113 A. LEAs or consortia of LEAs may submit grant requests
114 consistent with time lines provided in this rule.

115 B. LEA consortia:

116 (1) LEAs may form consortia to employ arts specialists
117 appropriate for the number of students served.

118 (2) The LEA shall develop its proposal consistent with
119 the Beverley Taylor Sorenson Elementary Arts Learning Program
120 model outlined under R277-490-~~[1]~~2C.

121 (3) The LEA grant shall explain the necessity or greater
122 efficiency and benefit of an arts specialist serving several
123 elementary schools within a consortium of LEAs.

124 (4) The LEA grant shall explain a schedule for the
125 specialist(s) to serve the group of schools within several
126 LEAs similarly to an arts specialist in a single school.

127 (5) A consortium grant shall provide information for a
128 consortium arts specialist's schedule that minimizes the arts
129 specialist's travel and allows the arts specialist to be well
130 integrated into several schools.

131 C. ~~[Arts specialist]~~LEA grant requirements

132 (1) Grant programs shall be developed and submitted to
133 the Board consistent with the Beverley Taylor Sorenson
134 Elementary Arts Learning Program model described in R277-490-
135 ~~[1]~~2C.

136 (2) LEA ~~[G]~~grant applications shall include ~~[documents of~~
137 ~~compliance with the collaboratively developed implementation~~
138 ~~requirements. These requirements shall be developed in~~
139 ~~consultation with a committee with representative members of~~
140 ~~stakeholder groups in the Program]~~ the collaborative
141 development of the application with the partner endowed
142 university and School Community Council if match comes from
143 School LAND Trust Funds.

144 ~~[D. LEAs shall review grant applications and forward~~
145 ~~approved applications to the USOE.]~~

146 ~~[E]~~D. ~~[Arts specialist]~~Program timelines

147 (1) ~~Continuing~~ Beverley Taylor Sorenson ~~schools shall~~
148 ~~complete assurances as provided by the USOE and submit to~~
149 ~~school districts by May 1, annually]~~ grant applications shall
150 be completed annually. Grant renewals shall receive funding
151 priority.

152 ~~[(2) New Beverley Taylor Sorenson schools shall complete~~
153 ~~applications as provided by the USOE and submit to school~~
154 ~~districts by May 1, annually.]~~

155 ([3]2) LEAs shall submit completed applications
156 ~~requiring~~ requesting funding to the USOE by May [7]1
157 annually.

158 ([4]3) The Board~~, after close consultation with the~~
159 ~~Utah Arts Council,~~ shall designate ~~schools]~~ LEAs/consortia
160 for funding no later than June 1 annually.

161 [F]E. Distribution of funds for arts specialists

162 (1) ~~Continuing~~ Beverley Taylor Sorenson LEAs shall
163 submit complete information of salaries (including benefits)
164 of all Beverley Taylor Sorenson specialists employed by the
165 LEA~~, as requested by the USOE]~~ no later than September 30
166 annually.

167 (2) The USOE shall distribute funds to ~~continuing]~~
168 Beverley Taylor Sorenson LEAs annually ~~in equal amounts per]~~
169 equal to 80 percent of the salaries plus benefits for approved
170 hires in this program, consistent with Sections 53A-17a-162(5)
171 and(6)[-and (7)]. An individual specialist grant amount shall
172 be capped at \$70,000.

173 ~~[(3) The USOE shall distribute funds designated in~~
174 ~~Section 53A-17a-162(7) to additional Beverley Taylor Sorenson~~
175 ~~LEAs.]~~

176 **R277-490-4. Distribution of Funds for Arts Specialist**
177 **Supplies.**

178 A. The Board shall distribute funds for arts specialist
179 supplies to LEAs/consortia as available.

180 B. LEAs shall distribute funds to participating schools
181 as provided in the approved LEA/consortia grant and consistent
182 with LEA procurement policies.

183 C. LEAs/consortia shall require arts specialists to
184 provide adequate documentation of arts supplies purchased
185 consistent with the school/consortium plan, this rule and the
186 law.

187 D. Summary information about effective supplies and
188 equipment shall be provided in the school/consortium
189 evaluation of the Program.

190 **R277-490-5. LEA/Consortia Employment of LEA/Consortia Arts**
191 **Coordinators.**

192 A. LEAs/consortia may apply for funds to employ[~~full-~~
193 ~~time~~] arts coordinators in their LEAs/consortium. These are
194 intended as small grants to rural districts to help support
195 arts education and the implementation of BTSALP.

196 B. Applicants shall explain how arts coordinators will
197 be used consistent with the Beverley Taylor Sorenson
198 Elementary Arts Learning Program model, what requirements arts
199 coordinators must meet, and what training will be provided by
200 whom.

201 C. Applicants shall provide documentation of committed
202 matching funds that equal 20 percent of the grant request[
203 ~~from the LEA/consortium~~].

204 [~~D. Preference shall be given to applicants that~~
205 ~~demonstrate in their proposed recruitment and use of~~
206 ~~coordinators diligent and creative efforts to employ arts~~
207 ~~coordinators who mirror the minority or unique populations~~
208 ~~that make up the schools in which coordinators will work.~~

209 ~~E. The Board, following close consultation with the Utah~~
210 ~~Arts Council, shall select LEAs/consortia to receive funds~~
211 ~~under this section.]~~

212 [~~F~~]D. [Funds shall be distributed to designated
213 LEAs/consortia]LEAs that receive grant awards shall be
214 notified of the awards no later than [July]June 1 annually.

215 **R277-490-6. [~~Arts Program Partnership with Utah Institutions~~**
216 **~~of Higher Education for Pre-service, Professional Development,~~**
217 **~~Research, and Leadership Training]Endowed University~~**

218 **Participation in the BTSALP.**

219 A. The Board shall ~~[work closely with the Utah Arts~~
220 ~~Council to identify interested Utah higher education~~
221 ~~institutions eligible, prepared and geographically and~~
222 ~~programmatically suited to work with identified arts~~
223 ~~specialists, arts coordinators and the schools and programs in~~
224 ~~which specialists/coordinators are employed]~~consult with
225 endowed chairs and integrated arts advocates regarding program
226 development and guidelines.

227 ~~[B. The Board, in close partnership with the Utah Arts~~
228 ~~Council, shall determine funding and payment timelines to~~
229 ~~eligible Utah higher education institutions for designated~~
230 ~~services as appropriate and necessary.]~~

231 B. Endowed university grants:

232 (1) Endowed universities may apply for grant funds to
233 fulfill the purposes of this program which include:

234 (a) delivery of high quality professional development to
235 participating LEAs;

236 (b) the design and completion of research related to the
237 program;

238 (c) providing the public with elementary arts education
239 resources; and

240 (d) other program related activities as may be included
241 in a grant application and approved by the Board.

242 (2) Endowed university grant applications shall include
243 documentation of collaborative development of a plan for
244 delivery of high quality professional development to
245 participating LEAs. The Board shall determine the LEAs
246 assigned to each endowed university.

247 (3) The Board may award no more than 10 percent of the
248 total legislative appropriation to grants to endowed
249 universities.

250 (4) The USOE shall monitor the activities of the grantees
251 to ensure compliance with grant rules, fulfillment of grant
252 application commitments and appropriate fiscal procedures.
253 Endowed universities shall cooperate with the USOE in the
254 monitoring of their grants.

255 (5) Endowed universities that receive grant funds shall
256 consult, as requested by the Board, in the development and
257 presentation of an annual written program report as required
258 in statute.

259 **R277-490-7. LEAs Cooperation with USOE for BTSALP.**

260 A. USOE BTSALP staff may visit schools receiving grants
261 to observe implementation of the grants.

262 B. BTSALP schools shall cooperate with the USOE to allow
263 visits of members of the Board, legislators, and other
264 invested partners to promote elementary arts integration.

265 C. LEAs must accurately report the numbers of students
266 impacted by the Beverley Taylor Sorenson Grant and report on
267 the delivery systems to those students as requested by the
268 USOE.

269 D. LEAs found to be out of compliance with the terms of
270 the grant will be notified within 30 days of the discovery of
271 such non-compliance.

272 (1) LEAs found to be in non-compliance will be given 30
273 days to correct the issues.

274 (2) If non-compliance is not resolved within that time
275 frame, LEAs are subject to losing the grant funds for the
276 school or schools found to be non-compliant.

277 **R277-490-[7]8. Beverley Taylor Sorenson Elementary Arts**
278 **Learning Program[~~Evaluation and~~] Reporting.**

279 ~~[A. The Board, in consultation with the Utah Arts~~
280 ~~Council, shall contract annually with an independent qualified~~
281 ~~evaluator through the state procurement process.~~

282 ~~— B.]The Board[~~and the Utah Arts Council~~] shall[~~jointly~~~~
283 ~~]report annually to the Education Interim Committee as~~
284 ~~provided in Section 53A-17a-162([6]8).~~

285 **KEY: arts program, grants, public schools**

286 **Date of Enactment or Last Substantive Amendment: [August 7,**
287 **2013]2015**

288 **Notice of Continuation: June 10, 2013**

289 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
290 **53A-1-401(3); 53A-17a-162**