

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: May 12-13, 2016

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

Background:

The 2016 Legislature passed H.B. 40, Agency Reporting Requirements, which deleted several reporting requirements for the Board. R277-490 is amended to update the rule, consistent with the new legislation, and to provide technical and conforming changes. The report referenced in R277-490 is no longer required.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-490, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-490, as amended on second reading.

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1 **R277. Education, Administration.**

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

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

5 ~~[A.](1)~~ This rule is authorized by:

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

8 (b) Section 53A-1-401~~[(3)]~~, which ~~[permits]allows~~ the Board to ~~[adopt rules in~~
9 ~~accordance with its responsibilities,]make rules to execute the Board's duties and~~
10 ~~responsibilities under the Utah Constitution and state law;~~ and

11 (c) Section 53A-17a-162, which directs the Board to establish a grant program
12 for LEAs to hire qualified arts professionals to encourage student participation in the
13 arts in Utah public schools and embrace student learning in Core subject areas.

14 ~~[B.](2)~~ The purpose of this rule is:

15 ~~[(4)a]~~ to implement the BTSALP model in public schools through LEAs and
16 consortia that submit grant applications to hire arts specialists~~[as defined in R277-~~
17 ~~490-1F and] who are paid on the licensed teacher salary schedule;~~

18 ~~[(2)b]~~ to distribute funds to LEAs to purchase supplies and equipment as
19 provided for in Subsections 53A-17a-162(4) and (6);

20 ~~[(3)c]~~ to fund activities at endowed universities ~~[as defined in Section 53A-~~
21 ~~17a-162]~~ to provide pre-service training, professional development, research, and
22 leadership for arts educators and arts education in Utah public schools; and

23 ~~[(4)d]~~ to appropriately monitor, evaluate, and report programs and program
24 results.

25 **R277-490-[4]2. Definitions.**

26 ~~[A.](1)~~ "Arts equipment and supplies" ~~[means]includes~~ musical instruments,
27 recording and play-back devices, cameras, projectors, computers to be used in the
28 program, CDs, DVDs, teacher reference books, and art-making supplies.~~[This list~~
29 ~~is not exhaustive.]~~

30 ~~[B.](2)~~ "Arts Program coordinator[s]" or ~~[(]"coordinator{")]~~ means an
31 individual[s], employed full-time, who ~~[are]is~~ responsible to:

32 (a) coordinate arts programs for ~~[the]~~an LEA ~~[(as defined in R277-490-~~1G~~)]~~
33 or consortium~~[-];~~_i;

34 (b) inform arts teachers~~[-];~~_i;

35 (c) organize arts professional development ~~[including organizing arts local~~
36 learning communities~~]-;~~_i;

37 (d) oversee~~[f]~~_i, guide~~[f]~~_i, and organize the gathering of assessment data~~[-];~~_i;

38 (e) represent the LEA or consortium arts program~~[-];~~_i and

39 (f) provide general leadership for arts education throughout the LEA or
40 consortium.

41 ~~[C.](3) “Beverley Taylor Sorenson Elementary Arts Learning Program model,”~~
42 “BTSALP model,” or “Program” means a ~~[P]~~program in grades K-6 with the following
43 components:

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

47 ~~[(2)]~~b regular collaboration between the classroom teacher and arts specialist
48 in planning arts integrated instruction; and

49 ~~[(3)]~~c other activities that may be proposed by an LEA on a grant application
50 and approved by the Board.

51 ~~[D. “Board” means the Utah State Board of Education.]~~

52 ~~[E.](4) “Endowed university” means an institution of higher education in the~~
53 state as defined in Subsection 53A-17a-162(1)(b).

54 ~~[F.](5) “Highly qualified school arts program specialist” or ~~[f]“arts specialist{”}~~~~
55 means:

56 ~~[(1)]~~a an educator with:

57 ~~(i)~~ a current educator license; and

58 ~~(ii)~~ a Level 2 or K-12 specialist endorsement in the art form;

59 ~~[(2)]~~b an elementary classroom teacher with a current educator license who
60 is currently enrolled in a Level 2 specialist endorsement program in the art form;

61 ~~[(3)]~~c a professional artist employed by a public school and accepted into the
62 Board Alternative Routes to License (ARL) program under Rule R277-503 to
63 complete a K-12 endorsement in the art form, which includes the Praxis exam in the

64 case of art, music, or theatre; or
 65 ~~([4]d)~~ an individual who qualifies for an educator license under Board rule that
 66 qualifies the individual for the position provided that:
 67 ~~([a]i)~~ an LEA provides an affidavit verifying that a reasonable search was
 68 conducted for an individual who would qualify for an educator license through other
 69 means; and
 70 ~~([b]ii)~~ the LEA reopens the position and conducts a new search every two
 71 years.
 72 ~~([5]e)~~ In addition to required licensure and endorsements, prospective
 73 teachers should provide evidence of facilitating elementary Core learning in at least
 74 one art form.
 75 ~~[G. “LEA” or “local education agency” means a school district, charter school~~
 76 ~~or, for purposes of this rule, the Utah Schools for the Deaf and the Blind.]~~
 77 ~~[H.](6) “Matching funds[;]” [for purposes of this rule and the Program,] means~~
 78 ~~funds that equal 20[percent]% of the total costs for salary plus benefits incurred by~~
 79 ~~an LEA[~~f~~] or consortium to fund [an]the LEA[~~f~~] or consortium’s arts specialist[~~in~~~~
 80 ~~Subsection R277-490-1F].~~
 81 ~~[I. “USOE” means the Utah State Office of Education.]~~

82 **R277-490-3. Arts Specialist Grant Program - LEA Consortium.**

83 (1) LEAs may form a consortium to employ arts specialists appropriate for the
 84 number of students served.
 85 ~~[A.](2) An LEA[s] or a consorti[a]um of LEAs may submit a grant request[s]~~
 86 ~~consistent with time lines provided in this rule.~~
 87 ~~[B. LEA consortia:~~
 88 ~~——(1) LEAs may form consortia to employ arts specialists appropriate for the~~
 89 ~~number of students served.]~~
 90 ~~([2]3) [The]An LEA or a consortium shall develop its proposal consistent with~~
 91 ~~the BTSALP model outlined under R277-490-[1G]2(3).~~
 92 ~~([3]4) [The LEA]A consortium grant request shall explain the necessity or~~
 93 ~~greater efficiency and benefit of an arts specialist serving several elementary schools~~
 94 ~~within a consortium of LEAs.~~

95 ~~([4]5)~~ ~~[The LEA]~~A consortium grant shall explain a schedule for ~~[the]~~each
96 specialist~~{(s)}~~ to serve the group of schools within several of the LEAs similarly to an
97 arts specialist in a single school.

98 ~~([5]6)~~ A consortium grant request shall provide information for a consortium
99 arts specialist's schedule that minimizes the arts specialist's travel and allows the
100 arts specialist to be well integrated into several schools.

101 ~~[C. LEA grant requirements:~~

102 ~~(1) An LEA shall develop and submit a grant program to the Board that is~~
103 ~~consistent with the BTSALP model described in R277-490-1C.]~~

104 ~~([2]7)~~ An LEA's grant application shall include the collaborative development
105 of the application with the LEA's partner endowed university and School Community
106 Councils if matching funds come~~s~~ from School LAND Trust Funds.

107 **R277-490-4. Arts Specialist Grant Program Timelines.**

108 ~~[D. Program timelines:]~~

109 ~~(1) An LEA or a consortium shall complete a [P]program grant application[s~~
110 ~~shall be completed] annually.~~

111 ~~(2) The Board shall [G]grant funding priority to renewal applications[s shall~~
112 ~~receive funding priority].~~

113 ~~([2]3)~~ An LEA[s] or consortium shall submit a completed application[s]
114 requesting funding to the ~~[USOE]~~Superintendent by May 1 annually.

115 ~~([3](4))~~ The Board shall designate an LEA[s/] or a consorti[a]um for funding
116 no later than June 1 annually.

117 **R277-490-5. Distribution of Funds for Arts Specialist.**

118 ~~[E. Distribution of funds for arts specialists]~~

119 ~~(1) A [P]program LEA[s] or consortium~~ shall submit complete information of
120 salaries, ~~{(including benefits)}~~, of all ~~[P]program~~ specialists employed by the LEA
121 or consortium no later than September 30 annually.

122 ~~(2) If a [P]program LEA or consortium provides[the] matching funds~~
123 ~~[described in R277-490-3E(3)], the [USOE]Superintendent shall distribute funds to~~
124 ~~[P]program [LEAs]grant recipients~~ annually equal to 80~~[percent]~~% of the salaries

125 plus benefits for approved hires in ~~[this]~~the program, consistent with Subsections
126 53A-17a-162(5) and(6).

127 (3)(a) An individual program specialist grant amount may not exceed \$70,000
128 in FY 2016.

129 (b) The upper limit on the grant amount shall adjust each year at the same
130 rate as the increase in the WPU.

131 ~~[(3)4]~~ A ~~[Program LEA]~~grant recipient shall provide matching funds for each
132 specialist funded through the ~~[P]~~program.

133 **R277-490-~~[4]6~~. Distribution of Funds for Arts Specialist Supplies.**

134 ~~[A-](1)~~ The Board shall distribute funds for arts specialist supplies to an
135 LEA~~[s/]~~ or consorti~~[a]~~um as available.

136 ~~[B-](2)~~ A ~~[LEAs]~~grant recipient shall distribute funds to participating schools
137 as provided in the approved LEA~~[f/]~~ or consorti~~[a]~~um grant and consistent with LEA
138 procurement policies.

139 ~~[C-](3)~~ A ~~[LEAs/consortia]~~grant recipient shall require arts specialists to
140 provide adequate documentation of arts supplies purchased consistent with the
141 ~~[school/consortium]~~grant recipient's plan, this rule, and the law.

142 ~~[D-](4)~~ Summary information about effective supplies and equipment shall be
143 provided in the school~~[f/]~~ or consortium evaluation of the ~~[P]~~program.

144 **R277-490-~~[5]7~~. LEA~~[f/]~~ or Consorti~~[a]~~um Employment of ~~[LEA/Consortia-]~~Arts**
145 **Coordinators.**

146 ~~[A-](1)(a)~~ An LEA~~[s/]~~ or consorti~~[a]~~um may apply for funds to employ arts
147 coordinators in ~~[their]~~the LEA~~[s/]~~ or consortium.

148 (b) These are intended as small ~~[grants to]~~stipends for educators who are
149 already employed in rural districts to help support arts education and the
150 implementation of BTSALP.

151 ~~[B-](2)~~ An ~~[A]~~applicant[s] shall explain:

152 (a) how an arts coordinator~~[s]~~ will be used, consistent with the BTSALP
153 model~~[,];~~

154 (b) what requirements an arts coordinator~~[s]~~ must meet~~[,];~~ and

155 (c) what training will be provided, and by whom.

156 [~~C. Applicants shall provide documentation of committed matching funds that~~
157 ~~equal 20 percent of the grant request.~~]

158 [~~D.~~](3) The [~~USOE~~]Superintendent shall notify an LEA that receives a grant
159 award no later than June 1 annually.

160 **R277-490-~~6~~8. Endowed University Participation in the BTSALP.**

161 [~~A.~~](1) The [~~Board~~]Superintendent may consult with endowed chairs and
162 integrated arts advocates regarding program development and guidelines.

163 [~~B. Endowed university grants:~~]

164 (~~1~~2) An [E]ndowed universit[ies]y may apply for grant funds to fulfill the
165 purposes of this program, which include:

- 166 (a) delivery of high quality professional development to participating LEAs;
- 167 (b) the design and completion of research related to the program;
- 168 (c) providing the public with elementary arts education resources; and
- 169 (d) other program related activities as may be included in a grant application
170 and approved by the Board.

171 (~~2~~3) An [E]ndowed university grant application[s] shall include
172 documentation of collaborative development of a plan for delivery of high quality
173 professional development to participating LEAs.

174 (4) The [~~Board~~]Superintendent shall determine the LEAs assigned to each
175 endowed university.

176 (~~3~~5) The Board may award no more than 10[~~percent~~]% of the total
177 legislative appropriation [~~to~~]for grants to endowed universities.

178 (~~4~~6) The [~~USOE~~]Superintendent shall monitor the activities of the grantees
179 to ensure compliance with grant rules, fulfillment of grant application commitments,
180 and appropriate fiscal procedures.

181 (7) An [E]ndowed universit[ies]y shall cooperate with the
182 [~~USOE~~]Superintendent in the monitoring of [~~their~~]its grant[s].

183 (~~5~~8) An [E]ndowed universit[ies]y that receives grant funds shall consult,
184 as requested by the [~~Board~~]Superintendent, in the development and presentation of
185 an annual written program report as required in statute.

186 **R277-490-[7]9. LEAs Cooperation with [USOE]the Superintendent for BTSALP.**

187 ~~[A.]~~(1) A BTSALP staff member may visit a school[s] receiving a
188 grant[s] to observe implementation of the grant[s].

189 ~~[B.]~~(2) A BTSALP school[s] shall cooperate with the [USOE]Superintendent
190 to allow visits of members of the Board, legislators, and other invested partners to
191 promote elementary arts integration.

192 ~~[C.]~~(3) An LEA[s] shall accurately report the number[s] of students impacted
193 by the [P]program grant and report on the delivery systems to those students as
194 requested by the [USOE]Superintendent.

195 ~~[D.]~~(4)(a) An LEA[s] found to be out of compliance with the terms of the grant
196 will be notified within 30 days of the discovery of[~~such~~] non-compliance.

197 ([1]b) An LEA[s] found to be in non-compliance will be given 30 days to
198 correct the issues.

199 ([2]c) If non-compliance is not resolved within that time frame, an LEA[s~~are~~]
200 is subject to losing the grant funds for the school or schools found to be
201 non-compliant.

202 ~~[R277-490-8. Program Reporting.~~

203 ~~— The Board shall report annually to the Education Interim Committee as~~
204 ~~provided in Section 53A-17a-162(8).]~~

205 **KEY: arts program, grants, public schools, endowed universities**

206 **Date of Enactment or Last Substantive Amendment: [July 8, 2015]2016**

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

208 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3);**

209 **53A-17a-162**