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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  
14 53E-6-103(1)(b), (2)(a) and (b) focused on improving interaction with parents and  
15 promoting 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.

19

20 **R277-328-2. Definitions.**

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

24 \_\_\_\_\_ (2) "Curriculum" means primary instructional materials that have been approved

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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  
32 belonging 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.

36

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  
43 of 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) fostering a workplace and learning environment that is respectful of all  
48 educators and students

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

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

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

57 (g) implementing principles and strategies of inclusion, as they pertain to  
58 students and educators with varying diverse abilities and backgrounds

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

61 (i) creating opportunities to recognize personal responsibility in contributing to  
62 conditions that preserve the rights of all individuals and to avoid ~~avoiding~~ the repetition  
63 of past harmful actions by individuals and groups;

64 (j) defending intellectual honesty including freedom of inquiry, speech, and  
65 association; and

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

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

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

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

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

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

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

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

88 (a) a copy of this rule; and

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

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

93

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

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

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97 (a) in accordance with state and federal law;  
98 (b) in alignment with the Utah Standards approved by the Board; and  
99 (c) that contains age-appropriate content for the developmental age of the  
100 student.

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

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

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

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

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

112

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

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

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

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

120 (2) An LEA may contact the Superintendent for technical assistance regarding

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121 the implementation of this rule.

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

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

131

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

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

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