

R277-328 received final approval by the Utah State Board of Education on June 3, 2021. R277-328 will be published in the July 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 8, 2021.

R277. Education, Administration.

R277-328. Educational Equity in Schools.

R277-328-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

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

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

(2) The purpose of this 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.

R277-328-2. Definitions.

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

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

(4) "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.

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(5)(a) "Inclusion" means 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.

R277-328-3. Educational Equity Professional Learning.

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

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

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

(b) 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;

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

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

(e) 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;

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

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

(h) creating opportunities to recognize personal responsibility in contributing to conditions that preserve the rights of all individuals and to avoid the repetition of past

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harmful actions by individuals and groups;

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

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

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

(a) 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;

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

(c) 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; and

(d) 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.

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

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

(a) a copy of this rule; and

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

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

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

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

(a) in accordance with state and federal law;

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

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

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

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

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

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

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

R277-328-5. Rule Interpretation.

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

(a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts, including those described in this rule, from the general sharing and participation in the marketplace of ideas fostered in a learning environment; and

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

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

(3) The Superintendent shall establish and deliver a model for professional learning that complies with the requirements of this rule including approval of the model

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in an open and public meetings of the Board and making the model available on the Utah State Board of Education's website.

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

KEY: educational equity; professional learning; instruction

Date of Enactment or Last Substantive Amendment: 2021

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