

## **USBE STANDARDS AND ASSESSMENT COMMITTEE**

### **SUMMARY OF ACTIONS**

**December 8, 2023**

*The meeting was conducted in a hybrid meeting at USBE in 156 and electronically via Zoom.*

**Members Present:** Chair Randy Boothe, Vice Chair Emily Green, Jennie Earl, Sarah Reale, and Natalie Cline

**Committee Staff:** Patty Norman, Andrea Curtin, Michelle Beus, and Elisse Newey

**Other Staff Present:** Jerry Record, Adam Prows, Maren Hansen, Kristina Yamada, Jennifer Throndsen, Lindsey Henderson, Ashley Higgs, Jonathan Frey, Holly Bell, Jodi Parker, Melia Hiatt,

**Other Staff Online:** Thalea Longhurst, Yanka Demireva, Etiana Coley-Mells, JoAnna Sorensen,

**Public Present:** Curtis Linton, Sara Jones, Adebimpe Idowu Deji-Olatunde, Yvette Romen Coronado, Rio Pandori, Liliana Martinez, Jarred Martinez, Kim Read, Brianna DeLeon,

**Public Online:** Darlene McDonald, CJ Wilkinson, Miyalla Tarver, Kevin Korous, Marilee Coles-Ritchie, Kelly Jones, France Barral

Start Time: Chair Randy Boothe called the meeting to order at 8:32 am

### **1.1 INFORMATION: Recognition of Progress, Achievements, or Improvements**

#### **Recognition of Progress, Achievements, or Improvements December 2023**

The Utah State Board of Education is committed to the vision of, Academic and organizational excellence in Utah education and the mission to open doors of opportunity for all Utah children.

This month, we highlight the work of the following area that deserves recognition.

#### **Title IV, Part A: Student Support and Academic Enrichment (SSAE) Program**

Utah has become a national exemplar in Title IV, part A, through systems of supports, prioritization of funds, and rigorous compliance and reporting strategies. The Title IV, part A team has prioritized helping educators across the state develop and provide high-

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quality instruction to students through effectively applying state learning standards and integrating content across subject areas. State funds are used to pursue this goal, which aligns with both the [Strategic Plan](#) and [Portrait of a Graduate](#). The team was recognized nationally by the U.S. Department of Education, Office of Safe and Supportive Schools T4PA Center for their work and building capacity. That [spotlight report](#) can be found on the Title IV, part A webpage.

Most exciting, the effort on training LEAs to follow all areas of compliance and reporting requirements is producing exciting results. The team is able to definitively show the actual outcomes of the use of funds for students. Below are some highlights. Final reports can be found on the [Title IV, part A webpage](#) and are updated in January of each year.

### Local Education Highlights:

1. Alpine School District
  - Goal: Tier 1 Instruction for science, helping students become “doers of science” and recognizing themselves as such. This includes coaching and mentoring programs, and STEM technologies.
  - Outcome: Notable increase in RISE science scores, with 4th-grade scores improving by 5%, 5th-grade by 6%
2. Box Elder County School District
  - Goal: Employ a school counselor in order to increase student and family engagement in pursuing educational goals.
  - Outcome: The school counselor employed and has sent 12 newsletters to parents, met with families as part of parent-teacher conference events, over 300 correspondences with parents (in-person and electronic), 13 school counseling groups, and multiple classroom lessons.
3. Duchesne School District
  - Goal: Provide students with an evidence-based social and emotional learning program. Educators will be provided with materials and professional development to implement a multi-tiered system of support (MTSS) approach to Social and Emotional Learning (SEL).
  - Outcome: Disciplinary suspensions have decreased from 172 during the 2019-20 school year to 164 during the 2020-21 school year. Increasing student access to mental health professionals and meeting their needs within the LEA.
4. Logan City School District

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- Goal: Employ an additional English Learner Specialist at an elementary school.
  - Outcome: The school had a 12.1% increase in WIDA scores, according to the School Report Card in fiscal year 2022.
5. Millard School District
- Goal: Employed a counseling support specialist to assist with college and career guidance, FAFSA applications, college and career transitions after high school, and track graduation requirements for students.
  - Outcome: The specialist was hired and has served 201 students with applications and transition goals. In addition, 397 students were given support for graduation requirement tracking.
6. Murray City School District
- Goal: Support at-risk students based on chronic absenteeism through teacher professional development, classroom relationships, and outreach efforts.
  - Outcome: Reduced the number of chronically absent students from 38% to 30%, which is a 22% reduction.
7. Provo City School District
- Goal: Implement four additional Optional Extended-Day Kindergarten classrooms at Title I schools for the 2022-23 school year. This will result in improved end-of-level reading benchmarks.
  - Outcome: 90% of Students in full-day classrooms met end-of-level reading benchmarks.
8. Sevier School District
- Goal: Provide a school-based mental health therapist to increase student learning and engagement.
  - Outcome: Reduction of 30 overall office referrals district-wide from 790 in the 2021-22 school year to 760 in the 2022-23 school year. A reduction of 50 overall school suspensions (both in school and out of school) district-wide from 207 in the 2021-22 school year to 157 in the 2022-23 school year.
9. South Summit School District
- Goal: Increase Lexile reading scores by 5% at the middle school level.
  - Outcome: Middle school experienced an 8% increase in reading inventory - Lexile growth

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### Key Staff:

Jodi Parker, Health Education Specialist & Title IV, part A State Coordinator  
JoAnna Sorensen, PreK-6 Social Studies & Title IV, part A Monitoring Specialist  
Etiana Coley Mells, Ethnic Studies Specialist & Stronger Connection Grant Manager  
Yanka Demireva, Financial Support Specialist

**Mathematics Standards Update:** Lindsey Henderson gave a Mathematics Standards update. They are currently on step 4 of the writing process. The committee recommendations have been approved and they are starting to meet as a committee.

### 1.2 INFORMATION: Public Comment

- Darlene McDonald – online – spoke against the repeal of R277-328
- Marilee Coles-Ritchie– online – spoke against the repeal of R277-328
- Kelly Jones – online – spoke against the repeal of R277-328
- France Barral - – online – spoke against the repeal of R277-328
- Sara Jones, UEA, - in person spoke against the repeal of R277-328
- Adebimpe Idowu Deji-Olatunde, ACEESS Committee, in person spoke against the repeal of R277-328
- Curtis Linton - in person spoke against the repeal of R277-328
- Yvette Romen Coronado - in person spoke against the repeal of R277-328
- Rio Pandori, in person spoke against the repeal of R277-328
- Kevin Korous - online – spoke against the repeal of R277-328
- CJ Wilkinson - online – spoke against the repeal of R277-328
- Briannnda DeLeon – in person spoke against the repeal of R277-328
- Lillian Martinez - in person spoke against the repeal of R277-328
- Jarred Martinez - in person spoke against the repeal of R277-328
- Member Reale also added to the public comment with a statement of personal privilege. This statement is included in the back of this document with the other public comment that was received.

Member Earl suggested that the Committee move item 1.4 before 1.3 since we had many guests in attendance that were interested in the information. The Committee agreed.

### 1.3 ACTION: CTE Course Standards Approval

**Motion:** Member Earl moved that the Committee amend Strand 2 Standard 2 of Community and Public Health to include the proposed definitions of “Primary”, “Secondary”, and “Tertiary”. (See below)

Identify and analyze public health and intervention strategies currently being used within local communities.

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- Primary – preventative:  
Strategies and actions designed to promote and protect the health of populations, prevent the onset of diseases and health conditions, and reduce the burden of illness. (ex. Seatbelts, sunscreen, hand washing, etc.)
- Secondary – screenings:  
Strategies and actions that focus on early detection and prompt intervention for individuals who have already developed risk factors or early signs of a health conditions. (ex. Blood pressure checks, laboratory tests, imaging studies, etc.)
- Tertiary – management:  
Interventions that focus on managing and improving the quality of life for individuals who are already diagnosed with a chronic or advanced health condition. (physical or occupational therapy, disease management, complication prevention, etc.)

Motion passed unanimously.

**Motion:** Member Cline moved that the Committee amend Community and Public Health Strand 2 Standard 3 to read: **Using empirical evidence**, describe a ~~comprehensive approach to public health~~ practice for making ~~informed~~ decisions related to Social Determinants of Health and **individual** intervention strategies  
Motion passed 3-2 with Members Reale and Boothe opposed.

**Motion:** Member Earl moved that the Committee amend Community and Public Health Strand 3 to read: **Understand the influence of data on community and public health, where to locate that data, how to evaluate data validity and the impact of data bias.**  
Motion passed unanimously.

**Motion:** Member Cline moved that the Committee amend Community and Public Health Strand 3 Standard 2 to read: Explain data collection strategies used by community and public health professionals **and which strategies yield the most reliable data.**  
Motion passed 3:2 with Members Reale and Boothe opposed.

**Motion:** Member Earl moved that the Committee amend Community and Public Health Strand 3 Standard 3 read: **Evaluate how data is used to influence community and public health interventions, including strategies to ensure that data is not being used to inappropriately affect the decisions and behavior of stakeholders and target populations and/or populations at large.**  
Motion passed 4:1 with Member Boothe opposed.

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**Motion:** Member Cline moved to amend Community and Public Health Strand 3 Standard 3 to add “unconstitutionally”, to read:

Evaluate how data is used to influence community and public health interventions, including strategies to ensure that data is not being used to inappropriately or **unconstitutionally**, that affect the decisions and behavior of stakeholders, target populations, or populations at large.

Motion failed 2:3 with Members Green and Cline in favor.

**Motion:** Member Cline moved to substitute Community and Public Health Strand 3 Standard 3 to read: Evaluate how data is being used to influence community and public health interventions and how to ensure that the data is never used to compel or coerce an individual or group into a certain healthcare intervention or decision against their will, deny them access to healthcare or community services, products or goods, or infringe on any of their individual rights guaranteed by the U.S. Constitution.

Motion failed 2:3 with Members Green and Cline in favor.

**Motion:** Member Earl moved that the Committee amend Community and Public Health Strand 4 Standards 3 to read:

Analyze characteristics needed in community and public health.

- Interpersonal communication
- Relationship building
- Care coordinating
- Community outreach
- Culture and linguistic competency
- Advocacy skills
- **Compassion for others**
- Trustworthiness
- Persistence
- Resourcefulness
- **Professionalism**

Motion passed 4:1 with Member Cline opposed.

**Motion:** Member Cline to substitute Community and Public Health Strand 4 Standards 3 to read:

Analyze characteristics needed in community and public health.

- Interpersonal communication
- Relationship building
- Care coordinating
- Community outreach
- Culture and linguistic competency
- Advocacy skills
- ~~**Compassion for others**~~

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- Trustworthiness
- Persistence
- Resourcefulness
- Professionalism

Motion failed 4:1 with Member Cline in favor.

**Motion:** Member Earl moved that the Committee move the Community and Public Health course as amended to the full Board for approval.

Motion passed unanimously.

**MOTION FOR THE BOARD: The Committee moves that the Board approve the Community and Public Health course as amended including any technical changes.**

**Motion:** Member Earl moved the Commercial Photography 1, 2, and 3 and Teaching as a Profession/Educational Instruction be moved to a special session to be held before the January full Board meeting. This will allow staff to work on suggested changes.

Motion passed unanimously.

### **1.4 ACTION: R277-328: Educational Equity in Schools (REPEAL)**

**Motion:** Member Green moved that the repeal of R277-328 forward to the full Board in January.

Motion passed 4:1 with Member Reale opposed.

**MOTION FOR THE BOARD: The Committee moved the repeal of R277-328 to the full Board for discussion and action.**

### **1.5 ACTION: R277-716: Alternative Language Services for Utah Students (Amendment)**

**Motion:** Member Cline moved to change “the Utah State Board of Education” to “the Board” where it is found in this document, adding the definition “(3) “Board” means the same as defined in R277-100-2(3).”

Motion passed unanimously.

**Motion:** Member Earl moved that the Committee approve R277-716, as amended, and forward to the full Board for approval.

Motion passed unanimously.

**MOTION FOR THE BOARD: The Committee moves that the Board approve R277-716 as amended on second and final reading.**

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### Written Public Comment for December 8, 2023

1. I saw the article in the tribune around the educational equity and I'd like to make a comment. "Up until last week, my son was a first grader at Early Light Academy. Last week, they expelled my son for allegedly kicking six kids. The school, Early Light Academy will not provide any evidence, will not give me his records and they have denied him due process. As you can see in the video, he is adamant that he did not kick any kids. Last year in kindergarten, my son was suspended 25+ times without a manifestation hearing. He is being denied an education. USBE, the state charter board and UPPAC are on all the emails and have been ignoring me all school year. I feel like they are repealing education equity so little boys like my son, will never have access to an education and any school can make up anything about a child and say they don't deserve an education. Last year the school said my son had a developmental delay disability and when I tried to qualify under the disability laws, they said he no longer has a disability and they put him back into gen Ed and he was suspended 9 times in 3 weeks between 9/18 and 10/13/23. If this is allowed to go through, he won't have a chance at an education. "

Best,

Toni Blackwell

385-334-6113

[kranberry99@yahoo.com](mailto:kranberry99@yahoo.com)

2. I am currently enrolled in Dance Education at UVU in Orem. I am pursuing this second bachelor's degree as well as an online Grad degree in dance education. I am currently a senior at UVU enrolled in a Multicultural Education course and a Curriculum, Instruction, and Assessment course. In the latter class, my professor informed us about the USBE's meeting [agenda](#) this Friday to possibly repeal the [Equity Board Rule](#), saying "This is one of the few equity protections for teachers and students. Some members of the Utah Republican party leadership have claimed that the rule promotes Critical Race Theory (CRT). The rule was originally written and approved to comply with the state's anti-CRT legislation."

I am highly concerned about teaching in UT, despite moving here with my husband, who is currently a teacher in Davis County where we live. With the years long investigation by the JOD into Davis Schools and the realities of living in an LDS/Conservative-saturated environment, I am worried about the continuity of binary thinking and direct instructional practices of the past. How is preventing students from learning and practicing equality in the classroom preparing students, or teachers for that matter, for future collaboration and peaceable thoughts/actions? I fear we are becoming less diverse, instead of more. Since UT holds one of the nation's highest suicide rates for youths, I implore [board members](#) to reconsider preventing teachers from instructing the dangers of discrimination.

Thank you,

Alyssa C. Arnold, Future Educator

508.979.9161, [baileybaila123@gmail.com](mailto:baileybaila123@gmail.com)

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3.

I'm absolutely appalled that this act is being challenged. I'll say this as succinctly as I can:

Anyone who doesn't support educational equity should never be allowed to influence a public education system. Since moving to Utah a few years ago, I've become very jaded about a state I once perceived as friendly, caring, and accepting of everyone. Unfortunately, I've seen far too much of the opposite.

In a state that prides itself for being welcoming and inclusive, the divisiveness and inhumanity, including toward our children, seem to be prevalent among far too many of Utah's politicians and other leaders. Education should never be political. To maintain an environment in which all children feel safe and can learn without bias, please do not repeal the Educational Equity Act.

Bonnie Jacobsen, [bonniejacobsen@msn.com](mailto:bonniejacobsen@msn.com)

4.

December 7, 2023

Chair James Moss

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[board@schools.utah.gov](mailto:board@schools.utah.gov)

[andrea.curtin@schools.utah.gov](mailto:andrea.curtin@schools.utah.gov)

Re: Proposed Repeal of R277-328, Educational Equity

Dear Chair Moss and members of the Utah State Board of Education,

On behalf of Equality Utah, please accept this letter as our organization's official statement on the question of repealing R277-328, Educational Equity. As you may know, Equality Utah is the state's premier LGBTQ civil rights and advocacy organization. We represent members of the LGBTQ community across the state, as well as their families and allies.

We urge you to vote no on the repeal of R277-328. As you know, the purpose behind the rule is to make clear that equal opportunity must be afforded to all students. The rule additionally provides guidelines about what may or may not be promoted or advanced in a school setting in order to achieve that goal.

We understand that during the 2023 Legislative Session, HB 427, Public Education Curriculum Requirements was enacted, and mirrors some of the language in R277-328. Included in both R277-328 and HB 427 is the important protection from discrimination or adverse treatment on the basis of a variety of protected classes. Notably absent from HB 427, however, is protection from discrimination on the basis of gender identity. The relevant language can be found on lines 94-96 of HB 427: "(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." Conversely, R277-328-3(3)(d) provides that no one shall "be discriminated against or receive adverse treatment because of the student or educator's sex, race, religion, sexual orientation, **gender identity** or membership in any other protected class." (emphasis added) You may be aware that there was an attempt to amend HB 427 during its senate floor debate to include protection from discrimination based on gender identity, which would have then made the need to keep R277-328 intact less critical, from our

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perspective. While that amendment failed for other reasons, it is our belief that the legislature was not opposed to the inclusion of gender identity.

As you surely know, students within the state's system of public education identify as transgender, non-binary and gender fluid. They are deserving of protections from discrimination on this basis as much as any other identifying category. We therefore urge you to reject the repeal of R277-328, at the very least until the legislature amends the code enacted by HB 427 to add in the necessary protections for gender identity.

Please feel free to contact us should you have any questions.

Sincerely,  
Marina Lowe  
Policy Director  
Troy Williams  
Executive Director

Marina Lowe  
Policy Director  
415-706-0163  
[marina@equalityutah.org](mailto:marina@equalityutah.org)

5. Thank you for adding my public comment to last week's meeting. I'm just writing again in hopes to get it added to tomorrow's meeting as well. I'll attach my previous email from last week, and just reiterate my hope that our committee members please vote to keep R277-328 in place to protect our children and ensure that our children receive what they need to get an equal opportunity for the education they deserve. This rule impacts so many children that need access to special services in order to get a proper and safe education. Thank you for listening to us as parents. We appreciate all you do.  
Jocelyn Akwenye

Here is my previous email.

Hello,

My name is Jocelyn Akwenye. I live in Pleasant Grove and my children attend Alpine School District. As the mother of 4 black children, I'm very concerned about the possibility of this Equity Rule being appealed. While I don't think it's been a perfect solution to problems of inequity in Utah, it's a start and is at least one safeguard that protects my children. My children have been experiencing an increasing number of racist incidents at school in Utah over the last 3 years. I also work in several spaces within my professional and community service spaces that connect me to minority families. In all these experiences, I'm worried that Utah is becoming a less tolerant place, not a more inclusive one. This saddens me. I was in a principal's office just this morning dealing with a recent racial incident toward my 10-year-old daughter. Our families' experiences in the school district indicate a great need for better training and education among our teachers and administrators in how to deal with these incidents. My children have been more traumatized by how issues of racism are handled by adults than they are with

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the incidents perpetrated by kids. The principal and teachers at the school care deeply about these issues but don't know what to do. Repealing this rule will continue to allow the experiences in education for children like mine to be misunderstood, unresolved and leave negative impacts. Teachers and administrators need to be able to have the freedom and support of our school board members to do what they can to address issues in the classroom and schools to protect our children. I believe the Equity rule needs to be amended and reviewed to include proper and better language that actually addresses things like inequity, racism, homophobia and sexism. Equity is a vital issue for access to those things students need in order to receive a good education in a safe and healthy environment. The issue of equity in education impacts ALL children. It ensures access to resources such as technology and mental health resources, regardless of location. All kids deserve programs and experiences that help them thrive in education. This rule especially impacts our minority children, SpEd children, queer children and so many others. Please reach out to professionals and become educated as much as possible on this issue before making decisions. Please listen to the voices of families and children who are impacted if this were to be repealed. Our family's safety in schools depends on your decisions made on this topic.

Thank you for your time and consideration.

Jocelyn Akwenye

Pleasant Grove City Resident.

Jocelyn Akwenye [jocakwenye@gmail.com](mailto:jocakwenye@gmail.com)

6. I'm writing to you today as a member of the Ogden School Board and a parent of two OSD students-- one who currently attends East Ridge Elementary and the other who graduated in May from a special education program within the district. I am unable to attend Friday morning's meeting in-person because I have a call with SSI that has taken me months to schedule, in order to get benefits for my son. Such is the world of parenting a neurodiverse child with disabilities. And that is part of why I am passionate about ensuring equity and fairness, for my children and all the students of my district. I am asking that board members do the right thing and vote NO on repealing R277-328. As a board member in a district with a majority of families experiencing socioeconomic disadvantage and a higher than average percentage of students in special education, I am committed to ensuring they ALL receive a quality education. In addition to my general board responsibilities, I serve on both our Student Achievement and Equity Committees, working tirelessly to implement positive change for our district's teachers and families. Despite our efforts, there continues to be much work to be done. Repealing R277-328 would not only not help our work but it would actively harm some of our most vulnerable populations.

I appreciate your service to Utah families. For those of you I have not yet met in person, I look forward to connecting sometime in the near future. If you have questions or want to discuss this topic further, please feel free to call me at 801.675.0534. Wishing you happy holidays.

All the best,

Stacy Rabino Bernal

Ogden School Board, District Two

(she/her/hers)

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I acknowledge that I live and work on the ancestral and traditional lands of the Ute, Goshute, and Shoshone Peoples.

7. I am writing today, concerned about the potential repeal of the Educational Equity Rule (R277-328). I know it is being discussed in tomorrow's Standards and Assessment Committee meeting.

I am a parent of four children in our public school system. Ensuring educational equity is a must in our schools.

The Educational Equity Rule was implemented to enhance the learning environments of our educational communities. The Educational Equity Rule "acknowledges differences by looking for the good in everyone, including oneself, and showing a due regard for feelings, rights, cultures, and traditions" and promotes "collaborating with diverse community members to understand, recognize and appreciate what we have in common as humans, including acknowledging diverse cultures, languages, traditions, values, needs, and lived experiences." These things support all our students. The Educational Equity rule does not conflict with HB 427 as some are claiming. Acknowledging differences and looking for the good in everyone and collaborating with diverse community members is not claiming that certain groups are inferior or superior, or that individuals in any given group bear responsibility for the past actions of that same group. Conflating these things is detrimental to all our students. The Educational Equity Rule builds on our shared humanity to ensure students have access to the resources they need.

I am concerned that moving to repeal this ruling indicates that as an educational community we see educational equity as a zero-sum approach, where some gain and others lose. Educational Equity is no such approach and as stated in the rule "cultivates conditions that focus on learning and remove barriers to allow students to have access to resources and opportunities." Educational Equity benefits all of our students in our schools and learning communities.

Thank you for your time,

Meg Van Wagenen  
Provo, UT.

8. My name is Michelle Brough. I've been following educational news for the last few years and saw that the USBE meeting today will discuss repealing an equity ruling for Utah schools labeled Rule R277-328.

I've read and reread HB 427 and Rule R277-328 and can't find any conflicts in the ideals they describe. Hopefully this meeting clarifies the issues committee members are having. I'm curious to know what committee members feel are such large conflict in Rule R277-328. Over the last year, I have reached out to my school board for different heritage and history months. Before I've talked with the school board, I've talked with various community members or leaders from different communities. I have made connections with members of the black community, the disabled community, the Latino community and the Muslim community in Utah over the last year, listening to their thoughts on how we can advocate for more equity in education for their children, children that live in this state. The issues we discussed were sometimes complex and difficult, but the ideas these people offered for solutions were in contrast, often very simple requests for things to implement. Let's talk more about black history and excellence and put rules and policies in place to prevent racial bullying or the use of racial slurs, let's advocate for executive functioning classes in middle schools for kids with neurodiversity needs or provide more

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informational opportunities for parents of students who might need IEPs, let's make more PTA meetings and parent resources accessible for Spanish speakers, let's consider how we can teach kids about the importance of respecting Ramadan and the hijab. These conversations only scratch the surface on what we can do to make room for everyone in our schools. I can't speak for these communities, but I have listened to them when they've shared their perspective on how we can improve equity and I have grown because of those conversations. I want that for my kids and all our kids. And Rule R277-328 encourages us to make that space, it speaks to the need to consider questions of equity in professional learning, curriculum and classroom instruction. Considering our efforts in education from a standpoint of "is this equitable" instead of "is this traditional" or "is this efficient" or "is this comfortable" will improve our education system in ways it desperately needs. From these conversations, I can say with confidence that we could do more to improve equity in our education system, not in ways that are complex, but in ways that are simple. Those simple changes these community members suggested to me could have a big impact on the lives of the kids in our schools, and some of these pleas have been made for years without statewide support. So I'm asking you to prioritize and support equity measures, not repeal them. If your committee recommends changes to the rule, that's one thing, but to repeal an entire rule that focuses on equity in education communicates to me that this committee has an agenda that isn't focused on significant and urgent needs of hundreds of Utah students and their families. Please vote to maintain this rule, and help support Utah's diverse student population. Help us make Utah schools safe and equitable for this generation and future generations of students.

**Michelle Brough**, [t.michelle.brough@gmail.com](mailto:t.michelle.brough@gmail.com)

9. Good morning everyone,

I am so grateful you took a few extra days to get public input on this.

I spoke at your last meeting and so probably won't today, but I wanted you to remember me when voting about this issue. I'm the one with the deaf daughter who depends on equity principles for educational success. Even though opportunities may be "equal" for everyone, she isn't able to show her merit in a meritocracy without certain accommodations. I believe she has wonderful things to be and share in this world, and we would miss out by not allowing her to make her contribution.

As I read R277-328 and HB 427, they are not in conflict. There is a twisted interpretation of HB 427 in lines 91-101 that some might use politically to bring down the state school board's equity rule, but the rule itself is not in conflict. The principle of equity is not in conflict with fairness and meritocracy.

Equity is something that is desperately needed in our schools. I have friends in the Provo school district, the Nebo school district, and the Alpine school district whose kids have been victims of racial bullying in schools this school year --multiple incidents. It seems that incidents of racial bullying are on the rise in our schools. A student who is a target of bullying is not able to perform in school the same way as they would without this type of trial. This is inequity too and is the kind of thing we need training for for our teachers. We need to keep R277-328.

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We are continuing to see inequity in Utah schools in another way. Even though students of color are a relatively small percentage of students, they are disproportionately the target of disciplinary actions. Unless you believe that students of color are inherently worse kids (and if you do believe that, maybe examine why you think that), you have to admit that all kids aren't being treated the same in our schools. Although some people believe addressing inequity leads to "Marxism", lifting up one group of students at the expense of others, the actual goal is to help all students be successful and feel safe. Please don't vote to repeal this rule.

Sincerely, Amara Bray --Elk Ridge, Utah

10.

**Title:** Advisory Committee on Equity of Educational Services for Students (ACEESS) Comment

**Date:** December 7, 2023

To: Standards and Assessment Committee Members From: Advisory Committee on Equity of Educational Services for Students (ACEESS) Subject: Repeal of R277-328

In our role as a USBE educational equity advisory committee, we would like to provide input to the Standards and Assessment Committee in light of Board Member Boggess's *Resolution in Support of Repealing R277-328 And All CRT Praxis In Utah Schools*.

- We are collectively concerned about many of our students who continue to experience marginalization resulting from deficit thinking about their racial and ethnic cultures, their gender and sexual identities, xenophobia, continued overrepresentation in behavioral referrals, and underrepresentation in advanced classes.

- The purpose of R277-328 ("the Rule") is to "provide LEAs with the standards for educators and LEAs regarding professional learning, and guidelines and requirements for curriculum, and classroom instruction on educational equity."

- A total repeal of the rule seems hasty and dismissive.

- A total repeal sends a message that the Utah State Board of Education does not feel protecting our marginalized students is a priority.

- As your advisory committee, and with all due respect, we adamantly oppose the complete repeal of R277-328. It is imperative that we continue to seek to understand our students and strive to intentionally engage in practices to ensure Utah students feel safe and welcome at school.

Thank you for your time in reviewing and considering your advisory committee's input. We appreciate the efforts so many of you put forth to support our underrepresented, historically marginalized, and underserved students throughout Utah.

11.

Dear members of the Standards and Assessment Committee,

## Title: Standards and Assessment Committee Summary

Date: November 3, 2023



Utah State Board of Education

I am a mother who lives in District 10 and whose children attend Mountain View Elementary. Their experience there has been life-changing not only for the knowledge and education they are attaining, but also because of the increase in their self-confidence. They feel safe at school and have a sense of belonging. Every day they wake up wanting to go to school and see their peers and teachers.

It is not only the wonderful teachers that are impacting their learning, but also the way that they feel supported and a sense of pride in their school and classmates. The classroom feels like a space that is fostering a learning environment and the teachers love to be there, you can see it by the way kids behave around them. The teachers take time to get to know the individual students and truly foster a place where students can thrive because they are not only seeing a class, but each student is an individual and their feelings, cultures and traditions are taken into consideration. I truly wished all students in the state felt this.

The school and community has been a place where my student's unique background is embraced and I know it is because the student body and the educators are of diverse abilities and backgrounds, from different walks of life, who have experience teaching diverse students whether through formal training or personal understanding. I'm happy that my kids are able to be multilingual students and be encouraged by their school and community to build on those skills.

**Because of all these wonderful experiences I have seen being a parent at a Utah school I'm writing to ask you that you vote NO on the Repeal Request of R277-328.** I believe that it is because of policies like these that have allowed an environment where children can thrive and succeed in school.

Thank you for your time.

Sincerely,

Liliana Martinez, martinez.li@outlook.com

12.

December 7, 2023  
Utah State Board of Education 250  
E 500 S  
Salt Lake City, UT 84111

RE: Civil Rights Implications of R277-328, Educational Equity in Public Schools

Members of the Utah State Board of Education,



## Title: Standards and Assessment Committee Summary

Date: November 3, 2023



Utah State Board of Education

We are writing to express our concern that the repeal of Rule R277-328, Educational Equity in Public Schools, would communicate a misleading message regarding civil rights protections in the public school system.

It has been suggested that R277-328 is in conflict with Section 53G-10-206 (enacted in 2023 HB 427). The rule simply does not conflict with the statute. However, there is a semantic distinction, which highlights the concern we have. The statute, generally speaking, addresses training or speech regarding an individual's "race, color, national origin, religion, disability, sex, or sexual orientation," while the rule, generally speaking, addressing training or speech regarding an individual's "sex, race, religion, sexual orientation, gender identity or membership in any other protected class."

While these two focuses are semantically distinct, it is possible that your repeal of R277-328 would incorrectly communicate to the public and the public school system that the distinction is relevant in the practical application of the principles described in both the statute and the rule. More specifically, because the rule addresses "gender identity" and the statute does not, your repeal could incorrectly signal that gender identity is no longer a protected class in the public school system or that somehow discrimination on the basis of gender identity is now allowed.

To be clear, with or without R277-328, discrimination on the basis of gender identity within the public school system is a civil rights violation.

In *Bostock v. Clayton County*, the United States Supreme Court held that Title VII of the 1964 Civil Rights Act "prohibits all forms of discrimination because of sex, however they may manifest themselves or whatever other labels might attach to them," expressly protecting gender identity. Specifically, in the majority opinion, Justice Gorsuch wrote that it did not matter if "the employer treated women as a group the same when compared to men as a group," rather the analysis turned on whether "changing the employee's sex would have yielded a different choice by the employer."

The Supreme Court has made it abundantly clear that discrimination on the basis of gender identity constitutes discrimination on the basis of sex, which violates the Civil Rights Act. This is true regardless of whether the discrimination occurs under Title VII in the workplace, as in *Bostock*, or whether the discrimination occurs in the public school system under Title IX, as some believe you are messaging in your potential repeal of R277-328. This is true regardless of whether the Legislature enacted 2023 HB 427, and this is true regardless of whether the state board enacted or repeals R277-328.

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Our concern is not that your rule changes the legal protections available on the basis of gender identity – it does not – but rather that your actions incorrectly message that any individual is any less protected from discrimination with or without a given rule or statute. We strongly recommend that you to leave R277-328 in place, and we further encourage you to ensure that individual constitutional rights and federal civil rights protections are clearly upheld in the public school system, regardless of the rules you choose to enact or repeal.

Sen. Luz Escamilla  
Minority Leader  
Senate District 10

Rep. Angela Romero  
Minority Leader  
House District 25

Sen. Kathleen Riebe  
Minority Whip  
Senate District 15

Sen. Jen Plumb  
Assistant Whip  
Senate District 9

Sen. Stephanie Pitcher  
Minority Caucus Manager  
Senate District 14

Sen. Karen Kwan  
Senate District 12

Sen. Nate Blouin  
Senate District 13

13.

Statement on the Request to Repeal R277-328

Board Member Sarah Reale, District 5

Presented in Standards and Assessment Committee Meeting on December 8, 2023

I have lots of reasons as to why the removal of this rule is frustrating and irresponsible: but I’m going to focus on three of reasons:

- Irresponsible use of time prioritizing this request and the legislation that surrounds it;
- The disservice we are doing to our students and their education;
- And the absolute disrespect this shows to our educators and their profession.

### **First, irresponsible use of time:**

Knowing this began, and was driven, based on party politics— this work is clearly driven by the culture wars and political theatre we see impacting education nationwide.

Conversations I have no time for—I’m here to do work that improves our schools, not to feed into our partisan, political divides.

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**Utah State Board of Education**

The intent of this repeal isn't to help our student's educational experience—it is to create fear, to play into conspiracies about our classrooms, and to create divisions. And to teach our students to create divisions among themselves.

SO-- When I look at the list of work we have on our plate, the concerns I hear from LEAs, educators in my district, and the concerns facing our students—removing the rule on Equity in Education is not one of them.

Where do they need help from us?

They want more resources to support students, they need more paraeducators and staff, they want support for their multilingual learners and their parents, they want new strategies to improve students reading scores--I could go on—but if I read off the list of priorities and issues facing our classrooms—even if I read the concerns and requests for the entirety of this meeting--- I would never make it to “repeal R277-328”

There are folks who are so upset about this rule acknowledging that “all students have the opportunity to learn,” and a rule that “prioritizes distributing resources to provide equal opportunities based upon the needs of each individual student to guarantee that all students have access to high-quality education.” This is what they dislike so much and feel needs to be prioritized immediately?

We, as the State Board of Education, have rule writing authority. There are several instances when we have rules that compliment and clarify laws and code. So, of all our rules that mirror, reflect, and confirm laws on our books—it is the equity rule we want to repeal? That's disappointing to me, to say the least.

### **My second reason: this is a disservice to our students and their education**

I think back on my education, and how important conversations about race, gender, religion, all our differences, and how in learning about our differences, learning about different cultures and lived experiences—those conversations have been incredibly important to my growth, to learning empathy, to helping me work in a professional environment with all types of people.

Without the opportunity to have these important conversations with our students how can we help them grow and build community? To teach kindness, basic human kindness—despite our differences.

You are removing our student's opportunity to learn to think critically and sheltering them from the realities of this world.

And I'd like to note—none of what I am saying is taking away from what parents can do to support and educate their child and instill their family's belief system into their children. In fact, as we see in the crosswalk between HB427 and R277-328, with removal of this rule we are leaving gaps in parent transparency and involvement.

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And I fully support the parental role and transparency—what I don’t support is this small political faction taking away the parental rights, many parents we heard from today, who want their students to be exposed to diverse curriculum and environments that challenge their students to think critically.

**Lastly, to articulate my concerns for the removal of this rule, I want to highlight the impact it has on our educators.**

Let’s run through a practical, applicable, classroom example.

We’re in an 8<sup>th</sup> grade class. Let’s say, an English class. You are teaching about essay structure, and out of nowhere a student stands up and says:

“I’m now going by the pronouns she/her” and another student stands up and says,

“that’s against my religion” and another student stands up and says,

“well your parents are divorced and I’m catholic, that’s against my religion”

And another student stands up and says, “well, my religion is better than yours because women can be leaders in my church”

What then? Who wins this? Everyone has a piece of that argument where they are valid their own personal beliefs, their individual freedom—but they all challenge each other.

And what on earth do you do as the teacher in this scenario?

With the removal of this rule, you are giving educators far less protection to navigate these conversations and scenarios. You are taking away space to have tough conversations. And you are taking away essential training opportunities for our educators.

You are taking away important training to help our educators navigate these moments in their classroom. Keeping equity at the forefront of our classrooms, helps create safe environments to help our students learn and thrive.

You are instilling fear in our educators. Educators who are one of the most highly trained sectors of our workforce—most of them with advanced degrees.

This isn’t helping our educators. And this behavior will lead to an even scarier teacher shortage.

I am open to a dialog and opportunity to improve R277-328...but I do not approve the repeal of R277-328.

I’ll close with some thoughts on the argument of personal liberty. I believe firmly in our constitutional rights and freedoms, especially our person liberties. I don’t, however, approve of using personal liberties as a weapon against other’s personal liberties.

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The fundamental principle of the idea was that everyone was given the freedom to have their own beliefs—using personal liberties as an argument against this rule, feels like you are saying, “I believe in personal liberties, but only if they are the same as my own” and that you use “liberty” with an intention to control how others live.

Remember, equity means giving equal opportunity to all students. Not some. All. And the reason I am so passionate about this is because I believe to my core that education is the cornerstone to the success of our Republic. Education can help solve many of our systemic issues facing our country—homelessness, addiction, economic divides, and can change the trajectory of the lives of families. I see this every day in my classroom at SLCC, where 54% of our students are first-generation.

so

The repeal of this rule is:

- Careless, unnecessary work, and it stems from irresponsible, unnecessary legislation.

The repeal of this rule is:

- Taking away from a student’s freedom to learn and creates unsafe learning environments.

And the repeal of this rule is:

- Insulting to our educators and their and their expertise educating our students.

I’ll close with an email I got from my student yesterday, who is an immigrant:

*“You honestly gave me hope in America after years of believing there was none.*

*Being an immigrant in recent times has been one fraught with fear, anger and hopelessness. You have restored my hope in this country with the belief that our constitution really was meant to protect all and that we can see a brighter future if we all act now.”*