

This analysis is to give a high level view of the required components of R277-328 and other laws, rules or policy that address universal protection under law, high quality education, and commitment to help every student achieve regardless of their circumstances

[House and Senate Resolution 901 Critical Race Theory in Public Schools](#)

[R277-328 Educational Equity In Schools](#)

[53G-10-206 Individual Freedom in Public Education](#)

- **R277-328 Requirements**

(2) LEA's shall provide professional learning in these 8 areas and comply with 2 requirements:

- *fostering a learning environment and workplace that are safe and respectful of all students and educators;*
- *aligning teaching practices with the Utah Professional Learning Standards described in Section 53G-11-303, the Board's Resolution No. 2021-01 Denouncing Racism and Embracing Equity in Utah Schools, and the Board's Portrait of a Graduate;*
- *establishing Professional Learning Communities committed to continuous improvement, individual and collective responsibility, and identifying underperforming students in need of supports;*
- *acknowledging differences by looking for the good in everyone, including oneself, and showing due regard for feelings, rights, cultures, and traditions;*
- *collaborating with diverse community members to understand, recognize and appreciate what we all have in common as humans, including acknowledging diverse cultures, languages, traditions, values, needs, and lived experiences;*
- *implementing principles and strategies of inclusion, as they pertain to students and educators with diverse abilities and backgrounds demonstrating role model responsibilities through the examination of various counterpoints to a topic in an impartial manner;*
- *creating opportunities to recognize personal responsibility in contributing to conditions that preserve the rights of all individuals and to avoid the repetition of past 2 harmful actions by individuals and groups; (i) defending intellectual honesty including freedom of inquiry, speech, and association; and*
- *cultivating supportive conditions that focus on learning and remove barriers to allow students to have accessible pathways to resources and opportunities.*
- *follow all state and federal laws.*
- *Approving curriculum and USBE training in a public meeting (related to R277-328)*

Examples of current law and rule supporting students through universal principles of protection under the law, high quality education, and a commitment to help every student achieve regardless of their circumstances. (Sampling not inclusive of all rules, laws or policies)

- **R277-217 Educator Standards (revised 2023).**

An educator may not:

- *participate in sexual, physical, or emotional harassment towards any colleague or public school-age student*
- *expose students to sensitive materials as defined in Section 53G-10-103*
- *interfere with or discourage a student's or colleague's legitimate exercise of constitutional, legal, or civil rights*
- *discriminate against, harass, exclude a student from participating in any program, deny or grant any benefit to a student, or encourage a student to develop a prejudice*
- *suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;*
- *knowingly violate student confidentiality unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose*

An educator shall:

- *treat a student with dignity and respect by promoting the health, safety, and well-being of students*
- *take prompt and appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment*
- *take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental*

- **53G-9-607- Bullying and Hazing training requirements for professional development**

A plan "LEA and school-wide written model for prevention and intervention"

(1) shall include:

- (a) the definitions of Section 53G-8-210;*
- (b) written standards for student behavior expectations, including school and classroom management;*
- (c) effective instructional practices for teaching student expectations, including:*
 - (i) self-discipline; (ii) citizenship; (iii) civic skills; and (iv) social emotional skills;*
- (d) systematic methods for reinforcement of expected behaviors;*
- (e) uniform and equitable methods for correction of student behavior;*
- (f) consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions and data collected from the school's climate survey as described in Rule R277-623;*

(g) uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;
(h) an ongoing staff development program related to development of:
(i) student behavior expectations; (ii) effective instructional practices for teaching and reinforcing behavior expectations; (iii) effective intervention strategies; and (iv) effective strategies for evaluation of the efficiency and effectiveness of interventions

- **R277-613**

(1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:

- (a) develop, update, and implement policies as required by Section 53G-9-605 and this rule, which shall include a prohibition on: (i) bullying; (ii) cyber-bullying; (iii) hazing; (iv) retaliation; (v) abusive conduct; and (vi) making a false report.
- (b) post a copy of the LEA's policy on the LEA website
- (c) develop an action plan to address a reported incident of bullying, cyberbullying, hazing, or retaliation;
- (d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually; and
- (e) review the policies required by this Subsection (1) regularly with input from stakeholders, as described in Subsection 53G-9-605(2)(a).

- (6)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training.

- (E) the right of free speech and how it differs for students, employees, and parents;

- **53G-8-802 State Safety and Support Program -- State board duties -- LEA duties.**

(2) The state board shall:

- (b) provide training:
 - (vii) for administrators on rights and prohibited acts under:
 - (A) Chapter 9, Part 6, Bullying and Hazing;
 - (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
 - (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.; (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
 - (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;

- **Chapter 9, Part 6, Bullying and Hazing**

(4) The state board shall require an LEA to: revise practices, policies, and training to eliminate harassment and discrimination in each school within the LEA; adopt a plan for harassment- and discrimination-free learning; and host outreach events or assemblies to inform students and parents of the plan adopted.

- **53G-8-202. Public school discipline policies**

The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.

(b) A district or charter school shall base its policies on the principle that every student is expected:

(i) to follow accepted standards of conduct; and

(ii) to show respect for other people and to obey persons in authority at the school.

- **53E-4-204.1. Ethnic studies core standards and curriculum requirements.**

An LEA shall implement an ethnic studies curriculum that, at a minimum:

Focuses on shared identity and honoring unique cultural differences, including:

(A) that each individual student has unique characteristics;

(B) the common elements that unite Utahns; and

(C) respect for distinct socio-cultural identities;

- **53G-10-204 Civic and character education**

(3) Through an integrated curriculum, students shall be taught in connection with regular school work:

(a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

(b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;

(e) respect for parents, home, and family;

(f) the dignity and necessity of honest labor; and

(g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.

- **HB 427**

Each LEA shall provide an annual assurance to the state board that the LEA's professional learning, administrative functions, displays, and instructional and curricular materials, are

consistent with the following principles of individual freedom:

(i) the principle that all individuals are equal before the law and have unalienable rights; and

(ii) the following principles of individual freedom:

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

(B) that no race is inherently superior or inferior to another race;

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

(D) that meritocracy or character traits, including hard work ethic, are not racist nor associated with or inconsistent with any racial or ethnic group; and

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

- **53G-10-203. Expressions of belief**

Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to a school setting.

- **R277-469-6.**

Criteria for Recommendation of Instructional Materials Following Mid-Party Evaluation of Core Curriculum (k) are consistent with the principles of individual freedom as defined in Section 53G-10-206.

- **Board approved standards provide students with the knowledge they need to be successful in the classroom.**

- **53G-10-202 Maintaining constitutional freedom in the public schools.**

(1) Except as provided in Section 53G-10-206, any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve academic educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and LEA governing boards, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the

existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor or deny the practice of prayer or religious devotionals.

(4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

- **R277-728 Honors Courses**

(3)(a) An honors course shall be open and available to any interested student.

(b) A school may not prohibit enrollment in an honors course based on a student's past performance, experience, or other measures.

(4) School staff shall uniformly promote honors courses to all students and families.

(5) To the extent possible, a school shall provide enough sections for honors courses to meet student demand.

(6) A school shall remove barriers and provide opportunities to students from all representative demographics to reach their academic potential.

- **R277-330-6. Effective Teaching Standards.**

(b) provide resources, including professional learning opportunities, which assist LEAs in integrating the Utah Effective Educator Standards into educator practices

(2) A Utah educator shall demonstrate a commitment to ongoing growth and development of instructional competency within the following areas:

(a) Learners and Learning -- demonstrating attention to the impact of unique learner characteristics on development and growth;

(b) Instructional Design Clarity:

(i) previewing classroom content;

(ii) demonstrating clarity in organizing and sequencing instruction; and

(iii) effective planning for learning and student engagement.

(c) Instructional Practice:

(i) engaging in high quality instructional practices that are data informed;

(ii) exhibiting a collaborative approach to teaching and learning; and

(iii) meeting the learning needs of each student.

(d) Classroom Climate -- creating academic, physical, social, and emotional conditions with emphasis on academic performance; and

(e) Professional Responsibility -- demonstrating an awareness of and adherence to professional and ethical standards within their school and with families and communities, as required in Rule R277-217, Educator Standards and LEA Reporting

- **R277-330-7. Educational Leadership Standards.**

(1) The Educational Leadership Standards described in this Section describe expectations for school administrators, including:

- (a) meeting the Effective Teaching standards;*
- (b) having the knowledge and skills to guide and supervise the work of educators;*
- (c) leading the school learning community; and*
- (d) managing the school's learning environment in order to provide effective, high quality instruction to all Utah students.*
- (2) In addition to meeting the Effective Teaching Standards, a school administrator shall demonstrate the traits, skills, and work functions designated in the following areas:*
 - (a) Visionary Leadership -- promoting the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is largely shared and supported by stakeholders;*
 - (b) Teaching and Learning - promoting the success of every student by advocating, nurturing, and sustaining a school focused on teaching and learning conducive to student, faculty, and staff growth;*
 - (c) Management for Learning -- promoting the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment;*
 - (d) Community Collaboration:*
 - (i) promoting the success of every student by collaborating with faculty, staff, parents, and community members;*
 - (ii) responding to diverse community interests; and*
 - (iii) mobilizing community resources;*
 - (e) Ethical Leadership -- promoting the success of every student by acting with, and ensuring a system of, integrity, fairness, equity, and ethical behavior; and*
 - (f) Systems Leadership -- promoting the success of every student by understanding, responding to, and influencing the interrelated systems of political, social, economic, legal, and policy contexts affecting education.*

- **R277-407 School Fees**

- (2) The purpose of this rule is to:*
 - (a) permit the orderly establishment of a system of reasonable fees;*
 - (b) provide adequate notice to students and families of fees and fee waiver requirements; and*
 - (c) prohibit practices that would:*
 - (i) exclude those unable to pay from participation in school-sponsored activities; or*
 - (ii) create a burden on a student or family as to have a detrimental impact on participation.*

- https://www.schools.utah.gov/educationalequity/educational_equity/section504/educatoradministrator/Section504YourRightsProceduralSafeguards.pdf

- **R277-750 Education programs for Students with Disabilities**

The Superintendent and LEAs shall provide services to a student with a disability in accordance with:

(1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794;

(2) this rule;

(3) the Special Education Rules, June 2023, included in the Special Education Rules manual described in Section R277-750-2; and

(4) the annual Utah State Federal Application under Part B of the IDEA.