

Dear Senators SIDDOWAY, Hill, Stennett, and
Representatives LOERTSCHER, Monks, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho Commission on the Arts:

IDAPA 40.01.01 - Rules of the Idaho Commission On the Arts - Proposed Rule (Docket No. 40-0101-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 09/24/2018. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/23/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: September 07, 2018
SUBJECT: Idaho Commission on the Arts

IDAPA 40.01.01 - Rules of the Idaho Commission On the Arts - Proposed Rule (Docket No. 40-0101-1801)

Summary and Stated Reasons for the Rule

The Idaho Commission on the Arts submits notice of proposed rule at IDAPA 40.01.01 - Rules of the Idaho Commission On the Arts. According to the commission, the proposed rule adds folk and traditional arts to the list of artistic disciplines for which fellowships are awarded. In addition, the commission notes that changes revise a matching requirement that currently restricts college and university grant recipients to the use of non-public funds when matching grants from the commission, a restriction not placed on any other public or not-for-profit grant recipient. The commission notes that additional changes are housekeeping in nature for the purpose of updating, clarifying and simplifying grant application terminology and procedures.

Negotiated Rulemaking / Fiscal Impact

The commission states that negotiated rulemaking was not conducted because interested parties were included in informal negotiations. The commission indicates that changes concerning fellowships arose from the commission's strategic planning process that included 18 regional planning meetings across the state and that changes concerning grants arose from feedback of affected Idaho colleges and universities. No fiscal impact is anticipated.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 67-5605, Idaho Code.

cc: Idaho Commission on the Arts
Michael Faison

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 40 – COMMISSION ON THE ARTS
40.01.01 – RULES OF THE IDAHO COMMISSION ON THE ARTS
DOCKET NO. 40-0101-1801
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-5605, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Proposed rule changes are necessary to add folk and traditional arts to the list of artistic disciplines for which Fellowships are awarded, thereby acknowledging the artistic excellence of individuals who maintain Idaho's artistic traditions, with equal stature alongside Idaho artists who create work in more recognized arts disciplines. Further changes revise a matching requirement that currently restricts college and university grant recipients to the use of non-public funds when matching grants from the Commission—a restriction not placed on any other public or not-for-profit grant recipient. The remaining rule changes are needed to update terminology and process explanations. The changes are housekeeping items that do not affect the availability of grants—they update, clarify, and simplify grant application terminology and procedures.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because interested parties have been included in informal negotiations. Although the rule changes concerning fellowships were not formally negotiated, the proposed rules arose from the Commission's strategic planning process that included 18 regional planning meetings across Idaho, during which interested parties were consulted and support this proposed rulemaking. The rule changes concerning grants arose from the feedback of affected Idaho colleges and universities, which were consulted and gave unanimous support for the proposed rules. The remaining rule changes are simply housekeeping in nature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael Faison, Executive Director, at (208) 334-2119.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2018.

DATED this 24th day of July, 2018.

Michael Faison, Executive Director
Idaho Commission on the Arts
Phone: (208) 334-2119
Fax: (208) 334-2488

The Warden's Residence
2410 Old Penitentiary Rd. N.
P. O. Box 83720
Boise, ID 83720-0008

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 40-0101-1801
(Only Those Sections With Amendments Are Shown.)

100. DEFINITIONS.

01. Applicant. An individual or organization meeting the criteria set forth in Section 202 of these rules, which has submitted an application for a program offered by the Commission. (4-6-05)

02. Apprentice. A student with knowledge of a traditional art who is studying or seeking to study the traditional art under a master and who affirms a commitment to continue practicing the traditional art after the apprenticeship has ended. (4-6-05)

03. Artist. ~~An individual who practices the arts as the individual's profession.~~ An individual who practices the arts as a profession and derives a significant portion of the individual's livelihood from performing the arts or engages in frequent or regular exhibitions, performances, publications, or similar public art displays. (4-6-05)()

04. Art. The product of an artist's work. Art includes, but is not limited to, live performances, manuscripts and writings, folk and traditional arts, ~~videotapes, audiotapes and compact disks~~ recordings of audio or moving images, photographs, prints, paintings, sculptures, ceramics, drawings, and installations. (4-6-05)()

05. Arts. The conscious production or arrangement of sounds, colors, forms, or other elements in a manner that affects the senses. The arts shall include, but are not limited to, the disciplines of literature, performing arts, and visual arts. (4-6-05)

06. Capital Expenditures. Costs or expenses for the acquisition of or the modification or improvements to real property or fixtures to real property. (4-6-05)

07. Commission. The Idaho Commission on the Arts. (4-6-05)

08. Matching Contributions. (4-6-05)

a. In-kind Contributions. Services and real or personal property, or the use thereof, donated by organizations or individuals to the applicant specifically to offset expenses associated with the application. (4-6-05)()

b. Cash Contributions. Funds raised by the applicant specifically for the subject of the application. (4-6-05)

09. Discipline. A grouping of types of arts. The Commission uses the following discipline categories: (4-6-05)

a. Literature. Arts disciplines resulting in written art. Literature artists include, but are not limited to, fiction, creative nonfiction, and poetry. (4-6-05)

b. Performing Arts. Arts disciplines resulting in live or recorded performances. ~~Artists engaged in the~~ performing arts include, but are not limited to, dancers, musicians, theatre, and filmmaking, and their constituent disciplines such as choreographers, ~~actors, playwrights, set and costume designers,~~ composers, music, playwriting, and ~~performers~~ screenwriting. (4-6-05)()

c. Visual Arts. Arts disciplines resulting in works that are viewed by the public. Visual artists include, but are not limited to, painters, sculptors, ~~crafters,~~ photographers, printmakers, sculptors, video artists, architects, sculptors,

ceramists, ~~metal smiths, paper~~ glass ~~and art~~, fiber artists, ~~mixed media artists, glass artists~~, designers, book artists, installation artists, ~~artists working in~~ and art using new ~~technologies, outsider or visionary artists, and folk and traditional arts involving craft~~ media. (4-6-05)()

d. Folk and Traditional Arts. Arts disciplines practiced by an ethnic or cultural group for multiple generations and based upon the ethnic or cultural group's historical practices. Folk and traditional arts include, but are not limited to, music, song, storytelling, vernacular architecture, crafts, tools and trades, occupational practices, personal experience stories, jokes, rhymes, games, and foodways such as food preparation, preservation, and presentation. ()

10. **Fiscal Year.** The period between July 1 of one (1) calendar year and June 30 of the following calendar year. (4-6-05)

11. **Master.** An individual who has learned traditional art skills informally and has received peer recognition for achieving the highest level of artistry according to community standards. (4-6-05)

12. **Program.** The categories for the award or grant of funds or recognition by the Commission described in Sections 300 through 503 of these rules. (5-8-09)

13. **Program Guidelines.** The application and review criteria for a program published by the Commission for each grant or award period. (5-8-09)

14. **Recipient.** An applicant receiving an award or grant under a Commission program. (4-6-05)

~~15. **Traditional Art.** The arts practiced by an ethnic or cultural group for multiple generations and based upon the ethnic or cultural group's historical practices. Traditional arts include, but are not limited to, music, song, storytelling, vernacular architecture, crafts, tools and trades, occupational practices, personal experience stories, jokes, rhymes, games and foodways such as food preparation, preservation and presentation.~~ (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

202. APPLICANTS.

01. **Categories of Applicants.** Applicants must fall within one (1) of the following categories: (4-6-05)

a. An individual artist or arts administrator meeting the criteria set forth in Subsection 202.02, of this rule, who is submitting an application based solely on the applicant's work. (4-6-05)

b. An organization meeting the criteria set forth in Subsection 202.03 of this rule. (4-6-05)

c. A collaboration of individual artists ~~where the majority of the artistic effort is that of the primary~~ represented by an individual. The application must identify the primary individual as the applicant and the applicant must sign the application, meet the criteria set forth in Subsection 202.02 of this rule, and accept all legal and contractual obligations of the program. The Commission will consider the applicant as submitting the application and receiving the program award for the purposes of the exclusions related to the number of applications and program awards in this section. (4-6-05)()

02. **Requirements for Individuals.** If the applicant is an individual, the applicant must: (4-6-05)

a. Be a citizen of the United States or a permanent legal resident or a refugee. (4-6-05)

b. Be a resident of the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)

c. Be over the age of eighteen (18) before the date of the application, unless the applicant is an apprentice. (5-8-09)

03. Requirements for Organizations. If the applicant is an organization, the applicant must: (4-6-05)

a. Have been operating in the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)

b. Be a school, unit of local, county, tribal, or state government, or an organization determined to be tax exempt by the United States Internal Revenue Service whose primary purpose is the production, presentation, or support of the arts. (4-6-05)

i. Unincorporated organizations may submit an application through another tax-exempt organization as its designated fiscal agent. Service as a fiscal agent does not exclude an organization from applying for programs on behalf of the organization serving as a fiscal agent. (3-29-10)

ii. Tax-exempt organizations must have an independent board of directors empowered to formulate policies and be responsible for the governance and administration of the organization, its programs, and its finances. (4-6-05)

c. Compensate artists and arts administrators at no less than the legal minimum wage or in accordance with a written agreement. (4-6-05)

04. Application and Funding Limits. An applicant shall submit no more than one (1) application per program each fiscal year. Applicants under the Quick Fund~~§~~ programs may submit one (1) Quick Fund~~§~~ application per application deadline and shall receive funds under no more than one (1) Quick Fund~~§~~ grant each fiscal year. (4-6-05)()

203. APPLICATIONS.

01. Application Forms. Applications shall include a completed application form in the format provided by the Commission for the applicable program, ~~produced on eight and one half inch by eleven inch (8½" x 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve (12) point.~~ Application forms may include questions requiring narrative answers and a proposed budget. Application forms shall not exceed the page limit for the program specified on the application form. The Commission may decline to consider pages in excess of the page limit. (4-6-05)()

02. Submission. Applications shall be ~~hand~~ delivered to the Commission or sent to the Commission by the United States mail or other courier or delivery service, or submitted via the Commission's online grant application system. ~~The Commission will not accept applications or supporting materials submitted by facsimile transmission or electronically.~~ The Commission will accept applications for a program for a period beginning one (1) month prior to the next application deadline for the program and concluding on the application deadline. (4-6-05)()

03. Ownership and Return of Applications. Upon submission, applications shall become the property of the Commission. The return of work samples shall be at the risk and expense of the applicant. The Commission may require pre-payment of packing and shipping costs for the return of work samples. (5-8-09)

04. Work Samples and Supporting Materials. Each application shall include the work samples and supporting materials specified in these rules for the applicable program. (4-6-05)

a. Work samples shall be of work that is no more than five (5) years old (Traditional Arts apprenticeship and Folk and Traditional Arts fellowship applicants are exempt). (5-8-09)()

b. Applicants shall not send original work samples or master copies of work samples. (4-6-05)

c. Requirements for work samples are defined in the program guidelines. (5-8-09)

05. Resumes. Resumes shall ~~be no longer than two (2) pages and~~ describe the applicant's professional development as an artist or arts administrator. ~~Resumes must be produced on eight and one half inch by eleven inch (8½" X 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve (12) point.~~ Resumes may contain academic training, publications, honors and awards, locations of exhibitions or performances, or a short personal biography concerning training in a traditional art. (4-6-05)()

06. Artist Statements. ~~Artist statements shall be no longer than one (1) page and must be produced on eight and one half inch by eleven inch (8½" x 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve (12) point.~~ An artist statement should discuss the purpose of the work and provide the reader with a personal perspective of the artist concerning the work. (4-6-05)()

07. ~~Publication, Performance, and Production Information.~~ ~~Publication, performance, or production information shall be restricted to the applicant's resume.~~ (4-6-05)

08. Matching Contributions. At the request of the Commission, the applicant shall provide documentation of matching contributions for Commission review. Contributions of services must be uncompensated and, if the applicant is an organization, shall not include the services of the applicant's board members. In-kind contributions must be valued at the reasonable rate for the services or property provided to the applicant in the applicant's community. If cash contributions are raised through fund-raising activities or donations from individuals, private foundations, or private companies, the applicant must identify the source of the cash contribution and maintain documentation substantiating the source of the cash contribution. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

206. FINAL REPORTS.

Recipients must submit a final report to the Commission no later than thirty (30) days following completion of the project or the last day of the final fiscal year of the grant term, unless the recipient requests an extension in writing and the extension is approved by the Commission. (5-8-09)()

(BREAK IN CONTINUITY OF SECTIONS)

301. QUICK FUNDS.

Quick Fund§ provides grants to support new or exemplary arts projects, activities, or professional development for individuals working in all disciplines and for the professional growth of arts administrators. Quick Fund§ grants are available to individuals for professional development and Quick Projects. (4-6-05)()

01. Quick Fund§ -- Professional Development. Quick Fund§ for professional development provides reimbursement to artists for gatherings where they will teach or learn from their peers and to arts administrators for attending a conference, seminar, workshop, or other form of career advancement training. The Commission will not accept Quick Fund§ for professional development applications: (4-6-05)()

a. For the same event or opportunity from more than one (1) member or staff of a single organization with a budget over fifty thousand dollars (\$50,000). (4-6-05)

b. For the same event or opportunity from more than two (2) members or staff of a single organization with a budget under fifty thousand dollars (\$50,000). (4-6-05)

c. For attendance at the same event or opportunity that was the subject of award to the applicant in the prior fiscal year. (5-8-09)

d. From an applicant who has received a Quick Fund§ grant in the same fiscal year. (4-6-05)()

02. Quick Fund§ -- Quick Projects. Quick Projects provides support for activities that allow an

applicant to develop significant and specific projects or new works that will be shared with the public.

(4-6-05)()

03. Quick Fund\$§ -- Evaluation Criteria. Quick Fund\$§ grant applications for individuals are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the feasibility of the project or activity, and the opportunity for artistic growth from the activity or project. The Commission may give preference to applicants who have not previously received funds through a Commission program.

(5-8-09)()

04. Quick Fund\$§ -- Matching Contributions. Applicants for a Quick Projects grants must provide cash contributions equaling one-third (1/3) of the requested funds. Applicants for professional development must provide cash contributions equaling the requested funds.

(4-6-05)()

05. Quick Fund\$§ -- Application Requirements. Applicants for Quick Fund\$§ for individuals shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. Artist statements are not required for writers or arts administrators.

(4-6-05)()

06. Quick Fund\$§ -- Application Deadlines. Quick Fund\$§ applications must be postmarked or *hand* delivered to the Commission on or before the second Monday of March, June, September, or December.

(3-29-10)()

302. FELLOWSHIPS.

Fellowships recognize the outstanding work and artistic excellence of Idaho artists. Fellowships are intended to reward dedication to a discipline, promote public awareness, and to advance an artist's career. (4-6-05)

01. Fellowships -- Evaluation Criteria. Fellowship applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the applicant's artistic excellence, and the professional history of the applicant. (5-8-09)

02. Fellowships -- Limitations on Award. ~~The Commission will not accept applications from recipients receiving a fellowship in the prior fiscal year.~~ Fellowship recipients must skip one (1) round in their discipline before reapplying. The Commission will not award more than three (3) fellowships to an artist. The Commission will not award a literature fellowship to applicants who have previously received a Writer in Residence award from the Commission. (4-6-05)()

03. Fellowships -- Coordination ~~with~~ the Writer in Residence Program. Applicants may apply for both the Writer in Residence program and the Fellowship program on one (1) application. If selected for award under both programs, the applicant shall accept only one (1) program award. (4-6-05)()

04. Fellowships -- Discipline Rotation. Fellowship awards are awarded to artists based upon discipline in a ~~three (3)~~ two (2) year rotation. Beginning with fiscal year 20~~05~~21, the rotation cycle is as follows: (4-6-05)()

a. Year one (1) -- ~~literature;~~ craft, design and visual arts; folk and traditional arts. (4-6-05)()

b. Year two (2) -- ~~craft, design and visual arts; and~~ literature; media and performing arts. (5-8-09)()

~~c. Year three (3) -- media and performing arts.~~ (5-8-09)

05. Fellowships -- Application Requirements. The Commission reviews applications for fellowships anonymously. Notwithstanding the requirements for work samples and supporting materials in these rules, applicants shall follow the directions contained in the application form for preserving the applicant's anonymity. Applicants for fellowships shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. (4-6-05)

06. Fellowships -- Application Deadline. Fellowship applications must be postmarked or *hand*

delivered to the Commission on or before the last business day of January.

~~(4-6-05)~~()

303. WRITER IN RESIDENCE.

The Writer in Residence appointment is the highest recognition of achievements in literature and the largest financial award accorded an Idaho writer by the state of Idaho. (4-6-05)

01. Writer in Residence -- Recipient Obligations. Recipients of a Writer in Residence appointment shall give ~~twelve (12)~~ eight (8) public readings, craft talks, or workshops throughout the state of Idaho during the appointment term. ~~Eight (8)~~ six (6) public readings, craft talks, or workshops shall be in communities with populations of no more than fifty thousand (50,000) residents. The public readings, craft talks, or workshops shall be conducted at regular intervals, approved by the Commission, during the term of the appointment. In its discretion, the Commission may require the recipient to give up to ~~three (3)~~ two (2) additional readings at special public events.

~~(5-8-09)~~()

02. Writer in Residence -- Limitations on Award. The Commission will not recommend applicants with two (2) prior Writer in Residence appointments for subsequent appointment to Writer in Residence. The Commission will not award a Literature Fellowship to applicants who have previously received a Writer in Residence appointment. (4-6-05)

03. Writer in Residence -- Evaluation Criteria. Writer in Residence applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the literary excellence of the applicant, the applicant's past work and contributions to literature and an oral reading by the applicant. (5-8-09)

04. Writer in Residence -- Coordination with Fellowships. Applicants may apply for both the Writer in Residence program and the Fellowship program on one (1) application. If selected for award under both programs, the applicant shall accept only one (1) program award. (4-6-05)

05. Writer in Residence -- Award and Term. The Commission submits recommended appointments under the Writer in Residence program to the Governor. Appointments to Writer in Residence are made in the sole discretion of the Governor. The term of a Writer in Residence appointment is ~~three (3)~~ two (2) years beginning with the date of appointment specified in the announcement of award by the Commission. ~~(4-6-05)~~()

06. Writer in Residence -- Application Requirements. The Commission reviews applications for the Writer in Residence program anonymously. Notwithstanding the requirements for work samples and supporting materials in these rules, applicants shall follow the directions contained in the application form for preserving the applicant's anonymity. Applicants for the Writer in Residence program shall submit an application form, a resume, manuscripts, and an audio ~~tape or compact disk~~ recording of the applicant's oral reading. ~~(4-6-05)~~()

07. Writer in Residence -- Application Deadline. Writer in Residence applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day of January. ~~(4-6-05)~~()

304. TRADITIONAL ARTS APPRENTICESHIPS.

The Traditional Arts Apprenticeships program supports a learning partnership between a master and an apprentice. (4-6-05)

01. Traditional Arts Apprenticeships - Funding Limitations and Requirements. (4-6-05)

a. The traditional art practiced by the master ~~must~~ should represent a shared cultural tradition of the apprentice. ~~(4-6-05)~~()

b. Applicants younger than eighteen (18) years of age are allowed to apply as apprentices when their artistic traditions are typically passed down to persons under eighteen (18). (5-8-09)

c. A master may train more than one (1) apprentice where the traditional art is traditionally practiced by a group or taught or passed down in a group. (4-6-05)

d. A master may reside outside of Idaho if the ethnic or cultural group represented by the traditional art extends beyond Idaho. (4-6-05)

02. Traditional Arts Apprenticeships -- Evaluation Criteria. Traditional arts apprenticeship applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the community recognition accorded to the master, the benefit to the applicant and the public from the apprenticeship, and the feasibility of the applicant's proposal. The Commission may give preference to traditional art forms with few practicing artists. (5-8-09)

03. Traditional Arts Apprenticeships -- Length of Apprenticeships. The length of an apprenticeship under the traditional arts apprenticeships program shall not exceed ten (10) months. The Commission, in its sole discretion, may grant an extension of the length of an apprenticeship upon receipt of a written request submitted prior to the expiration of the length of the originally awarded apprenticeship. (4-6-05)

04. Traditional Arts Apprenticeships -- Work Plan. The master and the applicant shall cooperatively develop a work plan for the apprenticeship. The work plan shall include the meeting schedule, meeting locations, and the materials needed for the apprenticeship. The work plan should consider the availability of seasonal materials and the preparation of materials prior to use. (4-6-05)

05. Traditional Arts Apprenticeships -- Instructional Fees. Traditional arts apprenticeships awards shall include payment of an hourly instructional fee at a rate determined by the Commission to the master for the number of instructional hours approved by the Commission. (4-6-05)

06. Traditional Arts Apprenticeships -- Application Requirements. Applications for traditional arts apprenticeships award shall submit: an application form; a work plan; two (2) to three (3) letters of support from community members ~~that~~, which describe the applicant's artistic contributions to the community and how the applicant's traditional art relates to the master's and the applicant's shared artistic heritage; and work samples appropriate to the applicant and the master. Applicants are also encouraged to submit the master's resume. (5-8-09)()

07. Traditional Arts Apprenticeships -- Application Deadlines. Traditional arts apprenticeship applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day of January. (3-29-10)()

305. -- 399. (RESERVED)

400. PROGRAMS SUPPORTING ORGANIZATIONS.

The Commission administers the programs for organizations set forth in Sections 401 through 405 of these rules. (4-6-05)

01. Organizations -- Significant Changes. Applicants that experience significant changes in the applicant's staff, programming, or finances following submission of an application and prior to a program award must notify the Commission of the changes in writing. (4-6-05)

02. Organizations -- General Evaluation Criteria. The Commission reviews application materials for support of public programs in the arts provided by organizations using the following general criteria. These general criteria are encompassed within the point totals and specific evaluation criteria of each program. Applicants should include substantiation for each of the criteria in the application. (5-8-09)

a. Community support through fund-raising or other community financial support. (4-6-05)

b. Accuracy of the budget submitted with the application materials. (5-8-09)

c. Involvement of Idaho artists and arts organizations. Use of out-of-state resources is permitted if the applicant demonstrates that the resources are not available with Idaho or if their use supplements the resources available locally. (4-6-05)

d. The applicant's commitment to make the arts accessible to all members of the public. Accessibility includes the ability of persons with special needs, ethnic groups, occupational groups, senior citizens, and young audiences to access the arts. Accessibility also includes consideration of the location and ease of use of facilities, content of the activities, and the planning process. Applicants must include documentation showing that the applicant invited pertinent cultural and community groups to participate in the applicant's planning process. (4-6-05)

e. The applicant's commitment to fairly compensating artists. (4-6-05)

f. The applicant's use of admission fees, where applicable, to provide financial support for the subject of the application. The Commission encourages the use of admission fees. (4-6-05)

03. Acquisition or Commission of Works. Applicants seeking funding for the acquisition of works of art or the commission of new works of art must meet the following criteria. The applicant must: (4-6-05)

a. Maintain a permanent exhibition facility that is open to the public. (4-6-05)

b. Demonstrate excellent management and security practices. (4-6-05)

c. Maintain an ongoing exhibition program or a permanent collection. (4-6-05)

04. College and University Applicants. The Commission will accept applications from college and university applicants if the applicant presents and markets its arts activities to the general public and the subject of the application is supplementary to the applicant's regular curriculum. College and university applicants are not eligible for Public Programs in the Arts grants or for Cultural Facilities and Public Art grants. ~~College and university applicants must provide matching contributions from non-public funds.~~ The Commission will not classify organizations affiliated with a college or university, operating as a separate tax-exempt organization and applying as the separate tax-exempt organization, as a college or university applicant. ~~(5-8-09)~~()

401. QUICK FUNDS FOR ORGANIZATIONS.

Quick Funds grants provide timely assistance to arts organizations for professional advice or training, arts projects, and arts programs. ~~(3-29-10)~~()

01. Quick Funds -- Quick Projects. Quick Projects provides funds for arts projects and programs of organizations that do not receive support through the Public Programs in the Arts or Entry Track Grant program. ~~(3-29-10)~~()

02. Quick Funds -- ~~Training and Advice~~ Technical Assistance. ~~Training and advice~~ Quick Funds for technical assistance awards provide funds for management consultancies and artistic consultancies. Management consultancies address aspects of the organization's operations such as fund-raising, technology, marketing, public relations, organizational development, audience development, long-range planning, program development, accessibility planning, and board or financial management. Artistic consultancies address aspects of the organization's arts projects such as voice instruction, lighting design, exhibition design, or conservation studies. ~~(4-6-05)~~()

03. Quick Funds -- Evaluation Criteria. Quick Funds grant applications from organizations are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the access and involvement of the community in the project or activity. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. The Commission may give preference to applicants whose annual operating budget is less than fifty thousand dollars (\$50,000) and to applicants who have not previously received funds from a Commission program. ~~(5-8-09)~~()

04. Quick Funds -- Matching Contributions. The applicant must provide matching contributions equaling the requested funds. ~~(4-6-05)~~()

05. Quick Funds -- Application Requirements. Applicants for Quick Funds for organizations shall submit an application form; the resumes of key consultants, artists, or personnel; for applicants other than schools, a

list of the current board of directors of the organization ~~with affiliation and contact information~~; an Internal Revenue Service tax determination letter, if applicable; and work samples reflecting prior projects or as applicable to the project or activity that is the subject of the application. Applicants should also submit ~~no more than five (5)~~ documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. (4-6-05)()

06. Quick Funds -- Application Deadlines. Quick Funds applications must be postmarked or ~~hand~~ delivered to the Commission on or before the second Monday of March, June, September, or December. (5-8-09)()

402. CULTURAL FACILITIES AND PUBLIC ART GRANTS.

Cultural Facilities and Public Art Grants encourage local, public, and private support for feasibility studies, renovation or construction of performance, exhibition or artist spaces, purchases of equipment and fixtures for such spaces, and public arts projects. Cultural Facilities and Public Art Grants are awarded for single-phase projects that can be completed in one (1) year and multi-phase projects where all of the individual phases of the project can be completed over a period that does not exceed five (5) years. The award of funding by the Commission does not guarantee funding for more than one (1) phase of a multi-phase project. (5-8-09)

01. Cultural Facilities and Public Art Grants -- Funding Limitations and Requirements. (5-8-09)

a. Applicants who have received Cultural Facilities and Public Art Grants for five (5) consecutive fiscal years are ineligible for Cultural Facilities and Public Art Grants for one (1) fiscal year. (5-8-09)

b. College and university applicants are ineligible for Cultural Facilities and Public Art Grants. (5-8-09)

c. The Commission will not award a Cultural Facilities and Public Art Grant for the purchase or maintenance of motorized or non-motorized vehicles. (5-8-09)

d. Construction and renovation using a Cultural Facilities and Public Art Grant must comply with all federal, state, and local laws including laws governing the access of persons with disabilities, facilities on the National Register of Historic Places, and building, zoning, and other codes. (5-8-09)

e. The Commission will not fund construction and renovation using a Cultural Facilities and Public Art Grant unless the primary purpose of the construction or renovation is for the presentation of the arts to the public. (5-8-09)

02. Cultural Facilities and Public Art Grants -- Feasibility Studies. Applicants for renovation or construction of facilities must submit a feasibility study. The extent of the feasibility study must match the significance of the project. The feasibility study must contain an analysis of the vision and planning for the project. (5-8-09)

03. Cultural Facilities and Public Art Grants -- Evaluation Criteria. Cultural Facilities and Public Art Grant applications from organizations are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the planning for the project and the applicant's management capacity. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. (5-8-09)

04. Cultural Facilities and Public Art Grants -- Matching Contributions. The applicant must provide cash contributions equaling the requested funds. (5-8-09)

05. Cultural Facilities and Public Art Grants -- Application Requirements. (5-8-09)

a. Single-phase Projects. Applicants for single-phase Cultural Facilities and Public Art Grants shall submit an application form; the resumes of key consultants, artists, or personnel; a list of the current board of directors of the organization ~~with affiliation and contact information~~; an Internal Revenue Service tax determination letter, if applicable; three (3) current competitive bids for the project; a feasibility study, if applicable; a timeline for

the project; blueprints and design drawings, if applicable; an historic significance report, if applicable; evidence of property or facility ownership or lease of the property or facility if the project involves construction or the installation of equipment or fixtures; and proof of adequate liability and fire insurance for the project. Applicants should also submit ~~no more than five (5)~~ documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. Applicants are also encouraged to submit a list of in-kind contributions to the project. (5-8-09)()

b. Multi-phase Projects. Applicants for multi-phase Cultural Facilities and Public Art Grants shall submit the items required of applicants for single-phase Cultural Facilities and Public Art Grants. The feasibility study shall have been completed in the prior three (3) years. In addition, applicants for multi-phase Cultural Facilities and Public Art Grants shall submit a progress report based upon the original project plan containing an explanation of any delays or changes to the plan, and the original specifications for bids with a comparative summary sheet. Applicants for public art projects are not required to submit the original specifications for bids for the project. (5-8-09)

06. Cultural Facilities and Public Art Grants -- Application Deadline. Cultural Facilities and Public Art Grant applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day of January. (5-8-09)()

403. PUBLIC PROGRAMS IN THE ARTS GRANTS.

Public Programs in the Arts Grants are designed to support public arts programs of Idaho's established arts organizations by assisting the organizations in program planning and business stabilization. Public Programs in the Arts Grants are awarded as multi-year grants. (5-8-09)

01. Public Programs in the Arts -- Funding Limitations and Requirements. (5-8-09)

- a. The primary mission of the applicant must be the production, presentation, or support of the arts. (4-6-05)
- b. College and university applicants are ineligible for Public Programs in the Arts Grants. (5-8-09)
- c. Applicants must have been operating as a tax-exempt organization for thirty-six (36) months prior to the application deadline. (5-8-09)
- d. The responsibility for the applicant's operation must rest with a paid staff person. (5-8-09)
- e. Applicants must compensate artists according to the prevailing community standard for the artist's discipline. (5-8-09)
- f. ~~Applicants who have failed to reduce or have increased a budget deficit for three (3) consecutive years must demonstrate that the applicant has ended the applicant's most recent fiscal year with a balanced budget and that the applicant has made a significant effort to reduce the deficit during the applicant's current fiscal year.~~ Applicants with a budget deficit ~~must also~~ **should** provide a deficit-elimination ~~schedule plan~~ **schedule plan** approved by the applicant's governing body and acceptable to the Commission. (4-6-05)()

02. Public Programs in the Arts Grants -- Evaluation Criteria. Public Programs in the Arts Grant applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the community involvement and access to the proposed use of grant funds. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. ~~Applicants of similar size and resources are reviewed based upon their gross annual operating budget, staff, longevity, location in a rural or urban county, and the criteria in the program guidelines.~~ (5-8-09)()

03. Public Programs in the Arts Grants -- Matching Contributions. Applicants must provide matching contributions equal to the grant funds. (5-8-09)

04. Public Programs in the Arts Grants -- ~~Discipline~~ **Three (3) Year Rotation.** Multi-year Public

Programs in the Arts Grants are awarded to applicants ~~based upon the discipline primarily supported by the applicant~~ in a three (3) year rotation. ~~Beginning with 2005, the rotation cycle is as follows:~~ (5-8-09)()

- ~~a. Year one (1) literature. (4-6-05)~~
- ~~b. Year two (2) craft, design, and visual arts; and (5-8-09)~~
- ~~c. Year three (3) media and performing arts. (5-8-09)~~

05. Public Programs in the Arts Grants -- Application Requirements. (5-8-09)

a. Initial Application. Applicants for Public Programs in the Arts Grants shall submit an application form. Upon receipt of the award notification and agreement, applicants shall submit an executed award agreement to accept the grant. (5-8-09)

b. Interim Applications. Recipients of multi-year Public Programs in the Arts Grants shall submit an interim application form on or before the last business day in January of the first and second years of the grant. (5-8-09)

06. Public Programs in the Arts Grants -- Application Deadlines. Public Programs in the Arts Grant applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day of January. (5-8-09)()

404. ENTRY TRACK GRANTS.

Entry Track Grants are the entry point for Idaho arts organizations that are eligible for Public Programs in the Arts funding and are new to the Idaho Commission on the Arts programs. Entry Track Grants also support the public programs in the arts delivered by university-based arts organizations. (5-8-09)

01. Entry Track Grants -- Funding Limitations and Requirements. Current applicants for or recipients of a Public Programs in the Arts Grant are ineligible for an Entry Track Grant. Current recipients of a Quick Fund ~~s~~ Quick Projects Grant for Organizations are ineligible for an Entry Track Grant. (5-8-09)()

02. Entry Track Grants -- Evaluation Criteria. Entry Track Grant applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the access and involvement of the community in the project. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. (5-8-09)

03. Entry Track Grants -- Grant Amounts and Matching Contributions. Recipients of Entry Track Grants must provide cash contributions equaling the grant. (5-8-09)

04. Entry Track Grants -- Application Requirements. Applicants for Entry Track Grants shall submit an application form; the resumes of key consultants and personnel; a list of the current board of directors of the organization ~~with affiliation and contact information~~; an Internal Revenue Service tax determination letter, if applicable; work samples reflecting prior and on-going projects; and a list of potential and confirmed programming events for the applicant's current programming season. Applicants should also submit ~~no more than five (5)~~ documents supporting the application such as brochures or letters from community partners. Applicants are encouraged to submit a list of in-kind contributions. (5-8-09)()

05. Entry Track Grants -- Application Deadline. Entry Track Grant applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day of January. (5-8-09)()

405. TUMBLEWORDS.

TumbleWords is a cooperative effort among twelve (12) western states to bring writers into communities where residents may be underexposed to creative writing because of geographical or economic circumstances. Under the TumbleWords program, writers of fiction, nonfiction, and poetry give readings and hold writing workshops. (4-6-05)

01. TumbleWords -- Eligibility and Funding Requirements. Applicants for the TumbleWords program must satisfy the following: (4-6-05)

a. A unit of local, county, or tribal government, or an organization determined to be tax-exempt by the Internal Revenue Service must serve as the applicant by controlling the use of funding from the TumbleWords program, signing the application and accepting all legal and contractual obligations of the program. (4-6-05)

b. The application must demonstrate an interest within the community in increasing access to literature. Community interest shall include sufficient volunteers or staff to meet the requirements of the TumbleWords program in the community. (4-6-05)

c. The applicant must provide or secure a facility for readings, workshops, and other public activities that complies with all federal, state, and local laws and regulations. (4-6-05)

02. TumbleWords -- Funding and Community Match. TumbleWords program awards are subject to funds availability including the availability of funding from the Western States Arts Federation. The applicant must provide matching contributions equaling requested funds. (4-6-05)

03. TumbleWords -- Application Requirements. Applicants for the TumbleWords program shall submit an application form; the resumes of key writers or personnel; a list of the current board of directors of the organization ~~with affiliation and contact information~~; and an Internal Revenue Service tax determination letter, if applicable. (4-6-05)()

04. TumbleWords -- Application Deadlines. The Commission accepts TumbleWords program applications during its regular business hours. (4-6-05)

406. -- 499. (RESERVED)

500. SUPPORT FOR ARTS EDUCATION.

The Commission administers the programs supporting arts education set forth in Sections 501 through 503 of these rules. The following programs are available to individuals: Arts in Education Directory of Teaching Artists, Quick Fund§§ for professional development for educators, and Quick Fund§§ Teacher Incentive Grants. The following programs are available to organizations: Quick Projects for education, Arts Education Project Grants. The Commission will not issue a grant to organizations under a program for individuals or issue a grant to an individual under a program for organizations. (5-8-09)()

501. ARTS IN EDUCATION DIRECTORY OF TEACHING ARTISTS.

The Arts in Education Directory of Teaching Artists is an online listing of artists who share their unique art forms in schools and communities. The Arts in Education Directory of Teaching Artists does not provide funding to recipients. Recipients may set fees, schedules, and activities in collaboration with schools. (5-8-09)

01. Arts in Education Directory of Teaching Artists -- Evaluation Criteria. Applicants for the Arts in Education Directory of Teaching Artists are evaluated based upon the applicant's artistic skills, communication skills, and the applicant's proposals for arts in education. (5-8-09)

02. Arts in Education Directory of Teaching Artists -- Application Requirements. Applicants for the Arts in Education Directory of Teaching Artists shall submit an application form, a resume, an artist statement, work samples appropriate to the applicant's discipline, three (3) letters of recommendation from persons familiar with the applicant's artistic ability and communication skills, and support materials such as letters of acceptance, brochures, articles, workshop information, and resumes of master artists under which the applicant has studied. (5-8-09)

03. Arts in Education Directory of Teaching Artists -- Application Deadlines. Arts Education Directory of Teaching Artists applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day of June in even numbered years. (5-8-09)()

502. QUICK FUNDS§§ FOR ARTS EDUCATION.

Quick Fund§§ grants support professional development or short-term projects that enliven or improve arts learning as an integral part of the education of Idaho's youth. Quick Fund§§ grants are available for professional development for educators, teacher incentive grants, and Quick Projects for education. (4-6-05)()

01. Quick Fund§§ -- Professional Development for Educators. Quick Fund§§ for professional development for educators provides support to teachers, educators, and artists in the Arts in Education Directory of Teaching Artists to attend conferences, seminars, workshops, or summer educational events that provide training in arts curricula, arts teaching, arts assessment, arts integration, or related topics. (5-8-09)()

02. Quick Fund§§ -- Teacher Incentive Grants. Teacher incentive grants provide support to teachers for activities that enliven or improve arts learning in the classroom. (4-6-05)()

03. Quick Fund§§ -- Quick Projects for Education. Quick Projects for education provides support for short-term projects that enliven or improve arts learning as an integral part of the education of Idaho's youth. (4-6-05)()

04. Quick Fund§§ -- Evaluation Criteria. (4-6-05)()

a. Professional Development for Educators and Teacher Incentive Grants. Quick Fund§§ applications for professional development for education and teacher incentive grants are available to individuals who are educators or an artist in the Arts in Education Directory of Teaching Artists. Applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the feasibility of the project and the opportunity for artistic growth from the project. (5-8-09)()

b. Quick Projects for Education. Quick Fund§§ applications for Quick Projects for education are available to: arts organizations that do not receive Public Programs in the Arts Grants or Entry Track Grants in the same fiscal year; schools; units of local, county, or tribal government, and organizations determined to be tax-exempt by the Internal Revenue Service *that, which* provide arts services for the general public. Applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the management capacity of the applicant, and community involvement and access to the project. The Commission may give preference to applicants who have not previously received funds through a Commission program. (5-8-09)()

05. Quick Fund§§ -- Matching Contributions. Applicants for a professional development for educators Quick Fund§§ grant must provide matching contributions equaling the requested funds. Applicants for a teacher incentive Quick Fund§§ grant must provide matching contributions equaling one-third (1/3) of the requested funds. Applicants for a Quick Projects for education grant must provide matching contributions equaling the requested funds. College and university applicants shall not use in-kind contributions as matching funds. (4-6-05)()

06. Quick Fund§§ -- Application Requirements. (4-6-05)()

a. Professional Development for Educators and Teacher Incentive Grants. Applicants for professional development for educators or a teacher incentive Quick Fund§§ grant shall submit an application form, a resume, work samples appropriate to the applicant, and supporting materials such as letters of acceptance, brochures, articles, or workshop information. (4-6-05)()

b. Quick Projects for Education. Applicants for a Quick Projects for education grant shall submit an application form; resumes of key consultants, artists, or personnel; work samples reflecting prior projects or activities as applicable to the project or activity that is the subject of the application; and, no more than five (5) documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. Applicants eligible to use in-kind contributions must also submit a list of in-kind contributions used as matching contributions. All applicants are encouraged to submit a list of in-kind contributions to the project. (4-6-05)

07. Quick Fund§§ -- Application Deadlines. Quick Fund§§ applications for arts education must be postmarked or *hand* delivered to the Commission on or before the second Monday of March, June, September, or December. (5-8-09)()

503. ARTS EDUCATION PROJECT GRANTS.

Arts Education Project Grants support teaching and learning opportunities for children and youth, Pre-K through grade twelve (12). Applicants may apply for support for a specific project or program designed to: increase access to arts education for students; foster professional development for artists and educators; increase participation of community members in education; or address specific needs of youth through the arts. In-school projects must support ~~the Idaho Humanities Achievement S~~ academic standards published by ~~in~~ the State Board of Education arts. ~~In school projects should~~ to enhance teacher practice and student learning in and through the arts, and strengthen long-term community partnerships and collaborations to affect systemic change in schools. Arts Education Project Grants also support out-of-school arts education activities for young people. This support is characterized by collaborations between arts organizations and other community organizations, especially social service agencies that nurture the development and creativity of youth. (5-8-09)()

01. Arts Education Project Grants -- Evaluation Criteria. Arts Education Project grant applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic and educational merit of the program or activity, project planning, the management capacity of the applicant, and community involvement and access to the project. (5-8-09)

02. Arts Education Project Grants -- Matching Contributions. Applicants must provide cash or in-kind matching contributions equaling the grant. (5-8-09)

03. Arts Education Project Grants -- Application Requirements. Applicants for Arts Education Project grants shall submit an application; resumes of key personnel; audio, visual, or published materials from the applicant or key partners; curriculum guides, or examples of past student work from the applicant or key partners that will help the Commission understand the artistic and professional quality of the program or activity; and work samples of artists, teaching artists, and the arts education programs of the central partners or contractors providing the services in the project. Work samples are not required for artists participating in the program who are in the Arts in Education Directory of Teaching Artists. If the applicant will use in-kind contributions, the applicant must also submit a list of in-kind contributions to the project. (5-8-09)

04. Arts Education Project Grants -- Application Deadlines. Arts Education Project grant applications must be postmarked or ~~hand~~ delivered to the Commission on or before the last business day in January. (5-8-09)()

504. -- 999. (RESERVED)