

1 **R277. Education, Administration.**

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

3 **R277-444-1. 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 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 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

17 **R277-444-2. Definitions.**

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

21 (2) "City" has the same meaning as that term is defined in Subsection 10-1-
22 104(1).

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

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

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

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

29 (a) established by the Board in Rule R277-700 as required by Section 53E-3-501;

30 and

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

33 (5) "Cost effectiveness" means:

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

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

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

41 (a) relates to an arts or science core standard; [~~and~~]

42 (b) takes place in a public school, charter school, professional venue, or a facility.

43 (c) may include distance experiences that are provided from a remote location if
44 done in addition to the requirements of Subsection (a) and (b) as a follow-up experience.

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

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

49 (b) features literal interaction of a student or teacher with an artist or scientist;

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

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

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

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

54 and

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

56 (9) "Hands-on activity" means an activity that includes active involvement of a

57 student with an artist or scientist, ideally with material provided by the organization.

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

61 (11) "Organization" means:

62 (a) a nonprofit corporation organized under:

63 (i) Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act; or

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

65 (b)(i) an arts organization; or

66 (ii) a science organization.

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

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

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

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

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

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

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

82 (15)(a) "Program" means the system through which the Board grants money
83 appropriated by the state to an organization to enable the organization to provide its
84 expertise and resources through an educational service in the teaching of a core

85 standard.

86 (b) "Program" includes:

87 (i) the Provisional program;

88 (ii) the POPS program;

89 (iii) the iSEE program;

90 (iv) the Science Enhancement program;

91 (v) the Integrated Student and New Facility Learning program; and

92 (vi) the Subsidy program.

93 (16) "Science organization" means a professional science organization that
94 provides a science-related educational service in the state.

95

96 **R277-444-3. Program Application.**

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

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

100 (b) ~~[by May 30 of]~~ during the fiscal year immediately prior to the fiscal year in
101 which the organization is to receive the money.

102 (2) The application shall include:

103 (a) documentation that the organization is:

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

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

108 (iii) fiscally responsible;

109 (b) a description of the matching funds required by Subsection R277-444-4(3);

110 and

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

112 (i) the educational service that the organization will use the program money to

113 provide; and

114 (ii) a plan to creatively and effectively provide the educational service.

115 (3)(a) The Superintendent shall evaluate an application with community
116 representatives and make a recommendation on the application to the Board. ~~[at the~~
117 ~~Board's August meeting.]~~

118 (b) The Board shall approve or deny an application based on:

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

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

122

123 **R277-444-4. Grant General Provisions and Disbursement.**

124 (1)(a) The Superintendent shall make a recommendation to the Board ~~[at the~~
125 ~~Board's August meeting on]~~ regarding the grant amount for an organization based on:

126 (i) the annual appropriation for a program;

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

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

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

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

134 (2)(a) The Superintendent shall notify an organization of the grant amount ~~[by~~
135 ~~August 30]~~ within 30 days of the Board meeting in which it is approved.

136 (b)(i) The Superintendent shall disburse the money to an organization after an
137 organization submits a request for reimbursement ~~[on a form provided on the USOE~~
138 ~~website].~~

139 (ii) An organization shall submit a reimbursement request ~~[form on or before July~~
140 ~~40]~~ for ~~[an]~~ education service plan implementation expenses:

141 (A) by the annual deadline specified by the Superintendent; and
142 (B) in a form prescribed by the Superintendent. [~~incurred by an organization~~
143 ~~through the implementation of an educational service plan~~].

144 (3) An organization that receives money from a program shall have equal
145 matching money from another source to support its delivery of an educational service.

146 (4)(a) Except as provided by Subsection (4)(b), an organization may not charge
147 the school, teacher, or student a fee for the educational service for which the organization
148 receives program money.

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

151 (5)(a) An organization may designate a city as the organization's fiscal agent if:

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

154 (ii) the city complies with board rules;

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

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

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

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

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

162 (6) A scientist, artist, or entity hired or sponsored by an organization to provide an
163 educational service shall comply with the procedures and requirements of this rule.

164

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

166 (1)(a) An organization that receives money from a program shall submit a year-
167 end report to the Superintendent by the required annual deadline[~~July 10~~].

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

- 169 (i) documentation of the organization's non-profit status;
- 170 (ii) a budget expenditure report and income source report using a form provided
171 by the Superintendent, including a report and accounting of matching funds and a fee
172 charged, if any, for an educational service;
- 173 (iii) a record of the dates and places of all educational services rendered, the
174 number of hours of educational service per LEA, school, and classroom, as applicable,
175 with the number of students and teachers served, including:
- 176 (A) documentation of the schools that have been offered an opportunity to receive
177 an educational service over a three year period, to the extent possible and consistent with
178 the organization's plan;
- 179 (B) documentation of collaboration with the Superintendent and the community in
180 planning the educational service, including the content, a preparatory activity, and a
181 follow-up activity that are relevant to a core standard;
- 182 (C) a brief description of the educational service provided through the program,
183 and if requested, copies of any material developed; and
- 184 (D) a description of how the educational service contributed to a student
185 developing and using the knowledge, skills, and appreciation defined in an arts or science
186 core standard;
- 187 (iv) a summary of the organization's evaluation of:
- 188 (A) cost-effectiveness;
- 189 (B) procedural efficiency;
- 190 (C) collaborative practices;
- 191 (D) educational soundness; and
- 192 (E) professional excellence; and
- 193 (v) a description of the resultant goal or plan for continued evaluation and
194 improvement.
- 195 (2) The Superintendent may visit an organization to evaluate the effectiveness
196 and preparation of the organization:

197 (a) before the Board approves an application;

198 (b) before disbursing money; and

199 (c) during an educational service.

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

203 (b) If the Board finds that an organization did not use money received from a
204 program consistent with state law and this rule, the Board may:

205 (i) reduce or eliminate the grant to the organization in the current fiscal year;

206 (ii) deny an organization's participation in a program in a future fiscal year; or

207 (iii) impose any other consequence the Board deems necessary to ensure the
208 proper use of public funds.

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

211 (i) the organization submits a written request for variation to the Superintendent;

212 (ii) the organization receives approval from the Superintendent for the variation;

213 and

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

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

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

219

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

221 (1) Through the Provisional program, and pending legislative funding, the Board
222 may grant an organization money to enable the organization to:

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

224 (b) increase the number of students or teachers who receive an educational

225 service; or

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

227 (2) The Board may grant money from the Provisional program to an organization
228 for one year.

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

232

233 **R277-444-7. POPS and iSEE Program Requirements.**

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

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

238 (c) A grant from the POPS program or iSEE program is on-going, subject to the
239 review required by Subsection (4).

240 (2)(a) An arts organization may apply for the POPS program and a science
241 organization may apply for the iSEE 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; and

248 (B) fiscal responsibility.

249 (b) An organization shall submit a letter of intent to transition from the Provisional
250 program to the POPS program or the iSEE program to the Superintendent by October 1
251 of the calendar year immediately before the calendar year in which the organization
252 submits the application for the POPS program or the iSEE program.

253 (3) An organization that receives money from the POPS program or iSEE program
254 may not receive money from the Provisional program or the Subsidy program in the same
255 fiscal year.

256 (4)(a) At least once every four years, the Superintendent shall review and evaluate
257 all organizations' participation in the POPS program and the iSEE program, which may
258 include:

259 (i) evaluation of an educational service plan, year-end report, reimbursement form,
260 or audit; and

261 (ii) attendance at an educational service or a site visit.

262 (b) The Superintendent shall:

263 (i) report to the Board the results of the review and evaluation; and

264 (ii) make a recommendation to the Board regarding an organization's continued
265 participation in the program based on how well the organization fulfills the purpose of this
266 rule.

267

268 **~~[R277-444-8. Science Enhancement Program Requirements.~~**

269 ~~—— (1)(a) Through the Science Enhancement program, the Board may grant money~~
270 ~~to a science organization to provide a teacher with resources materials or professional~~
271 ~~development related to a science core standard.~~

272 ~~—— (b) A grant from the Science Enhancement program is on-going, subject to the~~
273 ~~review required by Subsection (4).~~

274 ~~—— (2) A science organization that participates in the iSEE program may apply for the~~
275 ~~Science Enhancement program.~~

276 ~~—— (3) The Board may approve an application to participate in the Science~~
277 ~~Enhancement program if the science organization demonstrates a likely increase in:~~

278 ~~—— (a) the number of teachers or students the organization serves; or~~

279 ~~—— (b) the quality or quantity of the resource materials or professional development~~
280 ~~the organization delivers.~~

281 ~~———— (4)(a) At least once every four years, the Superintendent shall review and evaluate~~
282 ~~all organizations' participation in the Science Enhancement program, which may include~~
283 ~~evaluation of the resource materials, professional development plan, year-end report,~~
284 ~~reimbursement form, or audit.~~

285 ~~———— (b) The Superintendent shall:~~

286 ~~———— (i) report to the Board the results of the review and evaluation; and~~

287 ~~———— (ii) make a recommendation to the Board regarding an organization's continued~~
288 ~~participation in the Science Enhancement program based on how well the organization~~
289 ~~fulfills the purpose of this rule.~~

290

291 **~~R277-444-9. Integrated Student and New Facility Learning Program Requirements.~~**

292 ~~———— (1) Through the Integrated Student and New Facility Learning program, the Board~~
293 ~~may grant money to a science organization to enable the science organization to provide~~
294 ~~an educational service integrated with the science organization's new or significantly re-~~
295 ~~designed capital facility.~~

296 ~~———— (2) An science organization that participates in the iSEE program may apply for~~
297 ~~the Integrated Student and New Facility Learning program.~~

298 ~~———— (3) The Board shall determine the length of the grant and how often the~~
299 ~~Superintendent shall review and evaluate an organization's continued participation in the~~
300 ~~program.~~

301 ~~———— (4) The science organization may use the money to:~~

302 ~~———— (a) develop an educational service integrated with the capital facility; and~~

303 ~~———— (b) cover its costs associated with increasing the number of students who visit the~~
304 ~~capital facility.~~

305 ~~———— (5) The Superintendent may not disburse money until the science organization~~
306 ~~completes the capital facility.]~~

307

308 **~~R277-444-[10]8. Subsidy Program Requirements.~~**

309 (1)(a) Through the Subsidy program, the Board may grant money to an
310 organization that provides a valuable education service but does not qualify for
311 participation in another program.

312 (b) A grant from the Subsidy program is on-going, subject to the review required
313 by Subsection (5).

314 (2)(a) An organization may apply to receive money through the Subsidy program if
315 the organization has successfully participated in the Provisional program for three
316 consecutive years in which the state appropriated money to the Provisional program.

317 (b) An organization shall submit a letter of intent to transition from the Provisional
318 program to the Subsidy program to the Superintendent: ~~[by October 1 of]~~

319 (A) within the calendar year immediately before the calendar year in which the
320 organization will submit~~[s the]~~ an application for the Subsidy program; and

321 (B) by the deadline set by the Superintendent.

322 (3) The Board may approve an application to participate in the Subsidy program if
323 the Board finds the organization:

324 (a) has successfully provided a valuable educational service during its
325 participation in the Provisional program; and

326 (b) does not meet the requirements to participate in the POPS program or iSEE
327 program because the organization:

328 (i) delivers an educational service regionally instead of state-wide; or

329 (ii) charges a fee for an educational service.

330 (4) An organization that receives money from the Subsidy program may not
331 receive money from the another program in the same fiscal year.

332 (5)(a) At least once every four years, the Superintendent shall review and evaluate
333 all organizations' participation in the Subsidy program, which may include:

334 (i) evaluation of an educational service plan, year-end report, reimbursement form,
335 or audit; and

336 (ii) attendance at an educational service or a site visit.

- 337 (b) The Superintendent shall:
- 338 (i) report to the Board the results of the review and evaluation; and
- 339 (ii) make a recommendation to the Board regarding an organization's continued
- 340 participation in the Subsidy program based on how well the organization fulfills the
- 341 purpose of this rule.

342

343 **KEY: arts, science, core standards**

344 **Date of Enactment or Last Substantive Amendment: December 1, 2015**

345 **Notice of Continuation: August 13, 2015**

346 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-**

347 **501**