

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 supervision  
6 of the public school system with the Board;

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

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

11 (2) The purpose of this rule is to provide for the distribution of money appropriated by  
12 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 **R277-444-2. Definitions.**

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

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

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

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

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

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

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

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

28 (5) "Cost effectiveness" means:

29           (a) maximization of the educational potential of the resources available through the  
30 organization; and

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

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

36           (i) relates to an arts or science core standard;

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

39           (b) "Educational service" may include a distance experience that is provided from a  
40 remote location if done in addition to the requirements of Subsection (6)(a)[~~as a follow-up~~  
41 ~~experience~~].

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

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

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

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

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

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

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

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

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

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

56           (11) "Organization" means:

57           (a) a nonprofit corporation organized under:

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

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

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

61 (ii) a science organization.

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

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

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

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

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

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

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

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

80 (b) "Program" includes:

81 (i) the Provisional program;

82 (ii) the POPS program;

83 (iii) the iSEE program;

84 [~~iv) the Science Enhancement program;~~]

85 (iv) the Integrated Student~~[and New Facility Learning program]~~; and

86 (v[i]) the Subsidy program.

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

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

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

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

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

95 (2) The application shall include:

96 (a) documentation that the organization is:

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

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

101 (iii) fiscally responsible;

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

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

104 (i) the educational service that the organization will use the program money to provide;

105 and

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

107 (3)(a) The Superintendent shall evaluate an application with community  
108 representatives and make a recommendation on the application to the Board.

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

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

111 (ii) how well the organization's educational service plan meets the purpose of this

112 rule.

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

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

116 (i) the annual appropriation for a program;

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

118 (iii) an organization's year-end report, if any; and  
119 (iv) how well the organization's educational service plan meets the purpose of this rule  
120 relative to the other organizations participating in the program.

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

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

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

128 (ii) An organization shall submit a reimbursement request for education service plan  
129 implementation expenses:

130 (A) by the annual deadline specified by the Superintendent; and

131 (B) in a form prescribed by the Superintendent.

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

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

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

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

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

142 (ii) the city complies with board rules;

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

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

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

- 148 (i) for the city's general administrative purposes; or
- 149 (ii) to fund administrative costs to act as the organization's fiscal agent.
- 150 (6) A scientist, artist, or entity hired or sponsored by an organization to provide an
- 151 educational service shall comply with the procedures and requirements of this rule.

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

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

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

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

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

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

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

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

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

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

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

174 (A) cost-effectiveness;

175 (B) procedural efficiency;

176 (C) collaborative practices;

177 (D) educational soundness; and  
178 (E) professional excellence; and  
179 (v) a description of the resultant goal or plan for continued evaluation and  
180 improvement.

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

- 183 (a) before the Board approves an application;
- 184 (b) before disbursing money; and
- 185 (c) during an educational service.

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

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

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

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

- 197 (i) the organization submits a written request for variation to the Superintendent;
- 198 (ii) the organization receives approval from the Superintendent for the variation; and
- 199 (iii) the variation is consistent with state law and this rule.

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

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

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

205 (1) Through the Provisional program, and pending legislative funding, the Board may

206 grant an organization money to enable the organization to:

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

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

209 or

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

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

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

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

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

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

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

223 (2)(a) An arts organization may apply for the POPS program and a science  
224 organization may apply for the iSEE program if the organization:

225 (i) has successfully participated in the Provisional program for three consecutive years  
226 in which the state appropriates money to the Provisional program;

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

229 (iii) demonstrates during participation in the Provisional program:

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

231 (B) fiscal responsibility.

232 (b) An organization shall submit a letter of intent to transition from the Provisional  
233 program to the POPS program or the iSEE program to the Superintendent by October 1 of the

234 calendar year immediately before the calendar year in which the organization submits the  
235 application for the POPS program or the iSEE program.

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

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

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

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

244 (b) The Superintendent shall:

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

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

248 **R277-444-8. Subsidy Program Requirements.**

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

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

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

257 (b) An organization shall submit a letter of intent to transition from the Provisional  
258 program to the Subsidy program to the Superintendent:

259 (A) within the calendar year immediately before the calendar year in which the  
260 organization will submit an application for the Subsidy program; and

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

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

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

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

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

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

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

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

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

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

277 (b) The Superintendent shall:

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

279 (ii) make a recommendation to the Board regarding an organization's continued

280 participation in the Subsidy program based on how well the organization fulfills the purpose  
281 of this rule.

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

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

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

285 **[53E-3-501](#)**