

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.

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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 (4) "Educational equity" means acknowledging that all students are capable of
27 learning and distributing resources to provide equal opportunities based upon the needs
28 of each individual student. Equitable resources include funding, programs, policies,

29 initiatives and supports that recognize each student's unique background and school
30 context to guarantee that all students have access to high-quality education.

31 (5)(a) "Inclusion" means the practice of ensuring students feel a sense of belonging
32 and support; and

33 (b) to the maximum extent appropriate, for students with disabilities, providing
34 access to general curriculum and engagement in regular education classes with peers
35 without disabilities.

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

38 (1) An LEA shall provide professional learning to educators concerning
39 educational equity.

40 (2) The professional learning described in Subsection (1) ~~provided by an LEA~~
41 shall include instruction in:

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

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

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

50 (d) acknowledging differences by looking for the good in everyone, including
51 oneself, and showing due regard for feelings, rights, cultures and traditions;

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

55 (f) implementing principles and strategies of inclusion, as they pertain to students
56 and educators with varying abilities and backgrounds.

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

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

62 (i) defending intellectual honesty including freedom of inquiry, speech, and
63 association; and

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

66 (3) The professional learning provided by an LEA may not include instruction that
67 promotes or endorses that:

68 (a) a student or educator's sex, race, religion, sexual orientation, gender identity
69 or membership in any other protected class is inherently superior or inferior to another
70 sex, race, religion, sexual orientation, gender identity or any other protected class;

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

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

78 (d) a student or educator should be discriminated against or receive adverse
79 treatment because of the student or educator's sex, race, religion, sexual orientation,
80 gender identity or membership in any other protected class.

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

83 (5) The content of professional learning provided by an LEA shall be made freely
84 available by the LEA to parents with a student in the LEA within a reasonable amount of

85 time before or after the training is offered upon request and include:

86 (a) a copy of this rule; and

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

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

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

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

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

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

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

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

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

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

104 (3) Classroom instruction that includes concepts as described in Section R277-
105 328-3(3), shall be in accordance with the professional learning guidelines and
106 requirements established in Section R277-328-3(2), (3), and (4).

107 (4) An LEA shall ensure a formal complaint process is in place pursuant to R277-
108 113.

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

111 (1) No part of this rule shall be construed by an LEA or educator to:

112 (a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts,

113 including those described in this rule, from the general sharing and participation in the
114 marketplace of ideas fostered in a learning environment; and

115 (b) promote one ideology over another regarding a topic, including those described
116 in this rule.

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

119 (3) The Superintendent shall establish and deliver a model for professional
120 learning that complies with the requirements of this rule including approval of the model
121 in an open and public meeting of the Board and making the model available on the Utah
122 State Board of Education's website.

123 (4) The requirement for approval described in Subsection (3) applies only to the
124 professional learning model referenced in this rule and does not apply to other
125 professional learning with embedded components of educational equity offered by the
126 Superintendent so long as the professional learning does not contain concepts described
127 in Subsection R277-328-3(3).

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129 **KEY: educational equity; professional learning; instruction**

130 **Date of Enactment or Last Substantive Amendment: 2021**

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