

MINNESOTA RULES 1998

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CHAPTER 1900 ARTS BOARD GRANT PROCEDURES

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1900.1010 ELIGIBILITY REQUIREMENTS FOR APPLICANTS REQUESTING GRANTS OR OTHER FORMS OF ASSISTANCE.

[For text of subpart 1, see M R]

Subp 2 **All applicants.** An application shall not be eligible to be funded when one or more of the following activities, conditions, or use of funds exist or are proposed

[For text of items A to I, see M R.]

J the applicant is not in compliance with any active contract with the board; or

K the applicant does not make all events open to the general public or whenever feasible, does not establish admission charges for the events

[For text of subps 3 and 4, see M R.]

Subp 5. **Individual artist.**

[For text of items A to C, see M R]

D. The applicant, unless otherwise specified under parts 1900 1510 to 1900 2210 must be a Minnesota resident according to the principles described in the determination of residence under Minnesota Statutes, section 200.031, and demonstrated by evidence including

[For text of subitems (1) and (2), see M.R.]

(3) employment in Minnesota for at least six months immediately prior to the application deadline, or

(4) payment of Minnesota income taxes

[For text of item E, see M.R.]

Subp. 6. **Additional requirements.** Additional requirements are identified in the specific program parts listed in items A to C

A. Pilot or new programs, part 1900.1410

B Grant programs

(1) part 1900 1510, Institutional Support;

(2) part 1900 1710, Presenter Support,

(3) part 1900.1810, Folk Arts. Apprenticeships and Sponsorship,

(4) part 1900 1910, Artist Assistance Fellowship, Career Opportunity Grants, and Cultural Collaborations;

(5) part 1900 2010, Arts in Education. School Support, and Organizational Support

[For text of item C, see M.R.]

Statutory Authority: *MS s 129D.04*

History: *23 SR 1380*

1900.1510 ADDITIONAL REQUIREMENTS AND PROCESSES FOR INSTITUTIONAL SUPPORT PROGRAM.**Subpart 1 Definitions.**

A "Affiliate" means an organization that is hosted within a nonprofit, tax-exempt, nonarts institution and must also have

- (1) a distinct identity,
- (2) professional arts management,
- (3) continuing arts programming,
- (4) evidence of a broad community following, as validated by the sale of season tickets, organized public classes, or a charitable membership,
- (5) a citizen advisory or governing board,
- (6) evidence of the receipt of other charitable arts support, and
- (7) a certified audit of the financial activity specifically addressing the arts activities of the affiliate organization.

B "Operating expenses" means all unrestricted, temporarily restricted, or restricted expenses, but does not include any depreciation costs, in-kind expenses, or any expenses associated with charitable gaming, plant and equipment, endowment, acquisition, or board designated reserve or quasi-endowment.

If a use of "operating expenses" refers to a context prior to fiscal year 1996, then operating expenses means all restricted and unrestricted expenses of the operating fund, minus any depreciation costs and in-kind expenses reported in a certified audit. Funds or accounts considered to be expenditures related to charitable gaming, fixed assets, plant and equipment, endowment, acquisition, or board designated reserves or quasi-endowment are not included.

C "Organization" means an institution exempt from taxation under section 501(c)(3) of the Internal Revenue Code that has been established in Minnesota and is primarily engaged in producing arts activities; or an artist service agency that works to maintain an independent operation dedicated solely to the arts. Organization does not include schools, universities, libraries, civic organizations, or other community service agencies.

Subp 2 Purpose of institutional support. The institutional support program shall consist of two components: the formula funds component and the merit component. Institutional support shall provide unrestricted support to high quality, established arts organizations that produce or exhibit works of art or provide services to artists.

Subp 3 Activities. Institutional support funding shall enable organizations to maintain ongoing programs, services, facilities, and new initiatives. Any arts board funding received by an affiliate organization must be expended for arts programming only and not for expenses related to the host institution.

Subp 4 Criteria of advisory panel for institutional support recommendations. The institutional support grant shall be based on two components of one review process: the formula funds component and the merit component. An applicant meeting the eligibility and review criteria shall receive an award in the formula funds component of the grant. An applicant that can show exceptional achievement in any of the stated criteria shall also receive an award in the merit component. The four review criteria by which an institutional support applicant shall be evaluated by the advisory panel are listed in this part. Artistic excellence and leadership shall be the primary criteria. Management and fiscal responsibility, accessibility and education, and service to the state shall be secondary criteria and equally important to each other.

A Artistic excellence and leadership shall be demonstrated by:

[For text of subitems (1) to (4), see M.R.]

- (5) opportunities for the involvement and support of Minnesota artists; and
- (6) the qualifications and achievements of artists and artistic leadership

[For text of item B, see M.R.]

C Accessibility and education shall be demonstrated by

- (1) efforts to increase accessibility as shown by an Americans with Disabilities Act (ADA) plan,

(2) qualities and programs which make the organization and its work approachable and available to a broad public audience,

(3) how well the actual audience matches the intended audience;

(4) efforts to create community understanding and awareness of works of art through educational objectives,

(5) commitment to education beyond regular public programming, and

(6) the role of the organization and its leaders as advocates for the arts in the community

D. Service to the state must be demonstrated by.

(1) evidence of artistic impact in the community, region, state, or nation,

(2) the organization's contribution of a unique art form or service,

(3) the national or international reputation of the organization, or

(4) the ability of the organization to reach a broad constituency throughout the state

Subp 5 **Eligibility requirements.** Institutional support applicants must meet the additional eligibility requirements in items A to F to apply for funds.

A The applicant must be an organization or affiliate as defined in subpart 1

B The applicant must be able to demonstrate in the average qualifying expenses of its two most recently completed certified audits that it meets the operating expense level requirements which are printed in the current program information. Category entry levels which are rounded to the nearest \$1,000 shall be calculated for the even year of each biennium based on the rate of change of a professionally acknowledged economic indicator, or index, such as the Minneapolis/St. Paul Consumer Price Index (incorporated by reference as the figures released each August and February by the United States Department of Labor office in Chicago, Illinois. The index is available by telephone at (312) 353-1880) since the last qualifying amount printed in program information. For example, the fiscal year 1996 requirement is

Operating Expense Level Requirement	Organization Category
\$3,353,000 and above	Group I
\$559,000-\$3,352,999	Group II
\$112,000-\$558,999	Group III

[For text of items C and D, see M.R.]

E Organizations based in or primarily serving an academic program are not eligible

F The budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the organization's total cash expenses.

[For text of subp 6, see M.R.]

Subp 7 **Site review.** Applicants for institutional support must participate in a site review with the board or its designee

Subp. 7a. **Additional processes.** The institutional support program process varies from the general process described in part 1900.0810 in that eligibility for nonarts organizations is determined by the board, based on the definition for "affiliate" stated in subpart 1, item A. In addition, eligible applications and accompanying financial information are reviewed by the board, or its designee, to verify the eligible average operating expenses for the formula funds component of the grant.

Subp. 8 **Amounts of grants.** For institutional support, grant amounts must be determined for both the formula funds and merit components

A For the formula funds component of the grant, all grantees shall receive the same percentage of their qualifying two-year average operating expenses. The board shall calculate the amount of each grant based on the eligible applicant pool and funds available.

B For the merit component of the grant, the minimum grant award shall be based on the applicant's operating expenses according to the category established annually by the

board and listed in the current program information. The category shall be determined by the operating expense level requirements described in subpart 5, item B. The maximum grant award for the merit component shall be ten percent of the applicant's operating expenses for the most recently completed and audited fiscal year.

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.1610 [Repealed, 23 SR 1380]

1900.1710 ADDITIONAL REQUIREMENTS AND PROCESSES FOR PRESENTER SUPPORT PROGRAM.

Subpart 1 Definitions.

A "Series" means a sequence of professional arts presentations or events, related in some way, and marketed as a set to an audience.

B "Presenting organization" means an institution exempt from taxation under section 501(c)(3) of the Internal Revenue Code that has been established in Minnesota and is engaged primarily in presenting arts activities, or an artist service agency that works to maintain an independent operation dedicated solely to the arts. Presenting organization does not include schools, universities, libraries, civic organizations, or other community service agencies.

C "Presenting affiliate" means an organization that is hosted within with a non-profit, tax-exempt, nonarts institution and must also have:

- (1) a distinct identity,
- (2) professional arts management,
- (3) continuing arts programming,
- (4) evidence of a broad community following, as validated by the sale of season tickets, organized public classes, or a charitable membership;
- (5) a citizen advisory or governing board;
- (6) evidence of the receipt of other charitable arts support, and
- (7) a certified audit of the financial activity specifically addressing the arts activities of the affiliate organization.

Subp. 2 Purpose of program. The presenter support program shall provide an opportunity for the public to experience new, diverse, and outstanding live artistic performances, exhibitions, screenings, and readings in the visual, performing, and literary arts, and shall encourage presenters to build strong arts series programming within their communities.

A The series presenter support grants are intended to nurture high quality, state-wide programming.

B The institutional presenter support grants must provide unrestricted support to high quality, established presenting organizations throughout the state.

Subp. 3 Uses of grants. The presenter support program shall provide grants to Minnesota presenting organizations. Any arts board funding received by an affiliate organization must be expended for arts programming only and not for expenses related to the host institution.

A. The series presenter support program must provide grants to presenting organizations to support both the artistic fees and administrative costs necessary to present an artistic series of state, national, or international touring artists and companies.

B. The institutional presenter support program must provide unrestricted support to high quality, established presenting organizations.

Subp. 4 Advisory panel criteria to make recommendations to board. The advisory panel criteria apply to the specific programs in items A and B.

A. For series presenter support, the three review criteria by which a series presenter support applicant shall be evaluated by the advisory panel are: artistic excellence of the companies, artists, or exhibitions to be presented is the primary criterion. Program administration and demand for the series within the community are secondary criteria and equally important to each other.

(1) Artistic excellence of the companies, artists, or exhibitions to be presented shall be demonstrated by

- (a) the qualities and characteristics of the artistic activities,
- (b) contributions to the artistic growth of the presenter's constituency,
- (c) program selection that reflects a diversity of artists or genres,
- (d) how the activities support the presenter's mission and complement and build upon past programming, and
- (e) the quality of the artistic activity considering the funds available for artistic fees

(2) Program administration shall be demonstrated by

- (a) presentation skills and experience in areas such as marketing and evaluation,
- (b) strong cash commitment to the series, with income derived from a variety of sources,
- (c) the level of administrative costs associated with the series in comparison to artistic fees;
- (d) the relationship of decisions to planning and evaluation processes, and
- (e) series stability viewed in terms of organizational stability, strength of fiscal position, and leadership

(3) Demand for the series within the community shall be demonstrated by

- (a) accessibility to and continued development of broad audiences, including efforts to increase accessibility as shown by an ADA plan;
- (b) objectives which address the community's artistic needs,
- (c) the role of the presenter as an advocate for the arts in the community, and
- (d) efforts to create community understanding and awareness of works of art through educational offerings and programs

B The institutional presenter support grant must be based on two components of one review process the formula funds component and the merit component. An applicant meeting the eligibility and review criteria shall receive an award in the formula funds component of the grant. An applicant that can show exceptional achievement in any of the stated criteria shall also receive an award in the merit component.

The four review criteria by which an institutional presenter support applicant shall be evaluated by the advisory panel are listed in this part. Artistic excellence and leadership shall be the primary criteria. Management and fiscal responsibility, accessibility and education, and service to the state shall be secondary criteria and equally important to each other.

(1) Artistic excellence and leadership shall be demonstrated by

- (a) the qualities and characteristics of the artistic activities or services,
- (b) contributions to the artistic growth of the organization's constituencies;
- (c) program selection that reflects a diversity of artists or genres,
- (d) how the activities allow the arts form and artists to develop,
- (e) opportunities for the involvement and support of Minnesota artists, and
- (f) the qualifications and achievements of artists and artistic leadership.

(2) Management and fiscal responsibility shall be demonstrated by

- (a) evidence of sound financial planning and marketing that supports the artistic programs;
- (b) the relationship of decisions to planning and evaluation processes;
- (c) the extent to which planning includes the viewpoints of artists and the audience,
- (d) board composition and roles, staff qualifications, and responsibilities,

(e) organizational stability and fiscal position,
 (f) strong cash commitment to the presenting activities, with income derived from a variety of sources,
 (g) the relationship of projected earnings to earning capacity,
 (h) commitment to a balanced budget,
 (i) evidence of a long-term plan to apply reserves wisely, where reserves exist, and

(j) the challenges and opportunities associated with the artistic disciplines involved, geographic location, and availability of resources of an applicant

(3) Accessibility and education shall be demonstrated by

(a) efforts to increase accessibility as shown by an ADA plan,
 (b) qualities and programs that make the organization approachable and available to a broad public audience,
 (c) how well the actual audience matches the intended audience,
 (d) efforts to create community understanding and awareness of works of art through educational objectives,
 (e) commitment to education beyond regular public programming, and
 (f) the role of the organization and its leaders as advocates for the arts in the community

(4) Service to the state shall be demonstrated by

(a) evidence of artistic impact in the community, region, state, or nation;
 (b) the organization's contribution of a unique art form or service,
 (c) the national or international reputation of the organization; or
 (d) the ability of the organization to reach a broad constituency throughout the state

Subp 5. Additional eligibility requirements.

A All presenter support applicants must meet the additional eligibility requirements in subitems (1) to (6) to apply for funds

(1) The applicant must be a presenting organization or presenting affiliate as defined in subpart 1 and be engaged in presenting activities

(2) The applicant must demonstrate two recent consecutive years of arts presenting experience in Minnesota.

(3) The applicant must not apply for or have received an institutional support or folk arts sponsorship grant from the board representing the same activity or fiscal year of funding

(4) The applicant must not propose or engage in activities that only consist of single events, fairs, festivals, or touring programming intended to serve primarily elementary or secondary school students

(5) Organizations based in or primarily serving an academic program are not eligible

(6) The project budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses.

B In addition to the requirements in item A, all series presenter support applicants must also meet the requirements in subitems (1) and (2)

(1) The applicant must demonstrate an annual series cash expense of at least the minimum dollar amount as determined by the board and printed in current program information

(2) The applicant must sponsor at least three professional artists, companies, exhibitions, or screenings during an annual season in a community or the number of artist groups printed in current program information

C In addition to the requirements in item A, all institutional presenter support applicants must also meet the requirements in subitems (1) and (2).

(1) The applicant must be able to demonstrate in its two most recently completed certified audits that it meets the minimum operating expense level requirements as determined by the board and printed in the current program information.

(2) The applicant must sponsor at least five professional artists, companies, exhibitions, or screenings during an annual season in a community or the number of artist groups printed in current program information

Subp. 6 Interviews. Applicants must agree to participate in an interview or site review if requested

Subp 7 Dollar amount of grants.

A For series presenter support, the minimum grant shall be determined by the board based upon available resources and printed in current program information The maximum grant is 20 percent of the projected cash expenses of the proposed series

B For institutional presenter support, grant amounts must be determined for both the formula funds and merit components

(1) For the formula funds component of the grant, all grantees shall receive the same percentage of their qualifying two-year average operating expenses The board shall calculate the amount of each grant based on the eligible applicant pool and funds available

(2) For the merit component of the grant, the minimum grant award must be based on the applicant's operating expenses according to the category established annually by the board and listed in the current program information The category shall be determined by the operating expense level requirements described in part 1900.1510, subpart 5, item B The maximum grant award for the merit component shall be ten percent of the applicant's operating expenses for the most recently completed and audited fiscal year

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.1810 ADDITIONAL REQUIREMENTS AND PROCESSES FOR FOLK ARTS PROGRAMS.

[For text of subps 1 to 5, see M R]

Subp 6 Dollar amount of grants. The minimum and maximum amounts for grant awards for folk arts sponsorship and folk arts apprenticeship shall be determined by the board based upon available resources and printed in current program information

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.1910 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTIST ASSISTANCE PROGRAMS.

[For text of subps 1 to 3, see M.R.]

Subp. 4 Criteria used by advisory panel to make recommendations to board. The primary review criterion by which an artist assistance application shall be evaluated by the advisory panel, with the exception of the career opportunity grant application, to make recommendations to the board is artistic quality of work, as demonstrated by an artist's work sample In addition, the secondary criteria stated in items A to C apply to specific program areas

[For text of items A and B, see M.R.]

C For a cultural collaborations grant, merit and feasibility shall be demonstrated by

[For text of subitems (1) to (6), see M R]

(7) the strength of the public presentation component.

[For text of subps 5 and 6, see M R]

Subp. 7 Dollar amount of grants. The fellowship grant is a set amount The career opportunity and cultural collaborations grants have minimum and maximum amounts. Grant amounts for fellowships, career opportunity grants, and cultural collaborations grants shall

be determined by the board based upon available resources and printed in current program information

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.2010 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS IN EDUCATION PROGRAMS.

[For text of subps 1 to 3, see MR]

Subp 4 **Criteria used by advisory panel to make recommendations to board.** The criteria apply to the specific programs in items A and B

A For arts in education school support, the five review criteria by which an applicant shall be evaluated by the advisory panel to make recommendations to the board for an arts in education school support grant are listed in subitems (1) to (5) Artistic quality and merit shall be the primary criteria and equally important Ability of the school applicant to accomplish the residency, demand or need for the residency, impact of the proposed residency on school curricula, and growth in and increased local commitment to school arts programming shall be secondary criteria and equally important. The fifth criterion, growth in and increased local commitment to school arts programming, shall be only for previous grant recipients of the board's arts in education school support program The criteria are

[For text of subitems (1) to (4), see MR]

(5) growth in and increased local commitment to school arts programming, as demonstrated by one or more of the following

- (a) greater financial commitment by the applicant,
- (b) increased length of residency,
- (c) innovative plan for instruction, and/or
- (d) artists' collaboration

[For text of item B, see MR]

Subp 5 **Additional requirements.** Arts in education applicants must meet the additional program specific requirements in items A and B

A Arts in education school support

[For text of subitems (1) to (4), see MR]

(5) The project budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses

B Arts in education organizational support

[For text of subitems (1) to (6), see MR]

(7) The project budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses

[For text of subp 6, see MR]

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.2110 ADDITIONAL REQUIREMENTS AND PROCESSES FOR JURIED LISTINGS.

[For text of subps 1 to 4, see MR]

Subp 5 **Additional processes for reviewing juried listings applications.** The additional program specific processes for reviewing juried listing applicants are described in items A and B

[For text of item A, see MR]

B Arts in education roster of artists

(1) Applicants may be rated and ranked by the advisory panel to determine the final listing of artists

(2) Applicants listed in a current roster may submit an application by the regular deadline or an abbreviated application which has an earlier deadline when the conditions in units (a) and (b) are met.

(a) the applicant has completed at least one residency that follows the arts board model as determined by the board, in the two school years prior to the deadline, and

[For text of unit (b), see M R]

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.2210 ADDITIONAL REQUIREMENTS AND PROCESSES FOR MINNESOTA PERCENT FOR ART IN PUBLIC PLACES PROGRAM.

[For text of subps 1 to 7, see M R]

Subp 8. **Waiting periods for subsequent awards.** An artist who has received purchase awards through the program totaling a minimum amount as determined by the board based upon available resources and published in the current program information, or more, in one fiscal year must wait one year from the contract execution date before being considered for other projects by the board.

An artist who has received commission awards totaling a minimum amount as determined by the board based upon available resources and published in the current program information, or more, in one fiscal year must wait three years from the contract execution date before the artist shall be considered for other projects.

During the waiting period, an artist may remain on file in the slide registry, but the artist's work will not be considered for projects by the board

[For text of subps 9 and 10, see M R]

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*

1900.4110 REPORTING REQUIREMENTS.

Subpart 1 **Interim financial report.** Each regional arts council must submit to the board an annual, unaudited financial statement summarizing its total annual revenue and expenditures within 45 days of the close of the regional arts council's fiscal year

[For text of subps 2 to 4, see M R]

Statutory Authority: *MS s 129D 04*

History: *23 SR 1380*