

1 **R277. Education, Administration.**

2 **R277-328. Educational Equity in Schools.**

3 **R277-328-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section 53E-3-401(4), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Section 53E-3-501(1)(c)(iv) which states the board shall establish rules and
10 minimum standards governing curriculum and instruction requirements; and

11 (d) Section 53E-3-502(8) which requests the Board help school districts develop
12 and implement guidelines, strategies, and professional development programs for
13 administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-
14 103(1)(b), (2)(a) and (b) focused on improving interaction with parents and promoting
15 greater parental involvement in the public schools.

16 (2) The purpose of this rule is to provide LEAs with the standards for educators
17 and LEAs regarding professional learning, and guidelines and requirements for
18 curriculum, and classroom instruction on educational equity.

19

20 **R277-328-2. Definitions.**

21 (1) "Classroom instruction" means any course material, unit, class, lesson, activity,
22 or presentation that, as the focus of the discussion, provides instruction or information to
23 a student.

24 (2) "Curriculum" means primary instructional materials that have been approved
25 pursuant to R277-468 and 53E-4-202.

26 (3)(a) "Educational equity" means acknowledging that all students are capable of
27 learning and distributing resources to provide ~~[equal]~~ appropriate opportunities based
28 upon the needs of each individual student.

29 (b) ~~[Equitable]~~ Appropriate resources include funding, programs, policies,
30 initiatives and supports that recognize each student's unique background and school
31 context to guarantee that all students have access to high-quality education.

32 (4)(a) "Inclusion" means the practice of ~~[ensuring]~~ providing all students ~~[feel]~~ with
33 a sense of belonging and support; and

34 (b) to the maximum extent appropriate, for students with disabilities, ~~providing~~
35 ~~access to general curriculum and engagement in regular education classes with peers~~
36 ~~without disabilities~~ means the same as the term defined in the [Special Education Rules](#)
37 [manual](#) incorporated in [R277-750](#).
38

39 **R277-328-3. Educational Equity Professional Learning.**

40 (1) An LEA shall provide professional learning to educators concerning
41 educational equity.

42 (2) The professional learning described in Subsection (1) shall include instruction
43 in:

44 (a) fostering a learning environment and workplace that are safe and respectful of
45 all students and educators;

46 (b) aligning teaching practices with the Utah Professional Learning Standards
47 described in Section 53G-11-303, the Board's Resolution No. 2021-01 Denouncing
48 Racism and Embracing Equity in Utah Schools, and the Board's Portrait of a Graduate;

49 (c) establishing Professional Learning Communities committed to continuous
50 improvement, individual and collective responsibility, and identifying underperforming
51 students in need of supports;

52 (d) acknowledging and respecting differences by looking for the good in everyone,
53 including oneself ~~[, and showing due regard for feelings, rights, cultures, and traditions];~~

54 (e) collaborating with ~~[diverse]~~ community members to understand, recognize and
55 appreciate what we all have in common as humans, including acknowledging diverse
56 cultures, languages, traditions, values, needs, and lived experiences;

57 (f) implementing principles and strategies of inclusion, as they pertain to students
58 and educators with diverse abilities and backgrounds

59 (g) demonstrating role model responsibilities through the examination of various
60 counterpoints to a topic in an impartial manner;

61 (h) creating opportunities to recognize personal responsibility in contributing to
62 conditions that preserve the rights of all individuals ~~[and to avoid the repetition of past~~
63 ~~harmful actions by individuals and groups];~~

64 (i) defending intellectual honesty including freedom of inquiry, speech, and
65 association; and

66 (j) cultivating supportive conditions that focus on learning and remove barriers to
67 allow students to have accessible pathways to resources and opportunities.

68 (3) The professional learning provided by an LEA ~~[may not]~~ shall include
69 ~~instruction that promotes or endorses that:~~ be consistent with the requirements of [53G-](#)
70 [10-206\(2\)](#):

71 ~~[(a) a student or educator's sex, race, religion, sexual orientation, gender identity~~
72 ~~or membership in any other protected class is inherently superior or inferior to another~~
73 ~~sex, race, religion, sexual orientation, gender identity or any other protected class;~~

74 ~~——(b) a student or educator's sex, race, religion, sexual orientation, gender identity~~
75 ~~or membership in any other protected class determines the content of the student or~~
76 ~~educator's character including the student or educator's values, morals, or personal~~
77 ~~ethics;~~

78 ~~——(c) a student or educator bears responsibility for the past actions of individuals~~
79 ~~from the same sex, race, religion, sexual orientation, gender identity or any other~~
80 ~~protected class as the student or educator; and~~

81 ~~——(d) a student or educator should be discriminated against or receive adverse~~
82 ~~treatment because of the student or educator's sex, race, religion, sexual orientation,~~
83 ~~gender identity or membership in any other protected class.]~~

84 (a) no individual is inherently racist, sexist, or oppressive, whether consciously or
85 unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;

86 (b) no race is inherently superior or inferior to another race;

87 (c) no person should be subject to discrimination or adverse treatment solely or
88 partly on the basis of the individual's race, color, national origin, religion, disability, sex,
89 or sexual orientation;

90 (d) meritocracy or character traits, including hard work ethic, are not racist no
91 associated with or inconsistent with any racial or ethnic group; and

92 (e) an individual, by virtue of the individual's race or sex, does not bear
93 responsibility for the actions that other members of the same race or sex committed in
94 the past or present.

95 (4) The professional learning provided by an LEA shall be done in accordance
96 with all state and federal laws.

97 (5) The content of professional learning provided by an LEA shall be made freely
98 available by the LEA to parents with a student in the LEA within a reasonable amount of
99 time before or after the training is offered upon request and include:

100 (a) a copy of this rule; and

101 (b) a compliance rubric showing how the professional learning and materials
102 adhere to the requirements of this rule.

103 (6) The professional learning referred to in Subsection (5) does not include
104 coaching or remediation sessions for a specific educator.

105

106 **R277-328-4. Educational Equity Curriculum and Classroom Instruction.**

107 (1) An LEA may only provide curriculum and classroom instruction that includes
108 concepts as described in Section R277-328-3(3):

109 (a) in accordance with state and federal law;

110 (b) in alignment with the Utah Standards approved by the Board; and

111 (c) that contains age-appropriate content for the developmental age of the student.

112 (2) If an LEA provides curriculum that includes concepts as described in Section
113 R277-328-3(3), the curriculum shall:

114 (a) be approved in an open and regular public meeting of the LEA's governing
115 board as described in R277-468;

116 (b) as applicable, contain content in accordance with the professional learning
117 guidelines and requirements established in Section R277-328-3.

118 (3) Classroom instruction that includes concepts as described in Section R277-
119 328-3(3), shall be in accordance with the professional learning guidelines and
120 requirements established in Section R277-328-3(2), (3), and (4).

121 (4) An LEA shall ensure a formal complaint process is in place pursuant to R277-
122 113.

123

124 **R277-328-5. Rule Interpretation.**

125 (1) No part of this rule shall be construed by an LEA or educator to[
126 ~~—(a)—~~] prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts,
127 including those described in this rule, from the general sharing and participation in the
128 marketplace of ideas fostered in a learning environment[~~; and~~] consistent with [53G-10-](#)
129 [202](#).

130 [~~(b) promote one ideology over another regarding a topic, including those~~
131 ~~described in this rule.~~]

132 (2) An LEA may contact the Superintendent for technical assistance regarding the
133 implementation of this rule.

134 [~~(3) The Superintendent shall establish and deliver a model for professional~~
135 ~~learning that complies with the requirements of this rule including approval of the model~~
136 ~~in an open and public meetings of the Board and making the model available on the Utah~~
137 ~~State Board of Education's website.~~]

138 ~~—(4) The requirement for approval described in Subsection (3) applies only to the~~
139 ~~professional learning model referenced in this rule and does not apply to other~~

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140 ~~professional learning with embedded components of educational equity offered by the~~
141 ~~Superintendent so long as the professional learning does not contain concepts described~~
142 ~~in Subsection R277-328-3(3).]~~

143

144 **KEY: educational equity, professional learning, instruction**

145 **Date of Enactment or Last Substantive Amendment: August 9, 2021**

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