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Slide 1

R277-328, Educational Equity in Schools: a breakdown of the components of the rule.

Slide 2

This training includes the components of R277-328 Educational Equity in Schools as they pertain to public education, including what should and should not occur in the classroom. The training includes multiple references to R277-217, Educator Standards and LEA Reporting, and R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct, to provide more specificity and context. Educators are encouraged to become familiar with the requirements of both R277-217 and R277-613, which are included in the appendix.

Examples have been provided for greater clarification. Effort has been made to use a breadth of examples and are not meant to be representative of all situations or populations.

The main components of R277-328 are as follows. We will cover each one in the slides that follow:

- A definition of educational equity;
- Required elements for educational equity professional learning;
- Prohibited elements for educational equity professional learning;
- Appropriate application of the educational equity professional learning in the classroom;
- Requirement for access to professional learning resources upon request;
- Requirement to follow already established parental complaint process; and
- Applicability of the rule

Slide 3

Let's start with the definition of educational equity. The definition of educational equity was taken from the Board's Mission Statement.

Educational equity means acknowledging that all students are capable of learning and distributing resources to provide equal opportunities based upon the needs of each individual student. Equitable resources include funding, programs, policies, initiatives and supports that recognize each student's unique background and school context to guarantee that all students have access to high-quality education.

Please note the expectation is equitable support for access and equal opportunities for students, not equitable equal outcomes.

Slide 4

- ~~Let's start with the definition of educational equity. The definition of educational equity was taken from the Board's Mission Statement.~~
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- ~~Please note the expectation is equitable access and opportunities for students, not equitable outcomes.~~
- These four areas are being emphasized ~~due to their~~ because they are important for successful implementation.
 - Transparency: Be transparent with parents on the topics/content you will be teaching. This could be accomplished through combinations of actions such as providing access to disclosure statements, posting content on Canvas, sending emails to families when a particular discussion comes up, or a guest speaker visits the school, and encouraging them families to speak and engage with their children. The overall objective is open communication.
 - Age appropriate: Consider the age and maturity of the students you work with and whether particular topics are age and developmentally appropriate reflective of family values and be responsive to respective parent/guardian input.
 - Preview materials: Use instructional materials that you have fully vetted (e.g., watch the video, read the text fully) prior to classroom use. This includes links.
 - Unbiased: Remain unbiased in classroom discussions, materials, and instruction.

Slide 5

The second major component of the rule are the elements LEAs are required to include in educational equity professional learning. Please note the Board will be producing model professional learning that can be used. The rule does not require these all be covered in one training. It can be accomplished through a series of trainings or modules.

The requirements are:

1. Fostering a learning environment and workplace that are safe and respectful of all students and educators.

- (a) ~~Fostering reliable and consistent learning conditions is important to the creation and facilitation of respectful and safe classrooms that afford for multiple perspectives to be shared and valued.~~
- (b) Creating collaborative norms
- (c) Establishing discussion protocols including language frames on how to agree and disagree respectfully

2. Aligning teaching practices with Utah Professional Learning Standards, the Board's Resolution Denouncing Racism and Embracing Equity in Utah Schools, and the Board's Portrait of a Graduate.

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- In item 2, 53G-11-303 references the state law that provides the parameters for professional learning standards. The other two documents referenced are documents that have been developed and approved by the board already and contain many relevant topics and statements related to the broader conversation of equity. These should be referenced for painting a broad overview of areas that are allowed and encouraged for professional learning and classroom use.
- As a further reference, 53G-6-803(1) contains language that could also support equity as it relates to personalized needs. It reads as follows: “(a) A student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's LEA as specified in this section.
- (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.”

Slide 6

The next requirements are:

3. Establishing Professional Learning Communities committed to continuous improvement, individual and collective responsibility, and identifying underperforming students in need of supports.

- The reference to professional learning communities comes from the Board's professional learning standards toolkit, hyperlinked in the previous slide, and is defined within that toolkit to mean communities of teachers and administration creating a support system for professional learning to be crafted and developed in a way that maximizes ~~benefit and outcomes for~~ better teaching practices.

4. Acknowledging differences by looking for the good in everyone, including oneself, and showing due regard for feelings, rights, cultures and traditions.

- This language comes from the Board's portrait of a graduate. It falls under Respect which is part of Purpose in Utah's Talent MAP.
- Due regard means that in our classrooms we do not want to alienate any student. We show respect for cultures and beliefs by not advocating for or elevating one culture over another, or promote one belief over another.
- As a further reference 53G-10-202(4) states: “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.”

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The next two required elements are:

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5. Collaborating with diverse community members to understand, recognize and appreciate what we all have in common, including acknowledging diverse cultures, languages, traditions, values, needs, and lived experiences.

- This language is generally expressed, but not stated exactly, from the portrait of a graduate. Please note that “diverse communities” refers to the larger community a student ~~belongs to~~ engages and encounters in and outside of the school setting. This can be accomplished by recognizing the contributions made by diverse community members and including parents in the dialogue.

6. The Board has defined inclusion as:

“(a) the practice of ensuring students feel a sense of belonging and support; and (b) to the maximum extent appropriate, for students with disabilities, providing access to general curriculum and engagement in regular education classes with peers without disabilities.”

Implementing principles and strategies of inclusion as they pertain to students and educators with diverse abilities and backgrounds. These, would consist of the following practices but are not limited to: welcoming students to the class, giving each student authentic feedback, ~~welcoming each student’s point of view in class discussions,~~ respectfully engaging in the thoughtful expression of beliefs and ideas, and maintaining high expectations for all students as they pertain to students and educators with diverse abilities and backgrounds.

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7. Demonstrating role model responsibilities through the examination of various counterpoints to a topic in an impartial manner.

- This means modeling critical thinking by helping students see various viewpoints and evaluating the outcomes. Implementation should consist of empirical data, verifiable evidence, disciplined thinking that is clear, rational, open-minded and informed by unbiased evidence.

~~This language comes from a portion of a different rule R277-217, Educator Standards and LEA Reporting. R277-217 should be referenced for more specificity regarding role model responsibilities and impartiality as it relates to professional ethics. One example from that rule that applies here is that educators are prohibited from interfering with or discouraging a student’s or colleague’s legitimate exercise of constitutional, legal, or civil rights, acting consistent with the law and an LEA’s policy. In general, this required element of the professional learning includes being a neutral moderator while leading rich and diverse discussions and not infusing or advocating for one’s own personal beliefs. One example of demonstrating appropriate role model responsibilities would be using original sources to ~~compare and contrast capitalism and Marxism~~ discuss political candidates.~~

8. Creating opportunities to recognize personal responsibility to preserve the rights of all individuals and to avoid repeating past harmful actions by individuals and groups.

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- Note that personal responsibility can be tied to civic duties and responsibilities. One example for how this element could be achieved in the classroom is through a class discussion of the internment of Japanese-Americans during World War II.
- These opportunities can be addressed through applying Constitutional principles, especially those listed in the Amendments to the U.S. Constitution.

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9. Defending intellectual honesty including freedom of inquiry, speech, and association.

●Intellectual honesty is an applied method of problem solving, characterised by an unbiased, honest attitude, which can be demonstrated in a number of different ways:

- One's personal beliefs or politics do not interfere with the pursuit of truth;
- Relevant facts and information are not purposefully omitted even when such things may contradict one's hypothesis;
- Facts are presented in an unbiased manner, and not twisted to give misleading impressions or to support one view over another;
- References, or earlier work, are acknowledged where possible, and plagiarism is avoided.

10. Cultivating conditions that focus on learning and remove barriers to allow students to have access to resources and opportunities.

- Much of this language comes from the professional learning standards toolkit. R277-217 provides us with additional support here. It states that an educator may not exclude a student from participating in any program or deny or grant any benefit to a student, or encourage a student to develop a prejudice on the basis of race; color; creed; sex; national origin; marital status; political or religious belief; physical or mental condition; family, social, or cultural background; sexual orientation; or gender identification. Examples of cultivating conditions include utilizing multiple communication strategies to promote AP classes, ~~assistive~~ uses of instructional technology, and promoting STEAM courses ~~for girls~~.

Slide 10

Our next component of the rule includes the prohibited elements of educational equity professional learning. The professional learning provided by an LEA may not promote or endorse that a student or educator's sex, race, religion, sexual orientation, gender identity or membership in any other protected class is inherently superior or inferior to another sex, race, religion, sexual orientation, gender identity or any other protected class or that membership in the protected class determines the content of the student or educator's character including the student or educator's values, morals, or personal ethics.

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R277-217 applies to these prohibited elements as well. It states educators are required to take prompt and appropriate action to 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. It also requires that educators take prompt and appropriate action to protect a student from any known conduct detrimental to the student's physical health, mental health, safety, or learning.

Please note the emphasis is on the phrase “promote or endorse” which means to present ~~these concepts~~ as facts, to further the progress of, or to approve or support the concepts bolded on the slide. The discussion of these ideas while generally are not merited, can occur as outlined in the next slide. What is not allowed is advocating a particular point of view; for example: please see the Civil Rights reference guidance doc in the appendix to these slides as well as your LEA's policies.

Slide 11

The professional learning may not promote or endorse that a student or educator bears responsibility for the past actions of individuals from the same sex, race, religion, sexual orientation, gender identity or any other protected class as the student or educator.

- An example of this ~~prohibited/objectionable element~~ would be shaming a student because of slave-holding founding fathers or because of any racism among the founding fathers. This also includes shaming male students because of gender wage gaps or historical female voting right issues

It also may not promote or endorse that a student or educator should 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.

- An example of this ~~prohibited element~~ would be discriminating against a ~~gay~~ student or educator because of the individual's sexual orientation or gender identity, or because of an individual's religious or non-religious dress or observance, who identifies as LGBTQIA+.
- For more details on acceptable classroom behavior can be found in R277-217 Educator Standards and LEA Reporting and R277-613 LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct. Discrimination includes making fun of or excluding a student or educator because they were LGBTQIA+.

Slide 12

The rule discusses the application of educational equity professional learning in the classroom. It specifies that the curriculum and classroom instruction may include ~~prohibited/objectionable~~ elements of the professional learning listed in R277-328-3(3) if the concepts are not being promoted or endorsed; if they are ~~it is in~~ aligned ~~ment~~ with state and federal law and the Utah Standards approved by the Board; and if it contains age-appropriate content for the developmental age of the student.

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If the curriculum will contain ~~prohibited/objectionable~~ elements that may not be promoted or endorsed, it must be approved in an open and regular public meeting of the LEA's governing board and, as applicable, it must contain content from the required elements for educational equity professional learning which was covered earlier.

Classroom instruction that includes ~~prohibited/objectionable~~ elements that may not be promoted or endorsed does not require additional approvals. However, it must adhere to the requirements identified in the first box: that the concepts are not being promoted or endorsed, which means present as fact, to further the progress of, or to approve or support the concepts previously discussed; are in alignment with the law and Utah Standards; and are age appropriate.

Slide 13

The content of educational equity professional learning provided by a school district or charter school must be made available to parents with a student in the school district or charter school upon request and within a reasonable amount of time before or after the professional learning is offered.

Please note the parent must have a student enrolled in the school or LEA in order to make a request that merits providing the professional learning materials.

The school district or charter school will provide a copy of the rule, R277-328; a compliance rubric showing how the professional learning and materials adhere to the requirements in the rule; and the professional learning materials.

~~53G-6-803 contains language that could also support equity as it relates to personalized needs. It reads as follows: A student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's LEA as specified in this section.~~

~~(b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.~~

Slide 14

Each school district or charter school should already have a formal complaint process in place as required by R277-113 LEA Fiscal and Auditing Policies. The rule specifies that this complaint process may be used for concerns regarding violations of R277-328 Educational Equity in Schools. The Board is currently working on additional amendments to R277-113 LEA Fiscal and Auditing Policies to include an accountability mechanism at the state level to ensure issues are being heard and appropriately reviewed.

Again as noted previously, this couples with R277-468 Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process which has already been in place for

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years regarding the approval of curriculum that is done each year. The Board intends to make additional amendments to strengthen this rule and its required process.

USBE and LEAs should promote local problem solving with teachers, principals, and district leaders working through concerns in succession. R277-113 LEA Fiscal and Auditing Policies could be amended to include accountability for reporting up to USBE regarding complaints to LEAs.

USBE considers issues related to conformance to this rule to generally be employment issues and not related to licensure, ~~except possibly in extremely egregious cases~~

Slide 15

Clear policy, communication, and transparency in the classroom will help eliminate misunderstandings between educators and parents.

Parents should be provided information on the local process for complaints covered on the previous slide.

As mentioned on this slide, parents should not use the complaint process or other means to doxx, bully, cyberbully, or commit abusive conduct against an educator consistent with Utah Law Section 53G-9-601.

Doxing or doxxing is the act of publicly revealing previously private personal information about an individual or organization, usually through the Internet. [Wikipedia](#)

Educators are expected to handle complaints in a professional manner that is not intimidating or retaliatory.

~~The information provided should also include information regarding anti doxxing in relation to this rule and a parent complaint process.~~

Utah Code 53G-9-601 states “abusive conduct means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based in its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation or unwarranted distress. A single act does not constitute abusive conduct.”

See Utah Code 53G-9-601 also for definitions of “bullying” and “cyberbullying.”

“Bullying” means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(a) — causing physical or emotional harm to the school employee or student;

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~~(b) causing damage to the school employee's or student's property;~~

~~(c) placing the school employee or student in reasonable fear of:~~

~~(i) harm to the school employee's or student's physical or emotional well-being; or~~

~~(ii) damage to the school employee's or student's property;~~

~~(d) creating a hostile, threatening, humiliating, or abusive educational environment due to:~~

~~(i) the pervasiveness, persistence, or severity of the actions; or~~

~~(ii) a power differential between the bully and the target; or~~

~~(e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.~~

~~"Cyber bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.~~

Also, Board Rule R277-613-7 states "an LEA shall prohibit abusive conduct. An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy, required in Section 53G-9-605 and this rule, shall include a grievance process for a school employee who has experienced abusive conduct as described in subsection 53G-9-605(3)(f)."

Slide 16

The final major component of the rule is some additional clarification about the rule.

1. The rule does NOT prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts, including those described in the rule, from the general sharing and participation in the marketplace of ideas fostered in a learning environment. Nothing in this rule prohibits teachers or students from discussing public policy issues of the day or ideas that individuals may find unwelcome, disagreeable or offensive nor should any public education employee compel a teacher or student to discuss public policy issues of the day without their consent.

2. The rule should not be applied in a way that will promote one ideology over another regarding a topic, including those described in the rule and the following statute:

o 53G-10-202,

■ (1) 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 secular 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

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reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

■(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.

~~An One example of this could be on what it means to "promote one over another" or "endorse." the difference between promoting/endorsing and explaining, discussing or informing might be the display of how a Black Lives Matter (BLM) or Make America Great Again (MAGA) sign or flag is used in a classroom. It is certainly more "promotional" or "endorsing" to permanently display a MAGA or BLM sign prominently and for an extended period (more than a couple of days) than to use a MAGA or BLM flag or sign as a visual aide in a single classroom discussion. may be appropriate during a one day discussion on a relevant topic, but is not appropriate when posted permanently in a prominent place in the classroom.~~

3.The rule does not apply to coaching or remediation sessions for a specific educator. An example of this could be a teacher who needed support or an intervention

4.Provisions of the rule related to publication and approval in a public meeting do not apply to personalized materials created for a coaching or remediation session for a specific educator addressing a specific, individualized situation.

Slide 17

During this training we covered: [READ SLIDE].

..."Academic freedom" for the purposes of this training means: respecting a teacher's right to choose language and words appropriate for the curriculum content, the age of the students, and the nature of the discussion, recognizing that a teacher must follow the approved LEA curriculum and R277-328 Educational Equity in Schools.

This brings the training to a conclusion.

Thank you. 😊